

## Chapter 41

**(Senate Bill 724)**

AN ACT concerning

**Alcoholic Beverages Article**

FOR the purpose of adding a new article to the Annotated Code of Maryland, to be designated and known as the “Alcoholic Beverages Article”, to revise, restate, and recodify the laws of the State relating to the policy of the State regarding the regulation and control of the manufacture, sale, distribution, transportation, and storage of alcoholic beverages, the establishment of boards of license commissioners in certain jurisdictions, and the establishment of liquor control boards and departments of liquor control in certain jurisdictions; revising, restating, and recodifying certain provisions relating to the authority of the Office of the Comptroller to issue certain alcoholic beverages permits, manufacturer’s licenses, wholesaler’s licenses, boat licenses, railroad licenses, and airplane licenses; revising, restating, and recodifying certain provisions of law regarding beer regulation, including the Beer Franchise Fair Dealing Act and certain provisions regarding successor manufacturers; revising, restating, and recodifying certain provisions of law relating to the authority of certain boards of license commissioners in certain jurisdictions to issue certain beer licenses, beer and light wine licenses, beer and wine licenses, and beer, wine, and liquor licenses, the issuance of certain alcoholic beverages licenses for specific types of organizations and venues, and the authority of certain boards of license commissioners to authorize certain additional license privileges; revising, restating, and recodifying certain provisions relating to the authority of the Comptroller and certain boards to issue certain caterer’s licenses and the authority of certain boards to issue certain festival, sampling and tasting, per diem, multiple day, and multiple event licenses; revising, restating, and recodifying requirements for applying for certain licenses and requirements for the issuance or denial of certain licenses; revising, restating, and recodifying provisions relating to certain licensing conditions, multiple licensing plans, requirements for the transfer of licenses, the substitution of names on licenses, and the renewal of licenses; revising, restating, and recodifying certain provisions regarding the conduct of license holders, the hours and days for the consumption and sale of alcoholic beverages, the revocation and suspension of licenses, and the expiration of licenses; revising, restating, and recodifying certain provisions of law relating to the death of a license holder, judicial review of decisions by a board of license commissioners, and unlicensed establishments; revising, restating, and recodifying certain provisions of law relating to the enforcement of the Alcoholic Beverages Article, prohibited acts, and penalties; defining certain terms; reestablishing certain provisions of law relating to the Board of License Commissioners for Kent County, subject to a certain contingency; repealing certain obsolete provisions; making certain conforming changes; providing for the construction and application of this Act; providing for the continuity of certain units and terms of certain officials; providing for the continuity of the status of certain transactions, employees, rights, duties, titles, interest,

registrations, certifications, licenses, and permits; authorizing the publisher of the Annotated Code to make certain corrections in a certain manner; and generally relating to the laws of the State concerning alcoholic beverages.

BY repealing

Article 2B – Alcoholic Beverages

In its entirety

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY adding

New Article – Alcoholic Beverages

Section 1–101 through 33–2802 and the various titles

Annotated Code of Maryland

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 24–202 and 24–203

Annotated Code of Maryland

(As enacted by Section 2 of this Act)

BY repealing

Article – Alcoholic Beverages

Section 24–205

Annotated Code of Maryland

(As enacted by Section 2 of this Act)

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

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

## **ARTICLE – ALCOHOLIC BEVERAGES**

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

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

##### **SUBTITLE 1. DEFINITIONS.**

###### **1–101. DEFINITIONS.**

###### **(A) IN GENERAL.**

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

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

No changes are made.

**(B) ALCOHOLIC BEVERAGE.**

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

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

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

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

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

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

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

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

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**(C) BEER.**

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

**(2) “BEER” INCLUDES:**

**(I) ALE;**

**(II) PORTER;**

**(III) STOUT;**

**(IV) HARD CIDER THAT:**

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

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

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

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

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

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

The former reference that beer includes "beer" is deleted as surplusage.

Defined term: "Alcoholic beverage" § 1-101

**(D) CENTRAL REPOSITORY.**

**"CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

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



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

No other changes are made.

**(E) CLUB.**

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

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

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

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

**(F) COMPTROLLER.**

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

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

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

Paragraph (2) of this subsection is new language added to state expressly the commonly understood idea that the Comptroller, in the context of alcoholic beverages law, encompasses a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller.

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

Defined term: “State” § 1–101

**(G) CONSUMER.**

**“CONSUMER” MEANS AN INDIVIDUAL AT LEAST 21 YEARS OLD OR A CORPORATION NOT OTHERWISE PROHIBITED BY THIS ARTICLE OR ANY OTHER STATE LAW, THAT BUYS, POSSESSES, KEEPS, OR TRANSPORTS ALCOHOLIC BEVERAGES ON WHICH THE TAXES UNDER TITLE 5 OF THE TAX – GENERAL ARTICLE**

**HAVE BEEN PAID, FOR THE INDIVIDUAL’S OR CORPORATION’S OWN USE AND NOT FOR SALE.**

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

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

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

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

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

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

**(H) COUNTY.**

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

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

Defined term: “State” § 1–101

**(I) FAMILY BEER.**

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

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

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

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

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

**(J) FAMILY WINE.**

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

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

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

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

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

**(K) HOTEL.**

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

**(I) ACCOMMODATES THE PUBLIC;**

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

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Local licensing board" § 1-101

**(L) ILLICIT ALCOHOLIC BEVERAGE.**

**"ILLICIT ALCOHOLIC BEVERAGE" MEANS AN ALCOHOLIC BEVERAGE THAT HAS BEEN MANUFACTURED, BOTTLED, OR RECTIFIED:**

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"State" § 1-101

**(M) JURISDICTION.**

**"JURISDICTION" MEANS A COUNTY OR THE CITY OF ANNAPOLIS.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference for the phrase "a county or the City of Annapolis".

Defined term: "County" § 1-101

**(N) LICENSE.**

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

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

Defined term: “Alcoholic beverage” § 1–101

**(O) LICENSE HOLDER.**

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

**(2) “LICENSE HOLDER” INCLUDES:**

**(I) A COUNTY LIQUOR CONTROL BOARD AND A COUNTY DISPENSARY; AND**

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

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

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

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

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

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

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the inclusion of a “county liquor control board”

and a “county dispensary” in the defined term “license holder” may be problematical because, while these entities do act as a license holder in some ways, they do not in all. For example, neither a county liquor control board nor a county dispensary is required to hold a license.

Defined terms: “County” § 1-101  
 “License” § 1-101

**(P) LOCAL COLLECTING AGENT.**

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

**(I) IN THE CITY OF ANNAPOLIS, THE CITY CLERK;**

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

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

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

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

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

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

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

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

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

Defined term: “County” § 1–101

**(Q) LOCAL LICENSING BOARD.**

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

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

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

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

**(R) MANUFACTURER’S LICENSE.**

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

- (1) A CLASS 1 DISTILLERY LICENSE;**
- (2) A CLASS 2 RECTIFYING LICENSE;**
- (3) A CLASS 3 WINERY LICENSE;**
- (4) A CLASS 4 LIMITED WINERY LICENSE;**
- (5) A CLASS 5 BREWERY LICENSE;**
- (6) A CLASS 6 PUB–BREWERY LICENSE;**

- (7) A CLASS 7 MICRO-BREWERY LICENSE;**
- (8) A CLASS 8 FARM BREWERY LICENSE; OR**
- (9) A CLASS 9 LIMITED DISTILLERY LICENSE.**

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

**(S) OFF-SALE.**

**“OFF-SALE” MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED OFF THE LICENSED PREMISES.**

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

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

Defined term: “Alcoholic beverage” § 1-101

**(T) ON-SALE.**

**“ON-SALE” MEANS THE SALE OF ALCOHOLIC BEVERAGES THAT ARE TO BE CONSUMED ON THE LICENSED PREMISES.**

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

The former reference to consumption “only” on the licensed premises is deleted as surplusage.

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

Defined term: “Alcoholic beverage” § 1-101

**(U) PERSON.**

**“PERSON” MEANS:**



**(1) AN INDIVIDUAL;**

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

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

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

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

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

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

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

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

Defined term: “State” § 1–101

**(V) POMACE BRANDY.**

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

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

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

Defined term: “Wine” § 1–101

**(W) RESTAURANT.**

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

**(I) ACCOMMODATES THE PUBLIC;**

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Local licensing board” § 1–101

**(X) RETAIL DEALER.**

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“License holder” § 1–101

“Person” § 1–101

**(Y) 7–DAY LICENSE.**

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

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

Defined term: “License” § 1–101

**(Z) 6–DAY LICENSE.**

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

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

Defined term: “License” § 1–101

**(AA) STATE.**

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

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

**(II) THE DISTRICT OF COLUMBIA.**

**(2) WHEN CAPITALIZED, “STATE” MEANS MARYLAND.**

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

**(BB) WHOLESALER.**

**(1) "WHOLESALER" MEANS:**

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

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

**(2) "WHOLESALER" INCLUDES:**

**(I) A COUNTY LIQUOR CONTROL BOARD; AND**

**(II) A COUNTY WHOLESALE DISPENSARY.**

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

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

Defined terms: "Alcoholic beverage" § 1-101

"County" § 1-101

"Person" § 1-101

"Retail dealer" § 1-101

"Wine" § 1-101

**(CC) WHOLESALER'S LICENSE.**

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

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

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

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

- (4) A CLASS 4 BEER LICENSE;
- (5) A CLASS 5 WINE LICENSE;
- (6) A CLASS 6 LIMITED WINE LICENSE; OR
- (7) A CLASS 7 LIMITED BEER LICENSE.

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

Defined terms: "Beer" § 1-101  
 "Wine" § 1-101

**(DD) WINE.**

- (1) "WINE" MEANS A FERMENTED BEVERAGE.
- (2) "WINE" INCLUDES:
  - (I) LIGHT WINE;
  - (II) SPARKLING WINE THAT IS NATURALLY OR ARTIFICIALLY CARBONATED; AND
  - (III) FORTIFIED WINE TO WHICH ALCOHOL, SPIRITS, OR OTHER INGREDIENTS ARE ADDED.

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

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

**REVISOR'S NOTE TO SECTION**

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

Former Art. 2B, § 1-102(a)(12), which defined "import" to mean "to transport or ship, or to order or arrange for the transportation or shipment of, alcoholic beverages into this State from any other state, district, territory or country", is deleted as

unnecessary because the definition in the context of this article did not add to the meaning of the word “import” as it is commonly understood. Similarly, former Art. 2B, § 1–102(a)(13), which defined “importer” to mean “a person importing any alcoholic beverage”, is deleted.

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

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

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

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

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

### **1–201. STATEMENT OF POLICY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

“Wine” § 1–101

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

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

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

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

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

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

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

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

Defined term: “Alcoholic beverage” § 1–101

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

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

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

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

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

#### GENERAL REVISOR'S NOTE TO SUBTITLE

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

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

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

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

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

Defined term: “Comptroller” § 1–101

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

##### **(A) IN GENERAL.**

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

**(B) MATTERS FOR REGULATION.**

**THE COMPTROLLER MAY ADOPT REGULATIONS REGARDING:**

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

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

**(3) CREDIT SALES;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Wholesaler” § 1–101

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

#### **(A) ESTABLISHED.**

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

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

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

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

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

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

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

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

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

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

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

**(C) DUTIES.**

**THE FIELD ENFORCEMENT DIVISION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

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

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

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

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

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

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

**1-305. DELEGATION — HEARINGS.**

**(A) IN GENERAL.**

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

**(B) LIMIT OF AUTHORITY.**

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

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

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

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

In this section, the defined term “Division director” is substituted for the former obsolete references to the “director of the Alcohol and Tobacco Tax Bureau”.

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Division director” § 1–301

### **1–306. STATISTICAL INFORMATION INCLUDED IN REPORTS.**

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

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

The former phrase “it being the intent and purpose of this section” is deleted as surplusage.

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101



“State” § 1-101

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

**(A) CONTENT AND INSPECTION.**

**THE COMPTROLLER SHALL:**

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

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

**AND**

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

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Person” § 1–101

### **1–308. POWERS OF COMPTROLLER.**

#### **THE COMPTROLLER MAY:**

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

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

**THE COMPTROLLER MAY:**

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“State” § 1–101

**SUBTITLE 4. GENERAL LICENSING REGULATION.**

**1–401. BUYING, SELLING, OR POSSESSING ALCOHOLIC BEVERAGES.**

**(A) PROHIBITED UNLESS AUTHORIZED.**

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

- (1) SELL ALCOHOLIC BEVERAGES;**
- (2) ALLOW ALCOHOLIC BEVERAGES TO BE SOLD;**
- (3) ACCEPT OR DELIVER ALCOHOLIC BEVERAGES; OR**

**(4) FOR THE PURPOSE OF SALE, TRANSPORT, BUY, POSSESS, OR KEEP ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE TRANSPORTED, BOUGHT, POSSESSED, OR KEPT:**

- (I) IN A VEHICLE, A WATER VESSEL, OR AN AIRCRAFT;**
- (II) ON ANY PREMISES; OR**
- (III) UNDER THE PERSON’S CHARGE OR CONTROL.**

**(B) ACTIVITIES RESTRICTED TO CONSUMERS, LICENSE HOLDERS, AND CERTAIN INDIVIDUALS UNDER 21 YEARS OF AGE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT BUY, POSSESS, STORE, IMPORT, TRANSPORT, OR KEEP ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE BOUGHT, POSSESSED, STORED, IMPORTED, TRANSPORTED, OR KEPT:**

- (I) IN A VEHICLE, A WATER VESSEL, OR AN AIRCRAFT;**
- (II) ON ANY PREMISES; OR**
- (III) UNDER THE PERSON’S CHARGE OR CONTROL.**

**(2) A PERSON MAY PERFORM AN ACTIVITY LISTED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE PERSON IS:**

- (I) A CONSUMER;**
- (II) SUBJECT TO THE REQUIREMENTS UNDER THIS ARTICLE, A LICENSE HOLDER; OR**

**(III) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WHO POSSESSES OR IS TRANSPORTING ALCOHOLIC BEVERAGES FOR A LAWFUL PURPOSE:**

**1. WITH THE KNOWLEDGE AND CONSENT OF THE INDIVIDUAL’S PARENT OR GUARDIAN; OR**

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“Jurisdiction” § 1–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“License” § 1–101

“License holder” § 1–101

“Retail dealer” § 1–101

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

#### **(A) PROHIBITED.**

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

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

#### **(B) PENALTY.**

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

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

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

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 reference to “violat[ing] this section” is substituted for the former reference to “the unlawful manufacture of alcoholic beverages or the unlawful possession of materials, equipment, implements, devices and other property used or intended for use directly and immediately in connection with the unlawful manufacture of alcoholic beverages within this State” for brevity and clarity.

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

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

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

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

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

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



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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

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

**(A) IN GENERAL.**

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

**(B) ZONING RESTRICTIONS.**

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

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

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

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

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

Also in subsection (b) of this section, the reference to a permit not being issued “for a premises unless the premises conforms with all” zoning laws, regulations, and ordinances is substituted for the former reference to a permit

not being issued “in violation of” a zoning law, regulation, or ordinance for clarity.

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

Defined terms: “Alcoholic beverage” § 1-101  
 “License” § 1-101

**1-406. WAREHOUSE RECEIPTS COVERING ALCOHOLIC BEVERAGES.**

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

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

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

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

**(C) REGULATIONS.**

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

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

Defined terms: “Alcoholic beverage” § 1-101  
 “Comptroller” § 1-101  
 “License” § 1-101  
 “State” § 1-101  
 “Wholesaler” § 1-101

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

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

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

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

**(II) BEER.**

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

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

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

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

**(2) THE COMPTROLLER APPROVES.**

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

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

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

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

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

Defined terms: “Beer” § 1–101

“Comptroller” § 1-101

“State” § 1-101

“Wholesaler” § 1-101

“Wine” § 1-101

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

##### **(A) IN GENERAL.**

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

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

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

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

##### **(B) RECORDS PRESERVATION.**

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

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

**(3) THE RECORDS SHALL:**

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

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

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

**(c) PENALTY FOR FAILURE TO COMPLY.**

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1-101

“Comptroller” § 1-101

“License” § 1-101

“License holder” § 1-101

“Person” § 1-101

### **1-409. RECORDS OF LICENSES.**

#### **(A) IN GENERAL.**

##### **A LOCAL LICENSING BOARD SHALL:**

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

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

**AND**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

**1–410. REPORTING REQUIREMENTS FOR TRANSPORT OF ALCOHOLIC BEVERAGES.**

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

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

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

**(B) REQUIRED INFORMATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**THIS SECTION DOES NOT AUTHORIZE:**

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

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



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

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

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

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

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

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

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

GENERAL REVISOR’S NOTE TO TITLE

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

## **TITLE 2. STATE-ISSUED PERMITS AND LICENSES.**

### **SUBTITLE 1. STATE PERMITS.**

#### **PART I. PROCEDURES.**

##### **2–101. SCOPE OF PART.**

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

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

##### **2–102. APPLICATION FOR PERMIT.**

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

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

###### **(B) REGULATIONS.**

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

- (1) THE PROCEDURE FOR ISSUING PERMITS;**
- (2) THE PURCHASE OF ALCOHOLIC BEVERAGES; AND**
- (3) THE EXERCISE OF THE PRIVILEGES GRANTED UNDER EACH TYPE OF PERMIT.**

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"Person" § 1-101

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

**(A) INVESTIGATION BEFORE APPROVAL.**

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

- (1) THE APPLICANT;**
- (2) THE BUSINESS TO BE OPERATED; AND**
- (3) THE STATEMENTS PRESENTED IN THE PERMIT APPLICATION.**

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

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

- (1) THE APPLICANT:**
  - (I) IS NOT FIT TO RECEIVE THE PERMIT;**
  - (II) MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**OR**

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

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

**(C) APPROVAL OF PERMIT.**

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

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

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

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

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

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

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

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

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

Defined term: “Comptroller” § 1–101

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

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

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

Defined term: “Alcoholic beverage” § 1–101

## **2–105. EXPIRATION.**

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

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

The reference to "an annual permit" is added to make explicit that which was formerly implied; that is, that the permit is valid for a 1-year period.

**2-106. RESTRICTIONS, SUSPENSIONS, AND REVOCATIONS.**

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

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

The former reference to the authority of the Comptroller to "cancel" a permit is deleted as included in the authority of the Comptroller to "revoke" a permit.

Defined term: "Comptroller" § 1-101

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

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

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

**(2) NOT FOR SALE.**

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

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

**2-108. RESERVED.**

**2-109. RESERVED.**

**PART II. BULK, STORAGE, AND TRANSPORTATION-RELATED PERMITS.**

**2-110. SCOPE OF PART.**

**THIS PART APPLIES STATEWIDE.**

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

**2-111. BULK TRANSFER PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A BULK TRANSFER PERMIT.**

**(B) AUTHORIZED HOLDER.**

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

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

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

**(C) SCOPE OF AUTHORIZATION.**

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

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

**(D) EXPIRATION.**

**(1) THE PERMIT:**

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

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

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

**(E) FEE.**

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

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

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

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

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

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

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

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

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

- Defined terms: “Alcoholic beverage” § 1–101
- “Comptroller” § 1–101
- “License” § 1–101
- “License holder” § 1–101
- “Person” § 1–101

**2–112. CHANGE OF DOMICILE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A CHANGE OF DOMICILE PERMIT.****(B) SCOPE OF AUTHORIZATION.**

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

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

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

**(D) FEE.****THE PERMIT FEE:**

- (1) IS \$5; AND**
- (2) COVERS ONLY A SPECIFIC TRANSACTION.**

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

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

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

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

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

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



**(A) ESTABLISHED.**

**THERE IS AN INDIVIDUAL STORAGE PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

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

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

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

**(D) FEE.**

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

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

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

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

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

**(A) ESTABLISHED.**

**THERE IS AN INDIVIDUAL TRANSPORTATION PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

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

**(C) VEHICLE IDENTIFICATION.**

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

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

**(D) FEES.**

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

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"State" § 1-101

**2-115. NONRESIDENT STORAGE PERMIT.****(A) ESTABLISHED.**

**THERE IS A NONRESIDENT STORAGE PERMIT.**

**(B) AUTHORIZED HOLDER.**

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

**(C) SCOPE OF AUTHORIZATION.**

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

- (1) A HOLDER OF A WHOLESALER’S LICENSE;**
  - (2) A HOLDER OF A MANUFACTURER’S LICENSE; OR**
  - (3) A PERSON OUTSIDE THE STATE.**
- (D) SHIPMENT OF ALCOHOLIC BEVERAGES.**

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

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

**(2) THE HOLDER:**

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

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

**(E) REPORT REQUIRED.**

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

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

**(F) FEE.**

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

**2–116. PRIVATE BULK SALES PERMIT.**

**(A) ESTABLISHED.**

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

**(B) AUTHORIZED HOLDER.**

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

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

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

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

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

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

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

**(C) SCOPE OF AUTHORIZATION.**

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

**(D) AUTHORIZED SALES.**

**A SALE UNDER THE PERMIT MAY:**

**(1) BE MADE BY:**

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

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

**(2) TAKE PLACE ON:**

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

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

**AND**

**(3) BE MADE TO:**

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

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

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

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

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

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

**(F) FEE.**

**THE PERMIT FEE:**

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

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

**(G) REGULATIONS.**

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

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

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

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

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

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

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License" § 1-101

"License holder" § 1-101

"On-sale" § 1-101

"Person" § 1-101

"Retail dealer" § 1-101

"State" § 1-101

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

**(A) ESTABLISHED.**

**THERE IS A PUBLIC STORAGE PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

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

**(C) FEE.**

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

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

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 2-101(g)(1) and (2), as they related to a public storage permit, and (b)(1)(i)2, as it related to the fee for a public storage permit.

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

Defined terms: "Alcoholic beverage" § 1-101

"Person" § 1-101

**2-118. PUBLIC STORAGE AND TRANSPORTATION PERMIT.**

**(A) ESTABLISHED.**

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

**(B) SCOPE OF AUTHORIZATION.**

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

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

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

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

**(C) VEHICLE IDENTIFICATION.**

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

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

**(D) FEES.**

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

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

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

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

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

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

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that a public storage and transportation permit is intended to be an inexpensive and convenient permit for a person that wishes to exercise the privileges for both a public storage permit and a public transportation permit. Yet the fee for a public storage and transportation permit is \$200 — \$50 more than the combined fees of a public storage permit



and a public transportation permit. This was the result of 2009 legislation that intended to increase the fee of a bulk transfer permit to \$200 but also inadvertently increased the fee of a public storage and transportation permit to the same amount.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

"Person" § 1-101

"State" § 1-101

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

**(A) ESTABLISHED.**

**THERE IS A PUBLIC TRANSPORTATION PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

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

**(C) VEHICLE IDENTIFICATION.**

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

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

**(D) FEES.**

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

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

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

"Person" § 1-101

"State" § 1-101

**2-120. RESERVED.**

**2-121. RESERVED.**

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

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

**THIS PART APPLIES STATEWIDE.**

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

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

**(A) ESTABLISHED.**

**THERE IS AN IMPORT-EXPORT PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

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

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

**(C) PERMIT NOT REQUIRED.**

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

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

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

**(3) SUBJECT TO A CUSTOMS BOND.**

**(D) FEE.**

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Person" § 1-101

"State" § 1-101

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

**(A) ESTABLISHED.**

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

**(B) AUTHORIZED HOLDER.**

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

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

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

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

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

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

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

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

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

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

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

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

**(D) SCOPE OF AUTHORIZATION.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**(I) FEE.**

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

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

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

In subsection (c)(1) of this section, the reference to “a” wholesaler’s license or retail license is substituted for the former reference to a wholesaler’s or retail license “of any class” for brevity and clarity.

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

## **2–125. RESIDENT DEALER’S PERMIT.**

### **(A) ESTABLISHED.**

**THERE IS A RESIDENT DEALER’S PERMIT.**

### **(B) AUTHORIZED HOLDER.**

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

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

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

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

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

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

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

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

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

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

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

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

**(D) SCOPE OF AUTHORIZATION.**

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

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

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

**(E) WAREHOUSE OWNERSHIP PROHIBITED.**

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

**(F) FEE.**

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

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

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

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

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

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

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

### **(A) ESTABLISHED.**

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

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

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

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

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

### **(D) PROHIBITED ACTS.**

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



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

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

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

**(E) FEE.**

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

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

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

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

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Manufacturer’s license” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

**2–127. RESERVED.**

**2–128. RESERVED.**

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

**2–129. SCOPE OF PART.**

**THIS PART APPLIES STATEWIDE.**

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

**2-130. BREWING COMPANY OFF-SITE PERMIT.****(A) "LIMITED PERMIT HOLDER" DEFINED.**

IN THIS SECTION, "LIMITED PERMIT HOLDER" MEANS A PERSON WHO HOLDS A BREWING COMPANY OFF-SITE PERMIT AND ALSO HOLDS A MANUFACTURER'S LICENSE FOR:

- (1) A CLASS 5 BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR;**
- (2) A CLASS 7 MICRO-BREWERY THAT PRODUCES LESS THAN 3,000 BARRELS A YEAR; OR**
- (3) A CLASS 8 FARM BREWERY.**

**(B) ESTABLISHED.**

**THERE IS A BREWING COMPANY OFF-SITE PERMIT.**

**(C) AUTHORIZED HOLDER.**

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

- (1) A CLASS 5 BREWERY;**
- (2) A CLASS 7 MICRO-BREWERY; OR**
- (3) A CLASS 8 FARM BREWERY.**

**(D) SCOPE OF AUTHORIZATION.**

**DURING AN EVENT LISTED IN SUBSECTION (F) OF THIS SECTION, A LIMITED PERMIT HOLDER MAY:**

- (1) PROVIDE TO A CONSUMER A SAMPLE OF BEER THAT HAS BEEN PRODUCED BY THE LIMITED PERMIT HOLDER AND THAT MAY NOT EXCEED 1 FLUID OUNCE FOR EACH OFFERING;**

**(2) SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT HAS BEEN PRODUCED BY THE LIMITED PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION; AND**

**(3) EXCEPT FOR FARMERS' MARKETS LISTED IN SUBSECTION (F) OF THIS SECTION, SELL TO A CONSUMER UP TO 288 OUNCES OF BEER THAT IS PRODUCED BY THE LIMITED PERMIT HOLDER FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(E) ALCOHOL AWARENESS PROGRAM AGENT.**

**WHILE SELLING BEER OR PROVIDING SAMPLES OF BEER AT A FARMERS' MARKET AS PROVIDED IN SUBSECTION (F) OF THIS SECTION, A LIMITED PERMIT HOLDER SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

**(F) EVENTS ELIGIBLE FOR PERMIT.**

**EXCEPT AS OTHERWISE AUTHORIZED UNDER SUBSECTION (G) OF THIS SECTION, A LIMITED PERMIT HOLDER MAY USE THE BREWING COMPANY OFF-SITE PERMIT ONLY:**

**(1) AT THE MONTGOMERY COUNTY AGRICULTURAL FAIR;**

**(2) AT THE MARYLAND STATE AGRICULTURAL FAIR;**

**(3) AT THE FREDERICK COUNTY AGRICULTURAL FAIR;**

**(4) ONE NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;**

**(5) FOR UP TO SEVEN EVENTS, AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:**

**(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF ALCOHOLIC BEVERAGES; AND**

**(II) FOR WHICH THE PARTICIPATION OF A BREWING COMPANY IS A SUBORDINATE ACTIVITY; AND**

**(6) AT OTHER FARMERS' MARKETS THAT ARE LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE.**

**(G) NONPROFIT BEER FESTIVAL.**

**A PERSON THAT HOLDS A BREWING COMPANY OFF-SITE PERMIT MAY USE THE PERMIT AT A NONPROFIT BEER FESTIVAL THAT:**

**(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF MARYLAND BEER; AND**

**(II) IS AUTHORIZED BY A LOCAL LICENSING BOARD UNDER § 2-131 OF THIS SUBTITLE.**

**(H) NOTICE.**

**(1) NO LATER THAN THE 20TH DAY OF THE MONTH PRECEDING THE OFF-SITE EVENT, THE PERMIT HOLDER SHALL NOTIFY THE COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT.**

**(2) THE NOTICE SHALL BE ON A FORM THAT THE COMPTROLLER PROVIDES.**

**(I) TERM OF PERMIT.**

**THE PERMIT IS VALID FOR 1 YEAR.**

**(J) FILING OF APPLICATION.**

**AN APPLICANT SHALL SUBMIT AN APPLICATION FOR THE PERMIT TO THE COMPTROLLER ON A FORM THAT THE COMPTROLLER PROVIDES.**

**(K) FEE.**

**THE PERMIT FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-105(a) through (j) and 2-101(b)(1)(i)9.

In subsections (d)(1) and (e) of this section, the references to a sample "of beer" is added for clarity.

In subsection (d)(1) of this section, the reference to “offering” is substituted for the former reference to “brand” for clarity.

In subsection (j) of this section, the former reference to a “completed” application is deleted as surplusage.

Former Art. 2B, § 2–105(k), which stated that the Comptroller may adopt regulations to require a permit holder to notify the board of license commissioners of the permit holder’s intention to attend an off–site event, is deleted as unnecessary in light of § 1–302 of this article which authorizes the Comptroller to adopt regulations.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

## **2–131. NONPROFIT BEER FESTIVAL PERMIT.**

### **(A) ESTABLISHED.**

**THERE IS A NONPROFIT BEER FESTIVAL PERMIT.**

### **(B) AUTHORIZED HOLDER.**

**THE COMPTROLLER MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C)(3) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

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

#### **(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

**(I) CONDUCT A NONPROFIT BEER FESTIVAL FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS; AND**

#### **(II) PURCHASE BEER AT WHOLESALE TO:**

**1. PROVIDE TO A CONSUMER A SAMPLE THAT MAY NOT EXCEED 1 FLUID OUNCE FOR EACH OFFERING; AND**

**2. SELL TO A CONSUMER BEER FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A NONPROFIT BEER FESTIVAL FOR HOLDERS OF BREWING COMPANY OFF-SITE PERMITS.**

**(3) A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT ATTENDS A NONPROFIT BEER FESTIVAL MAY PROVIDE BEER TO A CONSUMER IN THE SAME MANNER AS THE HOLDER OF THE NONPROFIT BEER FESTIVAL PERMIT.**

**(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE NONPROFIT BEER FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A HOLDER OF A BREWING COMPANY OFF-SITE PERMIT THAT IS IN ATTENDANCE.**

**(D) ALCOHOL AWARENESS PROGRAM AGENTS.**

**AT ALL TIMES DURING THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

**(E) FILING OF APPLICATION.**

**(1) NOT LESS THAN 30 DAYS BEFORE THE NONPROFIT BEER FESTIVAL, A PERSON SHALL SUBMIT AN APPLICATION TO THE LOCAL LICENSING BOARD.**

**(2) THE APPLICATION SHALL:**

**(I) BE ON A FORM THAT THE COMPTROLLER PROVIDES;**

**(II) STATE THAT THE PRIMARY PURPOSE OF THE NONPROFIT BEER FESTIVAL IS TO PROMOTE MARYLAND BEER;**

**(III) PROVIDE DETAILS OF THE NONPROFIT BEER FESTIVAL, INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND**

**(IV) INCLUDE APPROPRIATE EVIDENCE THAT THE APPLICANT HAS BEEN GIVEN PERMISSION BY THE OWNER OF THE PROPERTY WHERE THE NONPROFIT BEER FESTIVAL IS TO BE HELD.**

**(F) LIST OF PERMIT HOLDERS.**

**NOT LESS THAN 15 DAYS BEFORE THE NONPROFIT BEER FESTIVAL, THE PERMIT HOLDER SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A LIST OF BREWING COMPANY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.**

**(G) FEE.**

**THE PERMIT FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-106.

In subsection (e)(1) of this section, the reference to the "nonprofit beer festival" is substituted for the former reference to the "proposed event" for clarity.

Also in subsection (e)(1) of this section, the former reference to the "completed" application is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Comptroller" § 1-101

"Consumer" § 1-101

"Local licensing board" § 1-101

"Person" § 1-101

**2-132. NONRESIDENT BREWERY PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A NONRESIDENT BREWERY PERMIT.**

**(B) AUTHORIZED HOLDER.**

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

**(1) IS LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF BEER;**

**(2) PRODUCES IN THE AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY; AND**

**(3) DOES NOT HOLD A NONRESIDENT DEALER'S PERMIT.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL AND DELIVER NOT MORE THAN 3,000 BARRELS OF THE PERMIT HOLDER'S OWN BEER ANNUALLY FROM A LOCATION OUTSIDE THE STATE TO A RETAIL LICENSE HOLDER OR PERMIT HOLDER IN THE STATE AUTHORIZED TO ACQUIRE THE BEER.**

**(2) THE PERMIT HOLDER SHALL COMPLY WITH ALL THE REQUIREMENTS OF THIS ARTICLE, THE TAX – GENERAL ARTICLE, AND THE REGULATIONS OF THE COMPTROLLER THAT APPLY TO A HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE.**

**(D) FEE.**

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

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

Subsection (a) of this section is revised in standard language used throughout this article to establish a permit.

In the introductory language of subsection (b) and in subsection (c)(2) of this section, the former references to the "Office of the" Comptroller are deleted as surplusage.

Defined terms: "Beer" § 1–101  
 "Comptroller" § 1–101  
 "License holder" § 1–101  
 "Person" § 1–101  
 "State" § 1–101

**2–133. WINERY OFF–SITE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A WINERY OFF–SITE PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE COMPTROLLER MAY ISSUE THE PERMIT TO A CLASS 4 LIMITED WINERY THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) SCOPE OF AUTHORIZATION.**



**DURING AN EVENT LISTED IN SUBSECTION (E) OF THIS SECTION, THE PERMIT HOLDER MAY:**

**(1) PROVIDE TO A CONSUMER A SAMPLE OF WINE THAT:**

**(I) HAS BEEN PRODUCED BY THE PERMIT HOLDER; AND**

**(II) DOES NOT EXCEED 1 FLUID OUNCE FOR EACH OFFERING;**

**(2) SELL TO A CONSUMER WINE THAT HAS BEEN PRODUCED BY THE PERMIT HOLDER FOR OFF-PREMISES CONSUMPTION; AND**

**(3) EXCEPT FOR A FARMERS' MARKET LISTED IN SUBSECTION (E) OF THIS SECTION, SELL TO A CONSUMER WINE THAT IS PRODUCED BY THE PERMIT HOLDER FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) ALCOHOL AWARENESS PROGRAM AGENT.**

**WHILE SELLING WINE OR PROVIDING SAMPLES OF WINE AT A FARMERS' MARKET AS PROVIDED IN SUBSECTION (E)(4) OF THIS SECTION, THE PERMIT HOLDER SHALL HAVE AN AGENT PRESENT WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.**

**(E) EVENTS ELIGIBLE FOR PERMIT.**

**THE PERMIT MAY BE USED ONLY:**

**(1) AT THE MONTGOMERY COUNTY AGRICULTURAL FAIR;**

**(2) 1 NIGHT EACH WEEK FROM JUNE THROUGH NOVEMBER AT THE NORTH BEACH FRIDAY NIGHT FARMERS' MARKET;**

**(3) AT AN EVENT THAT HAS AS ITS MAJOR PURPOSE AN ACTIVITY:**

**(I) THAT IS OTHER THAN THE SALE AND PROMOTION OF ALCOHOLIC BEVERAGES; AND**

**(II) FOR WHICH THE PARTICIPATION OF A WINERY IS A SUBORDINATE ACTIVITY;**

**(4) AT A FARMERS' MARKET THAT IS LISTED ON THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE; AND**

**(5) AT A WINE FESTIVAL THAT:**

**(I) HAS AS ITS PRIMARY PURPOSE THE PROMOTION OF MARYLAND WINE; AND**

**(II) IS AUTHORIZED BY THE COMPTROLLER UNDER § 2-134 OF THIS SUBTITLE.**

**(F) PARTICIPATION LIMITS AT EVENTS.**

**EACH CALENDAR YEAR, A PERMIT HOLDER MAY PARTICIPATE IN NO MORE THAN:**

**(1) 32 EVENTS DESCRIBED IN SUBSECTION (E)(3) OF THIS SECTION OR WINE FESTIVALS DESCRIBED IN § 2-134 OF THIS SUBTITLE STATEWIDE; AND**

**(2) NINE EVENTS AT ANY SINGLE VENUE.**

**(G) NOTICE.**

**(1) (I) THE PERMIT HOLDER SHALL NOTIFY THE COMPTROLLER OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT WITHIN A TIME PERIOD THAT THE COMPTROLLER DETERMINES.**

**(II) THE NOTICE SHALL BE ON A FORM THAT THE COMPTROLLER PROVIDES.**

**(2) THE COMPTROLLER MAY ADOPT REGULATIONS TO REQUIRE THE PERMIT HOLDER TO NOTIFY THE BOARD OF LICENSE COMMISSIONERS IN THE COUNTY WHERE THE EVENT IS BEING HELD OF THE PERMIT HOLDER'S INTENTION TO ATTEND AN OFF-SITE EVENT.**

**(H) TERM OF PERMIT.**

**THE PERMIT IS VALID FOR 1 YEAR.**

**(I) FILING OF APPLICATION.**

**A PERSON SHALL SUBMIT THE APPLICATION FOR THE PERMIT TO THE COMPTROLLER ON A FORM THE COMPTROLLER PROVIDES.**

**(J) FEE.**

**THE PERMIT FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-102, 2-104, and 2-101(b)(1)(i)7.

In subsections (c)(1) and (d) of this section, the references to a sample "of wine" are added for clarity.

In subsection (c)(1)(ii) of this section, the reference to each "offering" is substituted for the former reference to each "brand" for clarity.

In subsection (i) of this section, the former reference to a "completed" application is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"Consumer" § 1-101

"County" § 1-101

"Person" § 1-101

"Wine" § 1-101

**2-134. WINE FESTIVAL PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE COMPTROLLER MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION, AS DEFINED BY § 501(C) OF THE INTERNAL REVENUE CODE, THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

**(I) CONDUCT A WINE FESTIVAL FOR AT LEAST 1 DAY BUT NOT MORE THAN 3 CONSECUTIVE DAYS; AND**

**(II) PURCHASE WINE AT WHOLESALE TO:**

1. PROVIDE TO A CONSUMER A SAMPLE THAT DOES NOT EXCEED 1 FLUID OUNCE FOR EACH OFFERING; AND

2. SELL TO A CONSUMER WINE FOR ON- AND OFF-PREMISES CONSUMPTION.

(2) THE PERMIT HOLDER SHALL PROVIDE SPACE AT A WINE FESTIVAL FOR HOLDERS OF WINERY OFF-SITE PERMITS.

(3) A HOLDER OF A WINERY OFF-SITE PERMIT THAT ATTENDS A WINE FESTIVAL MAY PROVIDE WINE TO A CONSUMER IN THE SAME MANNER AS THE HOLDER OF THE WINE FESTIVAL PERMIT.

(4) THE PERMIT HOLDER MAY PROVIDE OR SELL AT THE WINE FESTIVAL ONLY ALCOHOLIC BEVERAGES PROVIDED BY THE PERMIT HOLDER OR A HOLDER OF A WINERY OFF-SITE PERMIT THAT IS IN ATTENDANCE.

(D) ALCOHOL AWARENESS PROGRAM AGENTS.

AT ALL TIMES DURING THE WINE FESTIVAL, THE PERMIT HOLDER SHALL HAVE PRESENT AT LEAST TWO AGENTS, ONE OF WHOM MAY BE THE PERMIT HOLDER, WHO ARE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

(E) FILING OF APPLICATION.

(1) NOT LESS THAN 30 DAYS BEFORE THE WINE FESTIVAL, A PERSON SHALL SUBMIT AN APPLICATION FOR THE PERMIT TO THE COMPTROLLER.

(2) THE APPLICATION SHALL:

(I) BE ON A FORM THAT THE COMPTROLLER PROVIDES;

(II) STATE THAT THE PRIMARY PURPOSE OF THE WINE FESTIVAL IS TO PROMOTE MARYLAND WINE;

(III) PROVIDE DETAILS OF THE WINE FESTIVAL, INCLUDING THE LOCATION, DATES, AND TIMES OF OPERATION; AND

(IV) INCLUDE APPROPRIATE EVIDENCE THAT THE APPLICANT HAS BEEN GIVEN PERMISSION BY THE OWNER OF THE PROPERTY WHERE THE WINE FESTIVAL IS TO BE HELD.

**(F) LIST OF PERMIT HOLDERS.**

**NOT LESS THAN 15 DAYS BEFORE THE WINE FESTIVAL, THE PERMIT HOLDER SHALL PROVIDE THE COMPTROLLER WITH A LIST OF WINERY OFF-SITE PERMIT HOLDERS THAT WILL ATTEND.**

**(G) FEE.**

**THE PERMIT FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-103 and 2-101(b)(1)(i)8.

In subsection (c)(1)(ii) of this section, the reference to each "offering" is substituted for the former reference to each "brand" for clarity.

In subsection (e)(1) of this section, the reference to the "wine festival" is substituted for the former reference to the "proposed event" for clarity.

Also in subsection (e)(1) of this section, the former reference to the "completed" application is deleted as surplusage.

In subsection (e)(2)(iv) of this section, the former reference to the property "in which the wine festival may be held" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"Consumer" § 1-101

"Person" § 1-101

"Wine" § 1-101

**2-135. NONRESIDENT WINERY PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A NONRESIDENT WINERY PERMIT.**

**(B) AUTHORIZED HOLDER.**

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

**(1) IS LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE;**

**(2) PRODUCES NOT MORE THAN 27,500 GALLONS OF ITS OWN WINE ANNUALLY; AND**

**(3) DOES NOT HOLD A NONRESIDENT DEALER'S PERMIT UNDER § 2-124 OF THIS SUBTITLE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO SELL AND DELIVER ITS OWN WINE FROM A LOCATION OUTSIDE THE STATE TO A HOLDER OF A PERMIT OR RETAIL LICENSE IN THE STATE AUTHORIZED TO ACQUIRE THE WINE.**

**(D) COMPLIANCE WITH STATE LAW.**

**THE PERMIT HOLDER SHALL COMPLY WITH REQUIREMENTS THAT APPLY TO A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE UNDER:**

**(1) THIS ARTICLE;**

**(2) THE TAX – GENERAL ARTICLE; AND**

**(3) THE REGULATIONS OF THE COMPTROLLER.**

**(E) FEE.**

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

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

In subsection (b)(3) of this section, the reference to a nonresident dealer's permit "under § 2-125 of this subtitle" is added for clarity.

Defined terms: "Comptroller" § 1-101

"Permit holder" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

**2-136. FARMERS' MARKET PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A FARMERS' MARKET PERMIT.**

**(B) AUTHORIZED HOLDER.**

**(1) THE COMPTROLLER MAY ISSUE THE PERMIT TO A HOLDER OF A LICENSE:**

**(I) OTHER THAN A CLASS 4 LIMITED WINERY LICENSE, THAT ALLOWS THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES TO THE PUBLIC FOR OFF-PREMISES CONSUMPTION; AND**

**(II) THAT WAS ISSUED BY THE LOCAL LICENSING BOARD OF THE JURISDICTION IN WHICH THE FARMERS' MARKET WILL BE HELD.**

**(2) THE HOLDER OF A PERMIT SHALL NOTIFY THE LOCAL LICENSING BOARD OF THE JURISDICTION IN WHICH THE FARMERS' MARKET WILL BE HELD THAT THE PERMIT HAS BEEN ISSUED.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) A PERMIT MAY BE USED ONLY:**

**(I) AT A FARMERS' MARKET THAT IS LISTED IN THE FARMERS' MARKET DIRECTORY OF THE MARYLAND DEPARTMENT OF AGRICULTURE;**

**(II) AT THE FARMERS' MARKET NAMED IN THE PERMIT; AND**

**(III) DURING THE HOURS OF OPERATION OF THE FARMERS' MARKET FOR WHICH IT IS OBTAINED.**

**(2) A PERMIT AUTHORIZES THE HOLDER TO:**

**(I) OCCUPY STALL SPACE AT A FARMERS' MARKET; AND**

**(II) SUBJECT TO SUBSECTION (E) OF THIS SUBSECTION:**

**1. OFFER AND SELL SEALED CONTAINERS OF WINE TO CONSUMERS FOR CONSUMPTION OFF THE LICENSED PREMISES OF THE FARMERS' MARKET; AND**

**2. PROVIDE AT NO CHARGE SAMPLES OF WINE NOT TO EXCEED 1 FLUID OUNCE FOR EACH OFFERING TO CONSUMERS FOR CONSUMPTION ON THE LICENSED PREMISES OF THE FARMERS' MARKET.**

**(D) LIMIT OF ONE PERMIT FOR EACH FARMERS' MARKET.**

**THE COMPTROLLER MAY ISSUE NOT MORE THAN ONE PERMIT FOR USE AT EACH FARMERS' MARKET.**

**(E) ALL WINE TO BE PRODUCT OF CLASS 4 LIMITED WINERY.**

**ALL WINE OFFERED FOR SALE OR SAMPLINGS BY THE PERMIT HOLDER SHALL BE THE PRODUCT OF A CLASS 4 LIMITED WINERY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-101(y)(2) through (7).

In subsection (c)(2)(ii)2 of this section, the reference to "each offering" is substituted for the former reference to "per brand" to conform to the terminology used throughout this article.

Former Art. 2B, § 2-101(y)(1), which defined "permit" to mean a farmers' market permit, is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

"Wine" § 1-101

**2-137. CHARITY WINE AUCTION PERMIT.**

**(A) "CHARITABLE ORGANIZATION" DEFINED.**

**(1) IN THIS SECTION, "CHARITABLE ORGANIZATION" MEANS AN ORGANIZATION THAT:**

**(I) IS A BENEVOLENT, EDUCATIONAL, PHILANTHROPIC, HUMANE, PATRIOTIC, RELIGIOUS, OR ELEEMOSYNARY ORGANIZATION THAT SOLICITS OR OBTAINS CONTRIBUTIONS SOLICITED FROM THE PUBLIC FOR CHARITABLE OR BENEVOLENT PURPOSES; AND**

**(II) IS REGISTERED WITH THE SECRETARY OF STATE IN ACCORDANCE WITH TITLE 6, SUBTITLE 4 OF THE BUSINESS REGULATION ARTICLE.**



**(2) “CHARITABLE ORGANIZATION” INCLUDES AN OFFICE, A BRANCH, A CHAPTER, OR A SIMILAR AFFILIATED ENTITY THAT HAS ITS PRINCIPAL PLACE OF BUSINESS OUTSIDE THE STATE.**

**(3) “CHARITABLE ORGANIZATION” DOES NOT INCLUDE:**

**(I) A POLITICAL PARTY, POLITICAL COMMITTEE, OR POLITICAL CLUB;**

**(II) A UNIT OF THE STATE GOVERNMENT OR A POLITICAL SUBDIVISION OF THE STATE;**

**(III) A FRATERNAL ORGANIZATION;**

**(IV) A FIRE COMPANY;**

**(V) A RESCUE OR AMBULANCE SQUAD; OR**

**(VI) A POLICE FORCE OR OTHER LAW ENFORCEMENT ORGANIZATION.**

**(B) ESTABLISHED.**

**THERE IS A CHARITY WINE AUCTION PERMIT.**

**(C) AUTHORIZED HOLDER.**

**THE COMPTROLLER MAY ISSUE THE PERMIT TO A CHARITABLE ORGANIZATION.**

**(D) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO SELL WINE AT PUBLIC OR PRIVATE AUCTION TO A CONSUMER THROUGH THE SOLICITATION AND ACCEPTANCE OF BIDS.**

**(E) TERM OF PERMIT.**

**THE PERMIT IS VALID FOR 1 DAY.**

**(F) PREMISES ALLOWED.**

**THE PERMIT MAY BE GRANTED FOR:**

(1) AN UNLICENSED PREMISES; OR

(2) A CLASS B, CLASS C, OR CLASS B-D-7 LICENSED PREMISES.

(G) LIMITATIONS.

(1) A CHARITABLE ORGANIZATION MAY BE ISSUED NOT MORE THAN ONE PERMIT DURING A CALENDAR YEAR.

(2) A PERMIT ALLOWS THE HOLDER TO CONDUCT ONE AUCTION OF WINE DURING A CALENDAR YEAR.

(H) WINE FOR AUCTION.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT HOLDER MAY RECEIVE WINE FOR THE AUCTION FROM:

(I) A HOLDER OF A WHOLESALER'S LICENSE;

(II) A CLASS 3 OR CLASS 4 WINERY;

(III) A RETAIL DEALER;

(IV) AN INDIVIDUAL RESIDING IN THE STATE; OR

(V) A BUSINESS ENTITY IN THE STATE THAT IS NOT LICENSED UNDER THIS ARTICLE.

(2) THE PERMIT HOLDER MAY RECEIVE COMMERCIALY PRODUCED WINE THAT IS NOT AUTHORIZED FOR DISTRIBUTION AND SALE IN THE STATE FROM:

(I) A NONRESIDENT INDIVIDUAL; OR

(II) A BUSINESS ENTITY THAT IS LOCATED OUTSIDE THE STATE.

(I) TAXES ON WINE.

(1) WINE THAT THE PERMIT HOLDER RECEIVES FROM THE FOLLOWING SOURCES IS SUBJECT TO STATE TAX UNDER § 5-102 OF THE TAX - GENERAL ARTICLE:

- (I) A HOLDER OF A WHOLESALER'S LICENSE;
- (II) A CLASS 3 WINERY;
- (III) A CLASS 4 WINERY; AND
- (IV) ANY SOURCE OUTSIDE THE STATE.

(2) TAXES ARE PRESUMED TO HAVE BEEN PAID ON WINE THAT THE PERMIT HOLDER RECEIVES FROM THE FOLLOWING SOURCES:

- (I) A RETAIL DEALER;
- (II) AN INDIVIDUAL RESIDING IN THE STATE; AND
- (III) A BUSINESS ENTITY IN THE STATE THAT IS NOT LICENSED UNDER THIS ARTICLE.

(J) REPORT AND PAYMENT OF TAXES REQUIRED.

(1) WITHIN 30 DAYS AFTER THE AUCTION ENDS, THE PERMIT HOLDER SHALL:

- (I) FILE A REPORT WITH THE COMPTROLLER; AND
- (II) PAY ALL TAXES DUE ON WINE RECEIVED FOR THE AUCTION.

(2) THE REPORT SHALL:

- (I) INCLUDE THE TOTAL NUMBER OF GALLONS AND EACH SOURCE OF WINE THAT WAS RECEIVED FOR THE AUCTION; AND
- (II) BE FILED ON THE FORM THAT THE COMPTROLLER PROVIDES.

(K) PREPAYMENT OF ANTICIPATED WINE TAX.

THE COMPTROLLER MAY REQUIRE THAT THE PERMIT HOLDER PREPAY ON OR BEFORE THE SEVENTH DAY BEFORE THE AUCTION AN AMOUNT SUFFICIENT TO COVER THE ANTICIPATED WINE TAX DUE.

(L) DELIVERY OF WINE PURCHASED AT AUCTION.

**(1) WINE PURCHASED AT A CHARITY WINE AUCTION SHALL BE DELIVERED TO THE PURCHASER:**

**(I) AT THE EVENT; OR**

**(II) FROM A LICENSED WAREHOUSE, LICENSED RETAIL DEALER'S PREMISES, OR OTHER PREMISES THAT THE COMPTROLLER APPROVES.**

**(2) WINE DELIVERED UNDER THIS SUBSECTION IS SUBJECT TO APPLICABLE SALES TAXES.**

**(M) RESALE.**

**NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A PERSON AUTHORIZED TO SELL WINE AT RETAIL MAY PURCHASE WINE OFFERED AT A CHARITY WINE AUCTION IN AN AMOUNT NOT TO EXCEED 5 GALLONS (18 LITERS) AND RESELL THE WINE IN ACCORDANCE WITH THE TERMS OF THE PERSON'S LICENSE.**

**(N) FEE.**

**THE PERMIT FEE IS \$10.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-101(o)(1) through (12).

In subsection (a)(1)(ii) of this section, the phrase "in accordance with Title 6, Subtitle 4 of the Business Regulation Article" is substituted for the former phrase "as required by law" for clarity and accuracy.

In subsection (a)(2) of this section, the former reference to an "area" office is deleted as surplusage.

In subsection (a)(3)(ii) of this section, the term "unit" is substituted for the former term "agency" to conform to the terminology used throughout this article.

In subsection (a)(3)(iv) of this section, the reference to "a fire company" is substituted for the former reference to "fire fighters" for clarity and consistency with the terminology used in the Public Safety Article.

In subsections (j) and (k) of this section, the former references to "owing" are deleted as included in the references to "due".

In subsection (m) of this section, the reference to a “charity” wine auction is substituted for the former reference to a wine auction “provided for under this section” for brevity.

Former Art. 2B, § 2–101(o)(13), which authorized the Office of the Comptroller to adopt regulations to implement the provisions of former Art. 2B, § 2–101(o), is deleted as redundant of § 1–302 of this article, which authorizes the Comptroller to adopt regulations.

Defined terms: “Comptroller” § 1–101

“Permit holder” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

## **2–138. FAMILY BEER AND WINE FACILITY PERMIT.**

### **(A) ESTABLISHED.**

**THERE IS A FAMILY BEER AND WINE FACILITY PERMIT.**

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

**(1) THE PERMIT AUTHORIZES THE HOLDER TO ESTABLISH A FACILITY TO PRODUCE FAMILY BEER OR WINE BY A CONSUMER WHO:**

**(I) IS OF LEGAL DRINKING AGE; BUT**

**(II) DOES NOT HAVE A LICENSE.**

**(2) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE EQUIPMENT, RAW MATERIALS, AND INSTRUCTIONS TO A CONSUMER.**

**(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, THE PERMIT HOLDER MAY NOT ENGAGE IN THE PRODUCTION OR MANUFACTURE OF BEER OR WINE.**

**(4) A PERMIT AUTHORIZES THE HOLDER TO ENGAGE IN THE PRODUCTION OR MANUFACTURE OF BEER OR WINE FOR:**

**(I) TESTING EQUIPMENT OR RECIPES; AND**

**(II) SAMPLING, PROVIDED THAT:**

- 1. EACH PATRON HAS NO MORE THAN FIVE SAMPLES;**
- 2. EACH SAMPLE DOES NOT EXCEED 2 OUNCES; AND**
- 3. EACH SAMPLE IS CONSUMED ON THE PREMISES BY AN INDIVIDUAL WHO HAS A NONREFUNDABLE CONTRACT TO BREW OR FERMENT AT THE FACILITY.**

**(C) REMOVAL AND USE OF BEER AND WINE PRODUCED AT FACILITY.**

**FAMILY BEER AND WINE PRODUCED AT A FAMILY BEER AND WINE FACILITY:**

**(1) SHALL BE REMOVED FROM THE PREMISES BY THE CONSUMER;**  
**AND**

**(2) MAY BE USED ONLY FOR HOME CONSUMPTION AND THE PERSONAL USE OF THE CONSUMER.**

**(D) LIMITATION ON PRODUCTION.**

**THE COMPTROLLER MAY RESTRICT THE PERMIT HOLDER TO THE PRODUCTION OF FAMILY-PRODUCED BEER OR FAMILY-PRODUCED WINE.**

**(E) HOLDER PROHIBITED TO HOLD OTHER LICENSE.**

**THE PERMIT HOLDER MAY NOT HOLD ANOTHER LICENSE SIMULTANEOUSLY.**

**(F) FEE.**

**THE PERMIT FEE IS \$400.**

**(G) REGULATIONS.**

**THE COMPTROLLER MAY ADOPT REGULATIONS REGARDING ANY ACTIVITY RELATING TO THE OPERATION OF THE FACILITY, INCLUDING LIMITS ON THE QUANTITIES OF BEER AND WINE PRODUCED AND RECORD KEEPING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-101(s) and (b)(1)(i)4.

In subsection (b)(4)(ii) of this section, the former reference to a sampling “privilege” is deleted as surplusage.

In subsection (e) of this section, the former reference to a license “issued pursuant to this article” is deleted in light of the defined term “license”.

In subsection (g) of this section, the reference to quantities “of beer and wine” is added for clarity.

Defined terms: “Beer” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“License” § 1–101

“Wine” § 1–101

**2–139. NATIONAL FAMILY BEER AND WINE EXHIBITION PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A NATIONAL FAMILY BEER AND WINE EXHIBITION PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE COMPTROLLER MAY ISSUE THE PERMIT TO A BONA FIDE:**

**(1) NATIONAL FAMILY WINE ASSOCIATION;**

**(2) NATIONAL FAMILY BEER ASSOCIATION; OR**

**(3) NATIONAL FAMILY BEER AND WINE ASSOCIATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT A NATIONAL FAMILY BEER AND WINE EXHIBITION AND COMPETITION AT WHICH THE PERMIT HOLDER MAY EXHIBIT, JUDGE, AND TASTE BEER AND WINE ACQUIRED IN ACCORDANCE WITH THIS SECTION AT THE PLACE DESIGNATED IN THE PERMIT APPLICATION.**

**(2) THE PERMIT AUTHORIZES THE HOLDER TO RECEIVE FOR USE, EXHIBITION, AND TASTINGS AT AN EXHIBITION:**

**(I) TAX-FREE FAMILY PRODUCED BEER AND WINE;**

**(II) TAX-PAID COMMERCIALY PRODUCED:**

**1. BEER AND WINE FROM LICENSED NONRESIDENT DEALERS OR MANUFACTURERS THROUGH HOLDERS OF WHOLESALER'S LICENSES; OR**

**2. WINES FROM CLASS 4 WINERIES; AND**

**(III) COMMERCIALY PRODUCED BEER AND WINE FROM MANUFACTURERS OR SUPPLIERS LICENSED BY ANOTHER STATE AND SUBJECT TO THE TAX IMPOSED UNDER § 5-102 OF THE TAX - GENERAL ARTICLE.**

**(3) THE PERMIT HOLDER MAY NOT SELL BEER AND WINE AT THE EXHIBITION AND COMPETITION.**

**(4) NOTWITHSTANDING § 6-319 OF THIS ARTICLE, THE PERMIT HOLDER MAY ALLOW A PERSON TO POSSESS AND CONSUME BEER AND WINE ON THE PREMISES GOVERNED BY THE PERMIT AS PROVIDED IN THIS SECTION.**

**(D) DURATION OF EXHIBITION.**

**AN EXHIBITION MAY NOT LAST MORE THAN 5 DAYS.**

**(E) PREMISES FOR EXHIBITION.**

**THE PERMIT MAY BE GRANTED FOR:**

**(1) AN UNLICENSED PREMISES; OR**

**(2) A CLASS B, CLASS C, OR CLASS B-D-7 LICENSED PREMISES.**

**(F) JUDGES AND PARTICIPANTS.**

**PERSONS AUTHORIZED TO JUDGE OR PARTICIPATE AT A NATIONAL FAMILY BEER AND WINE EXHIBITION INCLUDE A:**

**(1) MANUFACTURER;**

**(2) NONRESIDENT DEALER;**

**(3) SUPPLIER;**

**(4) WHOLESALER; AND**



**(5) REPRESENTATIVE OF ANY OF THE PERSONS LISTED IN ITEMS (1) THROUGH (4) OF THIS SUBSECTION.**

**(G) NONRESIDENT DEALER'S PERMIT NOT REQUIRED.**

**A SUPPLIER LICENSED BY ANOTHER STATE IS NOT REQUIRED TO HAVE A NONRESIDENT DEALER'S PERMIT TO SHIP BEER AND WINE TO THE PERMIT HOLDER.**

**(H) REPORT AND PAYMENT OF TAXES REQUIRED.**

**(1) WITHIN 30 DAYS AFTER THE EXHIBITION ENDS, THE PERMIT HOLDER SHALL:**

**(I) FILE A REPORT, ON THE FORMS THAT THE COMPTROLLER PROVIDES, OF THE NUMBER OF GALLONS OF COMMERCIALY PRODUCED BEER AND WINE THAT THE PERMIT HOLDER RECEIVED FROM SUPPLIERS THAT ARE NOT LICENSED; AND**

**(II) PAY THE TAX REQUIRED UNDER § 5-102 OF THE TAX – GENERAL ARTICLE.**

**(2) THE COMPTROLLER MAY REQUIRE THE PERMIT HOLDER TO PREPAY AN AMOUNT SUFFICIENT TO COVER THE ANTICIPATED TAX RATHER THAN POST A BOND.**

**(I) FEE.**

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

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-101(m) and (b)(7).

In subsections (c)(2)(iii) and (g) of this section, the references to manufacturers or suppliers "licensed by another state" are substituted for the former references to "non-Maryland licensed" manufacturers and suppliers for clarity.

In subsection (c)(4) of this section, the reference to the permit holder "allow[ing] a person to possess and consume beer and wine" is substituted for the former reference to the permit "authoriz[ing] the possession and consumption of beer and wine ... with the permission of the licensee" for brevity.

Also in subsection (c)(4) of this section, the reference to the premises “governed by the permit” is substituted for the former reference to the “named” premises for clarity.

In subsection (d) of this section, the former reference to “a period” of not more than 5 days is deleted as surplusage.

In subsection (e)(2) of this section, the former references to an “alcoholic beverages” licensed premises are deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Comptroller” § 1–101  
 “Family beer” § 1–101  
 “Family wine” § 1–101  
 “Person” § 1–101  
 “State” § 1–101  
 “Wholesaler” § 1–101  
 “Wholesaler’s license” § 1–101  
 “Wine” § 1–101

**2–140. RESERVED.**

**2–141. RESERVED.**

**PART V. DIRECT WINE SHIPPER’S AND COMMON CARRIER PERMITS.**

**2–142. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) COMMON CARRIER.**

**(1) “COMMON CARRIER” MEANS A BUSINESS ENTITY THAT:**

**(i) HOLDS ITSELF OUT AS BEING AVAILABLE TO THE PUBLIC TO TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE FOR COMPENSATION ANY CLASS OF PASSENGER OR PROPERTY; AND**

**(ii) HOLDS A COMMON CARRIER PERMIT ISSUED UNDER § 2–151 OF THIS SUBTITLE.**

**(2) “COMMON CARRIER” DOES NOT INCLUDE A BUSINESS ENTITY THAT TRANSPORTS ONLY PROPERTY THE BUSINESS ENTITY OWNS OR THAT IS CONSIGNED TO THE BUSINESS ENTITY.**

**(C) DIRECT WINE SHIPPER.**

**“DIRECT WINE SHIPPER” MEANS THE HOLDER OF A DIRECT WINE SHIPPER’S PERMIT ISSUED UNDER THIS PART.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–101(a) through (c).

The only changes are in style.

Former Art. 2B, § 7.5–101(d), which defined pomace brandy to mean “brandy that is distilled from the pulpy residue of the wine press, including the skins, pips, and stalks of grapes”, is deleted as redundant of the definition of pomace brandy in § 1–101 of this article.

Former Art. 2B, § 7.5–101(e), which defined wine to include pomace brandy and not to include beer, distilled spirits, or any alcoholic beverage other than wine, is deleted in light of the definition of wine in § 1–101 of this article.

**2–143. PERMIT REQUIRED.**

**A PERSON SHALL BE ISSUED A DIRECT WINE SHIPPER’S PERMIT BY THE COMPTROLLER BEFORE THE PERSON MAY ENGAGE IN SHIPPING WINE DIRECTLY TO A CONSUMER IN THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7.5–102.

The former phrase “as a direct wine shipper” is deleted as surplusage.

Defined terms: “Comptroller” § 1–101

“Consumer” § 1–101

“Direct wine shipper” § 2–142

“Person” § 1–101

“State” § 1–101

“Wine” § 1–101

**2–144. QUALIFICATION FOR PERMIT.**

**TO QUALIFY FOR A DIRECT WINE SHIPPER’S PERMIT, AN APPLICANT SHALL BE:**

**(1) A PERSON LICENSED OUTSIDE THE STATE TO ENGAGE IN THE MANUFACTURE OF WINE; OR**

**(2) A HOLDER OF A CLASS 3 MANUFACTURER'S LICENSE OR A CLASS 4 MANUFACTURER'S LICENSE.**

REVISOR'S NOTE: This section formerly was Art. 2B, § 7.5–103.

In item (2) of this section, the former reference to a Class 3 manufacturer's license or a Class 4 manufacturer's license "issued under this article" is deleted as included in the defined term "manufacturer's license".

No other changes are made.

Defined terms: "Direct wine shipper" § 2–142

"Manufacturer's license" § 1–101

"Person" § 1–101

"State" § 1–101

"Wine" § 1–101

## **2–145. APPLICATION FOR PERMIT.**

### **(A) APPLICATION REQUIREMENTS.**

**AN APPLICANT FOR A DIRECT WINE SHIPPER'S PERMIT SHALL:**

**(1) SUBMIT TO THE COMPTROLLER A COMPLETED APPLICATION ON A FORM THAT THE COMPTROLLER PROVIDES;**

**(2) PROVIDE TO THE COMPTROLLER A COPY OF THE APPLICANT'S CURRENT LICENSE; AND**

**(3) PAY A FEE OF \$200 FOR INITIAL ISSUANCE OF THE DIRECT WINE SHIPPER'S PERMIT.**

### **(B) ISSUANCE OF PERMIT.**

**THE COMPTROLLER SHALL ISSUE A DIRECT WINE SHIPPER'S PERMIT TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS PART FOR THE PERMIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7.5–104 and, as it related to the issuance fee, 2–101(b)(1)(i)5.

In subsection (a)(2) of this section, the former reference to an “alcoholic beverages” license is deleted as included in the defined term “license”.

Defined terms: “Comptroller” § 1–101  
“Direct wine shipper” § 2–142  
“License” § 1–101

**2–146. SCOPE OF AUTHORIZATION.**

**A DIRECT WINE SHIPPER’S PERMIT ENTITLES THE HOLDER TO SELL WINE MANUFACTURED BY THE HOLDER THROUGH A HOLDER OF A COMMON CARRIER PERMIT TO A CONSUMER BY RECEIVING AND FILLING ORDERS THAT THE CONSUMER TRANSMITS BY ELECTRONIC OR OTHER MEANS.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–105.

No changes are made.

Defined terms: “Common carrier” § 2–142  
“Consumer” § 1–101  
“Direct wine shipper” § 2–142  
“Wine” § 1–101

**2–147. TERM OF PERMIT.**

**THE TERM OF A DIRECT WINE SHIPPER’S PERMIT IS 1 YEAR AND BEGINS ON JULY 1.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–106.

No changes are made.

Defined term: “Direct wine shipper” § 2–142

**2–148. DUTIES OF SHIPPER; RESTRICTIONS ON SHIPPING.**

**(A) DUTIES OF DIRECT WINE SHIPPER.**

**A DIRECT WINE SHIPPER SHALL:**

**(1) ENSURE THAT ALL CONTAINERS OF WINE SHIPPED DIRECTLY TO A CONSUMER IN THE STATE ARE CONSPICUOUSLY LABELED WITH:**

**(I) THE NAME OF THE DIRECT WINE SHIPPER;**

**(II) THE NAME AND ADDRESS OF THE CONSUMER WHO IS THE INTENDED RECIPIENT; AND**

**(III) THE WORDS “CONTAINS ALCOHOL: SIGNATURE OF PERSON AT LEAST 21 YEARS OF AGE REQUIRED FOR DELIVERY”;**

**(2) REPORT TO THE COMPTROLLER INFORMATION ABOUT THE DIRECT WINE SHIPPER’S WINE SHIPMENTS, IN A MANNER THAT THE COMPTROLLER DETERMINES;**

**(3) FILE A QUARTERLY TAX RETURN IN ACCORDANCE WITH § 5–201(D) OF THE TAX – GENERAL ARTICLE;**

**(4) PAY QUARTERLY TO THE COMPTROLLER ALL SALES TAXES AND EXCISE TAXES DUE ON SALES TO CONSUMERS IN THE STATE AND CALCULATE THE TAXES AS IF THE SALE WERE MADE IN THE STATE;**

**(5) MAINTAIN FOR 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS PART;**

**(6) ALLOW THE COMPTROLLER TO PERFORM AN AUDIT OF THE DIRECT WINE SHIPPER’S RECORDS ON REQUEST; AND**

**(7) CONSENT TO THE JURISDICTION OF THE COMPTROLLER OR OTHER STATE UNIT AND THE STATE COURTS CONCERNING ENFORCEMENT OF THIS SECTION AND ANY RELATED LAW.**

**(B) RESTRICTIONS ON SHIPPING.**

**A DIRECT WINE SHIPPER MAY NOT:**

**(1) SHIP MORE THAN 18 9–LITER CASES OF WINE EACH YEAR TO A SINGLE DELIVERY ADDRESS; OR**

**(2) CAUSE WINE TO BE DELIVERED ON SUNDAY TO AN ADDRESS IN THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7.5–107.

Defined terms: “Comptroller” § 1–101  
“Consumer” § 1–101

“Direct wine shipper” § 2-142

“Jurisdiction” § 1-101

“State” § 1-101

“Wine” § 1-101

**2-149. RENEWAL OF PERMIT.**

**(A) REQUIREMENTS FOR RENEWAL.**

**A DIRECT WINE SHIPPER MAY RENEW ITS DIRECT WINE SHIPPER’S PERMIT EACH YEAR IF THE DIRECT WINE SHIPPER:**

**(1) IS OTHERWISE ENTITLED TO HAVE A DIRECT WINE SHIPPER’S PERMIT;**

**(2) PROVIDES TO THE COMPTROLLER A COPY OF ITS CURRENT PERMIT; AND**

**(3) PAYS TO THE COMPTROLLER A RENEWAL FEE OF \$200.**

**(B) GROUNDS FOR DENYING RENEWAL.**

**THE COMPTROLLER MAY DENY A RENEWAL APPLICATION OF A DIRECT WINE SHIPPER WHO FAILS TO:**

**(1) FILE A TAX RETURN REQUIRED UNDER THIS PART;**

**(2) PAY A FEE OR TAX WHEN DUE; OR**

**(3) AFTER RECEIVING NOTICE, COMPLY WITH THIS ARTICLE OR A REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7.5-108 and, as it related to the renewal fee, 2-101(b)(1)(i)5.

Defined terms: “Comptroller” § 1-101

“Direct wine shipper” § 2-142

**2-150. REQUIREMENTS FOR RECIPIENTS.**

**(A) IN GENERAL.**

**TO RECEIVE A DIRECT SHIPMENT OF WINE, A CONSUMER IN THE STATE SHALL BE AT LEAST 21 YEARS OLD.**

**(B) RESALE PROHIBITED.**

**A PERSON WHO RECEIVES A SHIPMENT OF WINE SHALL USE THE SHIPMENT FOR PERSONAL CONSUMPTION ONLY AND MAY NOT RESELL THE SHIPMENT.**

REVISOR'S NOTE: This section formerly was Art. 2B, § 7.5–109.

No changes are made.

Defined terms: "Consumer" § 1–101

"Person" § 1–101

"State" § 1–101

"Wine" § 1–101

**2–151. COMMON CARRIER PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A COMMON CARRIER PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**A HOLDER OF A COMMON CARRIER PERMIT MAY DELIVER WINE FROM A LOCATION INSIDE OR OUTSIDE THE STATE TO A CONSUMER IN THE STATE FOR THE CONSUMER'S PERSONAL USE UNDER THIS PART.**

**(C) PERMIT REQUIRED.**

**A PERSON SHALL BE ISSUED A COMMON CARRIER PERMIT BEFORE THE PERSON MAY ENGAGE IN TRANSPORTING WINE FROM A DIRECT WINE SHIPPER TO A CONSUMER.**

**(D) TERM OF PERMIT.**

**THE TERM OF A COMMON CARRIER PERMIT IS 1 YEAR AND BEGINS ON JULY 1.**

**(E) REQUIREMENTS FOR DELIVERY.**

**TO COMPLETE DELIVERY OF A SHIPMENT, THE COMMON CARRIER SHALL REQUIRE FROM A CONSUMER AT THE ADDRESS LISTED ON THE SHIPPING LABEL:**



**(1) THE SIGNATURE OF THE CONSUMER OR ANOTHER INDIVIDUAL AT THE ADDRESS WHO IS AT LEAST 21 YEARS OLD; AND**

**(2) GOVERNMENT-ISSUED PHOTOGRAPHIC IDENTIFICATION SHOWING THAT THE SIGNING INDIVIDUAL IS AT LEAST 21 YEARS OLD.**

**(F) REFUSAL OF DELIVERY BY COMMON CARRIER.**

**A COMMON CARRIER SHALL REFUSE DELIVERY WHEN THE INTENDED RECEIVING INDIVIDUAL APPEARS TO BE UNDER THE AGE OF 21 YEARS OR REFUSES TO PRESENT VALID IDENTIFICATION.**

**(G) INFORMATION REQUIRED OF COMMON CARRIER.**

**AT THE TIME OF INITIAL APPLICATION FOR A COMMON CARRIER PERMIT AND ON REQUEST OF THE COMPTROLLER, A COMMON CARRIER SHALL SUBMIT TO THE COMPTROLLER INFORMATION CONCERNING THE TRAINING OF ITS DRIVERS IN VERIFYING THE AGE OF RECIPIENTS OF DIRECT WINE SHIPMENTS UNDER THIS PART.**

**(H) VERIFICATION OF WINE SHIPPER PERMIT REQUIRED ANNUALLY.**

**AT LEAST ONCE EACH YEAR, IN A MANNER ACCEPTABLE TO THE COMPTROLLER, A HOLDER OF A COMMON CARRIER PERMIT SHALL VERIFY THAT THE SHIPPER OF WINE INTO THE STATE UNDER THIS PART HOLDS A VALID DIRECT WINE SHIPPER'S PERMIT.**

**(I) TRANSPORTATION PERMIT NOT REQUIRED.**

**A HOLDER OF A COMMON CARRIER PERMIT THAT DELIVERS WINE SOLELY UNDER THIS PART MAY NOT BE REQUIRED TO OBTAIN A TRANSPORTATION PERMIT ISSUED UNDER § 2-118 OR § 2-119 OF THIS SUBTITLE IN ADDITION TO THE COMMON CARRIER PERMIT.**

**(J) FEE.**

**THE PERMIT FEE IS \$100.**

**REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7.5-110 and 2-101(w) and (b)(1)(i)6.**

Subsection (a) of this section is revised in the standard language used to introduce a permit section.

Defined terms: “Common carrier” § 2–142  
 “Comptroller” § 1–101  
 “Consumer” § 1–101  
 “Direct wine shipper” § 2–142  
 “Person” § 1–101  
 “State” § 1–101  
 “Wine” § 1–101

## **2–152. REPORTS AND RECORDS.**

### **(A) REQUIRED REPORTS.**

**A COMMON CARRIER SHALL REPORT QUARTERLY TO THE COMPTROLLER:**

- (1) THE DATE OF EACH DELIVERY OF WINE IN THE STATE; AND**
- (2) THE NAME AND ADDRESS OF THE DIRECT WINE SHIPPER AND THE RECEIVING CONSUMER OF EACH DELIVERY.**

### **(B) RECORDS TO BE MAINTAINED FOR 3 YEARS.**

**A COMMON CARRIER SHALL MAINTAIN FOR 3 YEARS COMPLETE AND ACCURATE RECORDS OF ALL INFORMATION NEEDED TO VERIFY COMPLIANCE WITH THIS PART.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7.5–111.

Defined terms: “Common carrier” § 2–142  
 “Comptroller” § 1–101  
 “Consumer” § 1–101  
 “Direct wine shipper” § 2–142  
 “State” § 1–101  
 “Wine” § 1–101

## **2–153. DIRECT SHIPPING WITHOUT PERMIT PROHIBITED.**

**A PERSON WITHOUT A DIRECT WINE SHIPPER’S PERMIT MAY NOT SHIP WINE DIRECTLY TO A CONSUMER IN THE STATE.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–113.

The only changes are in style.

Defined terms: “Consumer” § 1–101  
“Direct wine shipper” § 2–142  
“Person” § 1–101  
“State” § 1–101  
“Wine” § 1–101

**2–154. VIOLATIONS OF PART.**

**EACH VIOLATION OF THIS PART IS A SEPARATE VIOLATION.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 7.5–114.

The only changes are in style.

REVISOR’S NOTE TO PART

Former Art. 2B, § 7.5–112, which authorized the Comptroller to adopt regulations to carry out this [part], is deleted as unnecessary because the Comptroller may adopt regulations under § 1–302 of this article.

**2–155. RESERVED.**

**2–156. RESERVED.**

**PART VI. ALCOHOL AWARENESS PERMITS.**

**2–157. SCOPE OF PART.**

**THIS PART APPLIES STATEWIDE.**

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

**2–158. ALCOHOL AWARENESS PROGRAM PERMIT.**

**(A) ESTABLISHED.**

**THERE IS AN ALCOHOL AWARENESS PROGRAM PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT AN ALCOHOL AWARENESS PROGRAM AS CERTIFIED BY THE COMPTROLLER UNDER § 4-505 OF THIS ARTICLE.**

**(C) FEE.**

**THE PERMIT FEE IS \$15.**

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

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 2-101(q) and (b)(9)(ii).

Defined term: "Comptroller" § 1-101

**2-159. ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**(A) ESTABLISHED.**

**THERE IS AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT ALCOHOL AWARENESS TRAINING AS AN EMPLOYEE OR AGENT OF AN ALCOHOL AWARENESS PROGRAM PERMIT HOLDER.**

**(C) FEE.**

**THE PERMIT FEE IS \$5.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that an alcohol awareness instructor's permit exists.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 2-101(r) and (b)(9)(i).

**2-160. RESERVED.**

**2-161. RESERVED.**

**PART VII. MISCELLANEOUS PERMITS.**

**2-162. SCOPE OF PART.**

**THIS PART APPLIES STATEWIDE.**

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

**2-163. FUEL-ALCOHOL PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A FUEL-ALCOHOL PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO ESTABLISH A DISTILLED SPIRITS PLANT FOR THE SOLE PURPOSE TO MANUFACTURE, PROCESS, STORE, USE, OR DISTRIBUTE DISTILLED SPIRITS EXCLUSIVELY FOR FUEL.**

**(C) PROHIBITION.**

**A PERMIT HOLDER MAY NOT ESTABLISH A DISTILLED SPIRITS PLANT FOR BEVERAGE PURPOSES.**

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

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 2-101(l).

**2-164. NONBEVERAGE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A NONBEVERAGE PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO PURCHASE ALCOHOL AND ALCOHOLIC BEVERAGES FOR:**

**(1) USE IN COMPOUNDING OR MANUFACTURING FLAVORING EXTRACTS;**

**(2) MEDICINAL, ANTISEPTIC, OR TOILET PREPARATIONS OR FOR OTHER SIMILAR PURPOSES;**

**(3) SCIENTIFIC OR LABORATORY PURPOSES;**

**(4) FLAVORING FOOD PRODUCTS; OR**

**(5) SALE BY PHARMACISTS ON THE WRITTEN PRESCRIPTION OF A QUALIFIED PHYSICIAN.**

**(C) USE FOR ALCOHOLIC BEVERAGE OR OTHER BEVERAGE PURPOSES PROHIBITED.**

**THE PERMIT HOLDER MAY NOT USE, SELL, OR DELIVER:**

**(1) ALCOHOLIC BEVERAGES FOR BEVERAGE PURPOSES; OR**

**(2) ANY OTHER PRODUCT THAT IS:**

**(I) PRODUCED WITH ALCOHOLIC BEVERAGES; AND**

**(II) FIT FOR BEVERAGE PURPOSES.**

**(D) EXPIRATION OF PERMIT.**

**THE PERMIT DOES NOT EXPIRE UNTIL IT IS REVOKED.**

**(E) FEE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE FEE FOR THE ISSUANCE OR RENEWAL OF THE PERMIT IS \$50.**

**(2) THE COMPTROLLER SHALL ISSUE THE PERMIT WITHOUT THE PAYMENT OF A FEE TO:**

**(I) A CHARITABLE ORGANIZATION; OR**

**(II) A HOLDER OF A FUEL-ALCOHOL PERMIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-101(c) and (b)(1)(ii) and (2)(ii) and, as it related to the fee for a nonalcoholic beverage permit, (b)(1)(i)1.

In subsection (b)(5) of this section, the reference to "pharmacists" is substituted for the former reference to "druggists or apothecaries" to use more modern terminology.

In subsection (d) of this section, the former term "canceled" is deleted as included in the meaning of the term "revoked".

In subsection (e)(2)(i) of this section, the reference to a "charitable organization" is substituted for the former reference to an "eleemosynary" for clarity.

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

## **SUBTITLE 2. MANUFACTURER'S LICENSES.**

### **2-201. ISSUANCE BY COMPTROLLER.**

**EACH LICENSE SPECIFIED IN THIS SUBTITLE IS A MANUFACTURER'S LICENSE THAT THE COMPTROLLER ISSUES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-207(a)(1) and 2-208(b)(1). It is revised to state expressly what was only implied in the former law, that all manufacturer's licenses are issued by the Comptroller.

Defined terms: "Comptroller" § 1-101  
 "License" § 1-101  
 "Manufacturer's license" § 1-101

### **2-202. CLASS 1 DISTILLERY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 1 DISTILLERY LICENSE.**

**(B) REQUIRED LICENSURE.**

**THE LICENSE SHALL BE OBTAINED FOR EACH TRADE NAME AND EACH DISTILLERY IN THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY:**

**(1) ESTABLISH AND OPERATE A PLANT FOR DISTILLING BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS AT THE LOCATION DESCRIBED IN THE LICENSE;**

**(2) SELL AND DELIVER THE ALCOHOLIC BEVERAGES:**

**(I) IN BULK TO A PERSON IN THE STATE THAT IS AUTHORIZED TO ACQUIRE THEM; AND**

**(II) TO A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO ACQUIRE THEM;**

**(3) MANUFACTURE AN ALCOHOLIC BEVERAGE LISTED IN ITEM (1) OF THIS SUBSECTION IN THE NAME OF ANOTHER PERSON OR UNDER A TRADE NAME IF THE OTHER PERSON OR TRADE NAME ALSO HOLDS A CLASS 1 DISTILLERY LICENSE;**

**(4) ACQUIRE ALCOHOLIC BEVERAGES IN BULK FROM THE HOLDER OF A CLASS 1 DISTILLERY LICENSE, CLASS 2 RECTIFYING LICENSE, CLASS 3 WINERY LICENSE, OR NONRESIDENT DEALER'S PERMIT; AND**

**(5) (I) CONDUCT GUIDED TOURS OF THE LICENSED PREMISES;**

**(II) SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES; AND**

**(III) SUBJECT TO SUBSECTION (D) OF THIS SECTION, SELL NOT MORE THAN THREE 750-MILLILITER BOTTLES OF PRODUCTS MANUFACTURED ON THE LICENSED PREMISES, FOR OFF-PREMISES CONSUMPTION, AND RELATED MERCHANDISE TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES.**

**(D) LIMIT ON CERTAIN SALES.**



**A LICENSE HOLDER MAY SELL BOTTLES OF PRODUCTS UNDER SUBSECTION (C)(5)(III) OF THIS SECTION ONLY IF THE LICENSE HOLDER MANUFACTURES NOT MORE THAN 27,500 GALLONS OF PRODUCTS ANNUALLY.**

**(E) ACTING AS CATERER OF FOOD — PROHIBITED.**

**A LICENSE HOLDER OR ENTITY IN WHICH A LICENSE HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

**(F) TIME LIMITS.**

**SUBJECT TO SUBSECTION (G) OF THIS SECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (C)(5) OF THIS SECTION:**

**(1) FOR OFF-PREMISES CONSUMPTION OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

**(2) FOR ON-PREMISES CONSUMPTION OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES:**

**(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR**

**(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.**

**(G) DAYS OF OPERATION.**

**A CLASS 1 DISTILLERY LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

**(H) FILING OF NOTICE REQUIRED.**

**AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.**

**(I) UNAUTHORIZED PRODUCTS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED**

**PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

**(2) A HOLDER OF A CATERER’S LICENSE OR PRIVILEGE UNDER SUBTITLE 5 OF THIS TITLE OR SUBTITLE 12 OF VARIOUS TITLES OF DIVISION II OF THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON THE LICENSED PREMISES OF THE LICENSE HOLDER.**

**(J) EFFECT OF SECTION.**

**NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

**(K) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–202(a) through (d), (f) through (h), and as it related to days of operation, (e)(1) and, as it related to the Class 1 distillery license, 2–201(a).

In subsection (c)(1) of this section, the reference to a plant “at the location described in the license” is substituted for the former reference to a plant “in this State” for clarity and consistency within this subtitle.

In subsection (c)(3) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to certain manufacturer’s licenses “in this State” is deleted as implicit in the nature of those licenses as authorizing manufacturing in this State and not in other states.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Person” § 1–101

“State” § 1–101

**2–203. CLASS 9 LIMITED DISTILLERY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 9 LIMITED DISTILLERY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LIMITED DISTILLERY LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE PREMISES FOR WHICH THE CLASS D LICENSE WAS ISSUED.**

**(C) SCOPE OF AUTHORIZATION.**

**A HOLDER OF THE LIMITED DISTILLERY LICENSE:**

**(1) MAY ESTABLISH AND OPERATE A PLANT IN THE STATE FOR DISTILLING, RECTIFYING, AND BOTTLING BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS IF THE HOLDER:**

**(I) MAINTAINS ONLY ONE BRAND AT ANY ONE TIME FOR EACH PRODUCT OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS THAT IS DISTILLED, RECTIFIED, AND SOLD; AND**

**(II) DOES NOT MANUFACTURE OR RECTIFY PRODUCT OF ANY OTHER BRAND FOR ANOTHER ENTITY;**

**(2) MAY ACQUIRE BULK ALCOHOLIC BEVERAGES FROM THE HOLDER OF A DISTILLERY OR RECTIFYING LICENSE IN THE STATE OR FROM THE HOLDER OF A NONRESIDENT DEALER'S PERMIT;**

**(3) AFTER ACQUIRING AN INDIVIDUAL STORAGE PERMIT, MAY STORE ON THE LICENSED PREMISES THOSE PRODUCTS MANUFACTURED UNDER THE LICENSE;**

**(4) MAY SELL AND DELIVER THOSE PRODUCTS MANUFACTURED UNDER THE LICENSE ONLY TO A LICENSED WHOLESALER IN THE STATE OR PERSON AUTHORIZED TO ACQUIRE DISTILLED SPIRITS IN ANOTHER STATE AND NOT TO A COUNTY DISPENSARY;**

**(5) MAY SELL THE PRODUCTS MANUFACTURED UNDER THE LICENSE AT RETAIL IN A MANNER CONSISTENT WITH THE UNDERLYING CLASS D LICENSE;**

**(6) MAY CONDUCT GUIDED TOURS OF THAT PORTION OF THE LICENSED PREMISES USED FOR THE LIMITED DISTILLERY OPERATION; AND**

**(7) MAY SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO PERSONS WHO:**

**(I) HAVE ATTAINED THE LEGAL DRINKING AGE;**

**(II) PARTICIPATED IN A GUIDED TOUR; AND**

**(III) ARE PRESENT ON THAT PORTION OF THE PREMISES USED FOR THE LIMITED DISTILLERY OPERATION.**

**(D) PROHIBITED ACTIONS.**

**A HOLDER OF THE LIMITED DISTILLERY LICENSE MAY NOT:**

**(1) APPLY FOR OR POSSESS A WHOLESALER'S LICENSE;**

**(2) SELL BOTTLES OF THE PRODUCTS MANUFACTURED AT THE CLASS 9 LIMITED DISTILLERY ON THAT PART OF THE PREMISES USED FOR THE DISTILLERY OPERATION;**

**(3) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, DISTILL, RECTIFY, BOTTLE, OR SELL MORE THAN 100,000 GALLONS OF BRANDY, RUM, WHISKEY, ALCOHOL, AND NEUTRAL SPIRITS EACH CALENDAR YEAR;**

**(4) SELL AT RETAIL ON THE PREMISES OF THE CLASS D LICENSE, FOR ON-SALE OR OFF-SALE CONSUMPTION, MORE THAN 15,500 GALLONS OF THE PRODUCTS MANUFACTURED UNDER THE LICENSE EACH CALENDAR YEAR; AND**

**(5) OWN, OPERATE, OR BE AFFILIATED IN ANY MANNER WITH ANOTHER MANUFACTURER.**

**(E) REQUIREMENTS TO DISTILL ADDITIONAL GALLONAGE.**

**TO DISTILL MORE THAN THE GALLONAGE SPECIFIED IN SUBSECTION (D)(3) OF THIS SECTION, A HOLDER OF THE LIMITED DISTILLERY LICENSE SHALL DIVEST ITSELF OF ANY CLASS D RETAIL LICENSE AND OBTAIN A CLASS 1 DISTILLERY LICENSE.**

**(F) TRADE PRACTICE RESTRICTIONS IN EFFECT.**

**A HOLDER OF THE LIMITED DISTILLERY LICENSE SHALL ABIDE BY ALL TRADE PRACTICE RESTRICTIONS APPLICABLE TO DISTILLERIES.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–202.1(a), (c), (d), and (b)(2) and, as it related to the annual license fee for Class 9 limited distillery licenses, 2–201(a).

In subsection (b) of this section, the former reference to “Worcester County” is deleted as unnecessary in light of the organization of this revised article. The specific reference to Worcester County is instead revised in § 33–401 of this article.

Former Art. 2B, § 2–202.1(b)(1), which stated that the limited distillery shall be issued by the State Comptroller, is deleted as redundant of § 2–201 of this subtitle.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

“Wine” 1–101

**2–204. CLASS 2 RECTIFYING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 2 RECTIFYING LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY:**

**(1) ESTABLISH AND OPERATE A PLANT FOR RECTIFYING, BLENDING, AND BOTTLING ALCOHOLIC BEVERAGES AT THE LOCATION DESCRIBED IN THE LICENSE;**

**(2) SELL AND DELIVER ALCOHOLIC BEVERAGES TO:**

**(I) A HOLDER OF A CLASS 1 DISTILLERY LICENSE, CLASS 2 RECTIFYING LICENSE, OR WHOLESALER'S LICENSE;**

**(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE THE ALCOHOLIC BEVERAGE; AND**

**(III) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO ACQUIRE THE ALCOHOLIC BEVERAGE;**

**(3) ACQUIRE ALCOHOLIC BEVERAGES FROM THE HOLDER OF A CLASS 1 DISTILLERY LICENSE, CLASS 2 RECTIFYING LICENSE, CLASS 3 WINERY LICENSE, WHOLESALER'S LICENSE, OR NONRESIDENT DEALER'S PERMIT;**

**(4) RECTIFY, BLEND, BOTTLE, AND STORE ALCOHOLIC BEVERAGES IN THE NAME OF ANOTHER PERSON OR UNDER A TRADE NAME IF THE OTHER PERSON OR TRADE NAME ALSO HOLDS A CLASS 2 RECTIFYING LICENSE; AND**

**(5) (I) CONDUCT GUIDED TOURS OF THE LICENSED PREMISES; AND**

**(II) SERVE NOT MORE THAN THREE SAMPLES OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN ONE-HALF OUNCE FROM A SINGLE PRODUCT, TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE AND PARTICIPATED IN A GUIDED TOUR OF THE LICENSED PREMISES.**

**(C) ACTING AS CATERER OF FOOD — PROHIBITED.**

**A LICENSE HOLDER OR ENTITY IN WHICH A LICENSE HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

**(D) TIME LIMITS.**

**SUBJECT TO SUBSECTION (E) OF THIS SECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (B)(5) OF THIS SECTION:**

**(1) FOR OFF-PREMISES CONSUMPTION OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES AND FOR SAMPLING, FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

**(2) FOR ON-PREMISES CONSUMPTION OF PRODUCTS MANUFACTURED AT THE LICENSED PREMISES:**

**(I) FROM 10 A.M. TO 6 P.M. EACH DAY; OR**

**(II) IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.**

**(E) DAYS OF OPERATION.**

**A CLASS 2 RECTIFYING LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

**(F) FILING OF NOTICE REQUIRED.**

**AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.**

**(G) UNAUTHORIZED PRODUCTS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LICENSED PREMISES ANY PRODUCT OTHER THAN PRODUCTS PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

**(2) A HOLDER OF A CATERER'S LICENSE OR PRIVILEGE UNDER SUBTITLE 5 OF THIS TITLE OR SUBTITLE 12 OF VARIOUS TITLES OF DIVISION II OF THIS ARTICLE MAY EXERCISE THE PRIVILEGES OF THE LICENSE OR PRIVILEGE ON THE LICENSED PREMISES OF THE LICENSE HOLDER.**

**(H) EFFECT OF SECTION.**

**NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–203(a) through (c), (e) through (g), and, as it related to days of operation, (d)(1) and, as it related to the Class 2 rectifying license, 2–201(a).

In subsection (b)(1) of this section, the reference to a plant “at the location described in the license” is substituted for the former reference to a plant “in this State” for clarity and consistency within this subtitle.

In subsection (b)(3) of this section, the former reference to certain manufacturer's licenses and wholesaler's licenses “in this State” is deleted as implicit in the nature of those licenses as authorizing manufacturing and wholesaling in this State and not in other states.

In subsection (b)(4) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler's license” § 1–101

## **2–205. CLASS 3 WINERY LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 3 WINERY LICENSE.**

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

**A LICENSE HOLDER MAY:**

**(1) ESTABLISH AND OPERATE A PLANT FOR FERMENTING AND BOTTLING WINE AT THE LOCATION DESCRIBED IN THE LICENSE;**

**(2) IMPORT BULK WINE FROM THE HOLDER OF A NONRESIDENT DEALER'S PERMIT;**

**(3) SELL AND DELIVER WINE TO:**

**(I) A HOLDER OF A WHOLESALER'S LICENSE;**



(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE WINE; AND

(III) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO ACQUIRE WINE;

(4) SUBJECT TO SUBSECTION (C) OF THIS SECTION, SELL AT RETAIL WINE MADE AT THE PLANT FROM PRODUCTS GROWN IN THE STATE TO AN INDIVIDUAL PARTICIPATING IN A GUIDED TOUR OF THE PLANT; AND

(5) SERVE, AT NO CHARGE, NOT MORE THAN 6 OUNCES OF WINE MADE AT THE PLANT TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE AND IS PARTICIPATING IN A GUIDED TOUR OF THE PLANT.

(C) PURCHASES BY INDIVIDUAL.

AN INDIVIDUAL MAY PURCHASE WINE UNDER SUBSECTION (B)(4) OF THIS SECTION IF THE INDIVIDUAL:

(1) PURCHASES NOT MORE THAN 1 QUART IN A SINGLE YEAR; AND

(2) HAS ATTAINED THE LEGAL DRINKING AGE.

(D) FEE.

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-204(a) and, as it related to the Class 3 winery license, 2-201(a).

In subsection (b)(1) of this section, the reference to a plant "at the location described in the license" is substituted for the former reference to a plant "in this State" for clarity and consistency within this subtitle.

In subsection (b)(3)(ii) of this section, the reference to a holder "that is authorized to acquire wine" is added for clarity and consistency within this subtitle.

In subsection (b)(4) of this section, the reference to wine being sold "at retail" is substituted for the former reference to wine being sold "at a retail price" for brevity and consistency within this article.

In subsection (b)(4) and (5) of this section, the references to the “plant” are substituted for the former references to the “facility” for consistency within this section.

In subsections (b)(5) and (c)(2) of this section, the former references to the “Maryland” legal drinking age are deleted as surplusage.

In subsection (b)(5) and the introductory language of subsection (c) of this section, the references to an “individual” are substituted for the former defined term “person[s]” because only an individual and not any of the other entities contained in the definition of “person” is capable of taking a tour of a winery or of consuming wine. No substantive change is intended.

Defined terms: “Person” § 1–101  
 “State” § 1–101  
 “Wholesaler’s license” § 1–101  
 “Wine” § 1–101

## **2–206. CLASS 4 LIMITED WINERY LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 4 LIMITED WINERY LICENSE.**

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

#### **(1) A LICENSE HOLDER MAY:**

**(I) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM AVAILABLE MARYLAND AGRICULTURAL PRODUCTS:**

- 1. FERMENT AND BOTTLE WINE; AND**
- 2. DISTILL AND BOTTLE POMACE BRANDY; AND**

#### **(II) SELL AND DELIVER THE WINE AND POMACE BRANDY TO:**

- 1. A HOLDER OF A WHOLESALER’S LICENSE;**
- 2. A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE WINE OR POMACE BRANDY; OR**
- 3. A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO ACQUIRE WINE OR POMACE BRANDY.**

**(2) (I) ON OR BEFORE JANUARY 31 OF EACH YEAR, THE MARYLAND DEPARTMENT OF AGRICULTURE SHALL DETERMINE IF AN INSUFFICIENT SUPPLY OF MARYLAND AGRICULTURAL PRODUCTS EXISTS.**

**(II) IF AN INSUFFICIENT SUPPLY IS DETERMINED TO EXIST, A LICENSE HOLDER MAY USE AGRICULTURAL PRODUCTS FROM OUTSIDE THE STATE TO MANUFACTURE WINE AND POMACE BRANDY DURING THE PERIOD COVERED BY THE DETERMINATION OF THE DEPARTMENT.**

**(3) EXCEPT AS PROVIDED IN SUBTITLE 3 OF THIS TITLE, A LICENSE HOLDER NEED NOT OBTAIN ANY OTHER LICENSE TO POSSESS, MANUFACTURE, SELL, OR TRANSPORT WINE OR POMACE BRANDY.**

**(4) A LICENSE HOLDER MAY:**

**(I) SELL WINE AND POMACE BRANDY PRODUCED BY THE LICENSE HOLDER FOR CONSUMPTION;**

**(II) IN AN AMOUNT NOT EXCEEDING 2 FLUID OUNCES PER BRAND, PROVIDE SAMPLES OF WINE AND POMACE BRANDY THAT THE LICENSE HOLDER PRODUCES TO A CONSUMER:**

**1. AT NO CHARGE; OR**

**2. FOR A FEE; AND**

**(III) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, SELL OR SERVE ONLY:**

**1. BREAD AND OTHER BAKED GOODS;**

**2. CHILI;**

**3. CHOCOLATE;**

**4. CRACKERS;**

**5. CURED MEAT;**

**6. FRUITS (WHOLE AND CUT);**

**7. HARD AND SOFT CHEESE (WHOLE AND CUT);**

8. SALADS AND VEGETABLES (WHOLE AND CUT);
9. THE FOLLOWING ITEMS MADE WITH MARYLAND WINE:
  - A. ICE CREAM;
  - B. JAM;
  - C. JELLY; AND
  - D. VINEGAR;
10. PIZZA;
11. PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;
12. SOUP; AND
13. CONDIMENTS.

**(5) (I) A CATERER IS NOT LIMITED TO SELLING OR SERVING ONLY THE FOODS SPECIFIED IN PARAGRAPH (4)(III) OF THIS SUBSECTION.**

**(II) A LICENSE HOLDER OR ENTITY IN WHICH THE LICENSE HOLDER HAS A PECUNIARY INTEREST MAY NOT ACT AS A CATERER OF FOOD.**

**(6) SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN PARAGRAPH (4) OF THIS SUBSECTION:**

**(I) FOR OFF-PREMISES CONSUMPTION OF WINE AND POMACE BRANDY AND FOR SAMPLING, FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION OF WINE AND POMACE BRANDY AND SALES AND SERVICE OF FOOD ON THE LICENSED PREMISES:**

1. FROM 10 A.M. TO 6 P.M. EACH DAY; OR

**2. IF GUESTS ARE ATTENDING A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY ON THE LICENSED PREMISES, FROM 10 A.M. TO 10 P.M. EACH DAY.**

**(7) EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, THE LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

**(8) AT LEAST 14 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT AFTER 6 P.M., A LICENSE HOLDER SHALL FILE A NOTICE OF THE PROMOTIONAL EVENT WITH THE COMPTROLLER ON THE FORM THAT THE COMPTROLLER PROVIDES.**

**(9) A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LOCATION OF THE LIMITED WINERY ANY ALCOHOLIC BEVERAGE OTHER THAN THE WINE OR POMACE BRANDY PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

**(10) NOTHING IN THIS SUBSECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

**(C) PLACE LISTED ON LICENSE TO BE IN COMPLIANCE.**

**THE PLACE LISTED ON THE LICENSE SHALL BE IN COMPLIANCE WITH § 1-405(B) OF THIS ARTICLE.**

**(D) SCOPE OF LICENSE.**

**A LICENSE HOLDER MAY:**

**(1) STORE ON ITS LICENSED PREMISES, IN A SEGREGATED AREA APPROVED BY THE COMPTROLLER, THE PRODUCT OF OTHER CLASS 4 LIMITED WINERIES TO BE USED AT MARYLAND WINERIES ASSOCIATION PROMOTIONAL ACTIVITIES, PROVIDED RECORDS ARE MAINTAINED AND REPORTS FILED REGARDING THE STORAGE UNDER THIS ITEM AS MAY BE REQUIRED BY THE COMPTROLLER;**

**(2) DISTILL AND BOTTLE NOT MORE THAN 1,900 GALLONS OF POMACE BRANDY MADE FROM AVAILABLE MARYLAND AGRICULTURAL PRODUCTS;**

**(3) PURCHASE BULK WINE FERMENTED BY A MANUFACTURER LICENSED UNDER THIS ARTICLE AND BLEND THE WINE WITH THE LICENSE HOLDER'S WINE AND POMACE BRANDY IF THE AGGREGATE PURCHASE DOES NOT**

**EXCEED 25% OF THE LICENSE HOLDER'S ANNUAL WINE AND POMACE BRANDY PRODUCTION;**

**(4) PURCHASE POMACE BRANDY ONLY FOR BLENDING WITH WINE;**

**(5) IMPORT, EXPORT, AND TRANSPORT ITS WINE AND POMACE BRANDY IN ACCORDANCE WITH THIS SECTION; AND**

**(6) PRODUCE WINE AND POMACE BRANDY AT A WAREHOUSE FOR WHICH THE LICENSE HOLDER HAS BEEN ISSUED AN INDIVIDUAL STORAGE PERMIT, IF:**

**(I) THE LICENSE HOLDER DOES NOT SERVE OR SELL WINE OR POMACE BRANDY AT A WAREHOUSE TO THE PUBLIC; AND**

**(II) THE COMPTROLLER HAS FULL ACCESS AT ALL TIMES TO THE WAREHOUSE TO ENFORCE THIS ARTICLE.**

**(E) LOCATION.**

**A CLASS 4 LIMITED WINERY MAY BE LOCATED ONLY AT THE PLACE STATED ON 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

“Wholesaler’s license” § 1–101

“Wine” § 1–101

**2–207. CLASS 5 BREWERY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 5 BREWERY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY:**

**(1) ESTABLISH AND OPERATE A PLANT FOR BREWING AND BOTTLING MALT BEVERAGES AT THE LOCATION DESCRIBED IN THE LICENSE;**

**(2) IMPORT BEER FROM A HOLDER OF A NONRESIDENT DEALER’S PERMIT;**

**(3) SELL AND DELIVER BEER TO:**

**(I) A HOLDER OF A WHOLESALER'S LICENSE THAT IS AUTHORIZED TO ACQUIRE BEER; OR**

**(II) A PERSON OUTSIDE OF THE STATE THAT IS AUTHORIZED TO ACQUIRE BEER;**

**(4) SERVE, AT NO CHARGE, NOT MORE THAN SIX SAMPLES OF BEER BREWED AT THE BREWERY, WITH EACH SAMPLE CONSISTING OF NOT MORE THAN 3 OUNCES FROM A SINGLE STYLE OF BEER, TO AN INDIVIDUAL WHO:**

**(I) HAS ATTAINED THE LEGAL DRINKING AGE; AND**

**(II) IS PARTICIPATING IN A GUIDED TOUR OF THE BREWERY OR ATTENDS A SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE BREWERY;**

**(5) SUBJECT TO SUBSECTION (C) OF THIS SECTION, SELL BEER BREWED AT THE BREWERY FOR OFF-PREMISES CONSUMPTION AT RETAIL TO AN INDIVIDUAL PARTICIPATING IN A GUIDED TOUR OF THE BREWERY OR ATTENDING A SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE BREWERY; AND**

**(6) SUBJECT TO SUBSECTION (E) OF THIS SECTION, SELL BEER BREWED AT THE LOCATION DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) PURCHASES BY INDIVIDUAL.**

**AN INDIVIDUAL MAY PURCHASE BEER UNDER SUBSECTION (B)(5) OF THIS SECTION IF THE INDIVIDUAL:**

**(1) PURCHASES NOT MORE THAN 288 OUNCES OF BEER; AND**

**(2) HAS ATTAINED THE LEGAL DRINKING AGE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

**(E) ON-SITE CONSUMPTION PERMIT.**



**(1) A LOCAL LICENSING BOARD SHALL GRANT AN ON-SITE CONSUMPTION PERMIT TO AN APPLICANT THAT HOLDS A CLASS 5 BREWERY LICENSE AND, SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A CLASS D BEER LICENSE.**

**(2) (I) AN ON-SITE CONSUMPTION PERMIT ENTITLES THE HOLDER TO SELL BEER BREWED AT THE BREWERY FOR ON-PREMISES CONSUMPTION TO AN INDIVIDUAL WHO HAS ATTAINED THE LEGAL DRINKING AGE.**

**(II) THE TOTAL AMOUNT OF BEER SOLD EACH YEAR FOR ON-PREMISES CONSUMPTION UNDER THIS PARAGRAPH MAY NOT EXCEED 500 BARRELS.**

**(3) BEFORE A LOCAL LICENSING BOARD THAT DOES NOT ISSUE A CLASS D BEER LICENSE MAY GRANT AN ON-SITE CONSUMPTION PERMIT, THE LOCAL LICENSING BOARD SHALL:**

**(I) ESTABLISH AN EQUIVALENT LICENSE; AND**

**(II) REQUIRE THE APPLICANT TO OBTAIN THAT EQUIVALENT LICENSE.**

**(4) A LOCAL LICENSING BOARD MAY:**

**(I) CHARGE A FEE FOR GRANTING AN ON-SITE CONSUMPTION PERMIT; AND**

**(II) REQUIRE THAT THE HOLDER OF THE PERMIT OR AN EMPLOYEE DESIGNATED BY THE HOLDER COMPLY WITH THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.**

**(F) BREWERY PROMOTIONAL EVENT PERMIT.**

**(1) THE COMPTROLLER MAY ISSUE A BREWERY PROMOTIONAL EVENT PERMIT TO A HOLDER OF A CLASS 5 BREWERY LICENSE.**

**(2) THE PERMIT AUTHORIZES THE HOLDER TO CONDUCT ON THE PREMISES OF THE BREWERY A PROMOTIONAL EVENT AT WHICH THE HOLDER MAY:**

**(I) PROVIDE SAMPLES OF NOT MORE THAN 3 FLUID OUNCES PER BRAND TO CONSUMERS; AND**

**(II) SELL BEER PRODUCED BY THE HOLDER TO INDIVIDUALS WHO PARTICIPATE IN THE EVENT.**

**(3) THE BEER AT THE EVENT SHALL BE SOLD BY THE GLASS FOR ON-PREMISES CONSUMPTION ONLY.**

**(4) TO OBTAIN A PERMIT, AN APPLICANT, AT LEAST 15 DAYS BEFORE THE EVENT, SHALL FILE WITH THE COMPTROLLER AN APPLICATION THAT THE COMPTROLLER PROVIDES.**

**(5) A HOLDER OF A CLASS 5 BREWERY LICENSE MAY NOT BE ISSUED MORE THAN 12 PERMITS IN A CALENDAR YEAR.**

**(6) A SINGLE PROMOTIONAL EVENT MAY NOT EXCEED 3 CONSECUTIVE DAYS.**

**(7) THE PERMIT FEE IS \$25 PER EVENT.**

**(G) REFILLABLE CONTAINER PERMIT.**

**(1) (I) THE COMPTROLLER MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER UNDER § 4-1104 OR SUBTITLE 11 OF THE VARIOUS TITLES IN DIVISION II OF THIS ARTICLE TO A HOLDER OF A CLASS 5 BREWERY LICENSE:**

**1. ON COMPLETION OF AN APPLICATION FORM THAT THE COMPTROLLER PROVIDES; AND**

**2. AT NO COST TO THE HOLDER OF THE CLASS 5 BREWERY LICENSE.**

**(II) A REFILLABLE CONTAINER PERMIT MAY BE RENEWED EACH YEAR CONCURRENTLY WITH THE RENEWAL OF THE CLASS 5 BREWERY LICENSE.**

**(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ISSUED UNDER THIS SUBSECTION ARE THE SAME AS THE HOURS WHEN A GUIDED TOUR, A PROMOTIONAL EVENT, OR OTHER ORGANIZED ACTIVITY AT THE LICENSED PREMISES AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION MAY BE CONDUCTED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-206(a), (b), (c), and (d)(1) and (4) and, as it related to the Class 5 brewery license, 2-201(a).

In subsection (b)(1) of this section, the former reference to a plant “in this State” is deleted as surplusage.

In subsections (c) and (f)(2)(ii) of this section, the references to “individual[s]” are substituted for the former defined term “person[s]” because only an individual and not any of the other entities contained in the definition of “person” is capable of taking a tour of a brewery, consuming beer, or purchasing beer for consumption. No substantive change is intended.

In subsection (f) of this section, the former references to the “Office of the” Comptroller are deleted as unnecessary.

Former Art. 2B, § 2–206(d)(2), (3), and (5), which described the standards required of a refillable container permit, are deleted as redundant of § 4–1104 of this article.

Former Art. 2B, § 2–206(d)(6), which stated that the Comptroller may adopt regulations to implement former Art. 2B, § 2–206(d), is deleted as unnecessary. Under § 1–302(a) of this article, the Comptroller is required to adopt regulations to discharge the duties of this article.

Defined terms: “Beer” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

## **2–208. CLASS 6 PUB–BREWERY LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 6 PUB–BREWERY LICENSE.**

### **(B) AUTHORIZED HOLDER AND PREMISES.**

**(1) THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT.**

**(2) THE PUB–BREWERY SHALL BE LOCATED IMMEDIATELY ADJACENT TO THE RESTAURANT WHERE THE MALT BEVERAGE IS TO BE SOLD TO THE PUBLIC.**

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

**A LICENSE HOLDER:**

**(1) MAY BREW MALT BEVERAGES AT A SINGLE LOCATION FOR CONSUMPTION ON THE RESTAURANT PREMISES; BUT**

**(2) MAY NOT BREW MORE THAN 2,000 BARRELS OF MALT BEVERAGE EACH CALENDAR YEAR.**

**(D) REFILLABLE CONTAINERS — OFF-PREMISES CONSUMPTION.**

**(1) A LICENSE HOLDER MAY SELL AT RETAIL MALT BEVERAGES FOR OFF-PREMISES CONSUMPTION IN A SEALED REFILLABLE CONTAINER.**

**(2) THE CONTAINER:**

**(I) MAY BE RETURNED FOR REFILLING; AND**

**(II) SHALL BE SEALED BY THE LICENSE HOLDER WHEN REFILLED.**

**(3) A LICENSE HOLDER MAY NOT SELL MALT BEVERAGES TO A RETAIL DEALER IN THE STATE FOR SUBSEQUENT SALE OR DISTRIBUTION OF THE MALT BEVERAGE UNDER THE RETAIL LICENSE.**

**(E) TRANSFER.**

**EXCEPT FOR A LICENSE TRANSFERRED TO A NEW LOCATION, THE LICENSE MAY BE TRANSFERRED UNDER TITLE 4, SUBTITLE 3 OF THIS ARTICLE IF AN APPLICATION FOR TRANSFER IS FILED AT THE SAME TIME WITH THE LOCAL LICENSING BOARD AND THE COMPTROLLER.**

**(F) SUSPENSION.**

**IF THE CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OF THE HOLDER IS SUSPENDED, THE CLASS 6 PUB-BREWERY LICENSE SHALL BE SUSPENDED FOR THE SAME PERIOD.**

**(G) TERMINATION.**

**THE LICENSE IS VOID IF:**

**(1) THE RESTAURANT DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION CEASES TO BE OPERATED AS A RESTAURANT; OR**

**(2) THE CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OF THE LICENSE HOLDER IS REVOKED OR TRANSFERRED TO A DIFFERENT LOCATION.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-207(a)(1) and (2), (b) through (f), and (g)(2) through (4) and, as it related to the Class 6 pub-brewery license, 2-201(a).

In subsection (b)(1) of this section, the former reference to a restaurant "located in the jurisdictions permitted by this subsection" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the reference to "malt beverage" is substituted for the former reference to "brewed beverage" for consistency throughout this section.

In subsection (e) of this section, the former reference to the "Office of the" Comptroller is deleted as unnecessary.

In subsection (f) of this section, the former reference to a period "of time" is deleted as surplusage.

Former Art. 2B, § 2-207(a)(3) and (g)(1), which listed the jurisdictions where this section is applicable, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"Local licensing board" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Retail dealer" § 1-101

"State" § 1-101

"Wine" § 1-101

**2-209. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 7 MICRO-BREWERY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY:**

**(1) BREW AND BOTTLE MALT BEVERAGES AT THE LOCATION DESCRIBED IN THE LICENSE;**

**(2) OBTAIN A CLASS 2 RECTIFYING LICENSE FOR A PREMISES LOCATED WITHIN 1 MILE OF THE EXISTING CLASS 7 MICRO-BREWERY LOCATION TO BOTTLE MALT BEVERAGES BREWED AT THE MICRO-BREWERY LOCATION ONLY;**

**(3) CONTRACT TO BREW AND BOTTLE MALT BEVERAGES WITH AND ON BEHALF OF THE HOLDER OF A CLASS 2 RECTIFYING LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, CLASS 8 FARM BREWERY LICENSE, OR A NONRESIDENT DEALER'S PERMIT;**

**(4) STORE THE FINISHED PRODUCT UNDER AN INDIVIDUAL STORAGE PERMIT OR AT A LICENSED PUBLIC STORAGE FACILITY FOR SUBSEQUENT SALE AND DELIVERY:**

**(I) TO A HOLDER OF A WHOLESALER'S LICENSE;**

**(II) TO AN AUTHORIZED PERSON OUTSIDE THE STATE; OR**

**(III) FOR SHIPMENT BACK TO THE MICRO-BREWERY LOCATION FOR SALE ON THE RETAIL PREMISES; AND**

**(5) ENTER INTO A TEMPORARY DELIVERY AGREEMENT WITH A DISTRIBUTOR ONLY FOR DELIVERY OF BEER TO A BEER FESTIVAL OR A WINE AND BEER FESTIVAL, AND THE RETURN OF ANY UNUSED BEER, IF:**

**(I) THE FESTIVAL IS IN A SALES TERRITORY FOR WHICH THE LICENSE HOLDER DOES NOT HAVE A FRANCHISE WITH A DISTRIBUTOR UNDER THE**

**BEER FRANCHISE FAIR DEALING ACT IN TITLE 5, SUBTITLE 1 OF THIS ARTICLE;  
AND**

**(II) THE TEMPORARY DELIVERY AGREEMENT IS IN WRITING.**

**(D) LIMITATIONS — PRODUCTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 22,500 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**

**(2) (I) IN DETERMINING THE BARRELAGE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, ANY SALABLE BEER PRODUCED UNDER A CONTRACTUAL ARRANGEMENT ACCRUES ONLY TO THE LICENSE HOLDER THAT OWNS THE BRAND.**

**(II) A LICENSE HOLDER THAT WISHES TO PRODUCE MORE THAN THE BARRELAGE AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

- 1. DIVEST ITSELF OF ANY RETAIL LICENSE; AND**
- 2. OBTAIN A CLASS 5 BREWERY LICENSE.**

**(3) A LICENSE HOLDER THAT HAS LICENSES FOR TWO LOCATIONS MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 22,500 BARRELS OF MALT BEVERAGES IN AGGREGATE FROM BOTH OF ITS LOCATIONS EACH CALENDAR YEAR.**

**(E) LIMITATIONS — AFFILIATION AND LICENSURE.**

**A LICENSE HOLDER:**

**(1) MAY NOT OWN, OPERATE, OR BE AFFILIATED WITH ANOTHER MANUFACTURER OF BEER EXCEPT FOR A CLASS 2 RECTIFYING LICENSE AUTHORIZED UNDER SUBSECTION (C)(2) OF THIS SECTION; AND**

**(2) MAY NOT BE GRANTED A WHOLESALER'S LICENSE.**

**(F) ON-SALE AND OFF-SALE PRIVILEGES.**

**(1) THE ON-SALE PRIVILEGE AUTHORIZES THE LICENSE HOLDER, EACH CALENDAR YEAR, TO SELL AT RETAIL FOR ON-PREMISES CONSUMPTION:**

**(I) UP TO 4,000 BARRELS OF BEER BREWED UNDER THE LICENSE; OR**

**(II) IF THE LICENSE HOLDER HAS LICENSES FOR TWO LOCATIONS, BEER THAT:**

**1. TOTALS ANNUALLY UP TO 4,000 BARRELS IN AGGREGATE FROM BOTH ITS LOCATIONS; AND**

**2. HAS BEEN BREWED AT THE LOCATION WHERE IT IS SOLD.**

**(2) A LICENSE HOLDER MAY SELL AND DELIVER BEER BREWED UNDER THE LICENSE TO:**

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

**(II) A PERSON OUTSIDE THE STATE THAT IS AUTHORIZED TO ACQUIRE BEER.**

**(G) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS FOR RETAIL SALES UNDER THE LICENSE ARE THOSE ESTABLISHED FOR A CLASS B LICENSE OR FOR A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(H) REFILLABLE CONTAINERS AND PREPACKAGED BEER — OFF-PREMISES CONSUMPTION.**

**A LICENSE HOLDER MAY SELL AT RETAIL BEER BREWED UNDER THE LICENSE FOR OFF-PREMISES CONSUMPTION:**

**(1) IN A SEALED REFILLABLE CONTAINER THAT:**

**(I) MAY BE RETURNED FOR REFILLING; AND**

**(II) SHALL BE SEALED BY THE LICENSE HOLDER WHEN REFILLED; AND**

**(2) AS PREPACKAGED BEER IN A NONREFILLABLE CONTAINER.**

**(I) FEE.**



**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–208(a), (b)(1) and (3)(i), (c)(1)(i)1 through 4, 5A, and 6, (2), and (3), (d)(1), (2), and (3)(ii), (e)(2), and (f)(1)(i) and, as it related to the Class 7 micro–brewery license, 2–201(a).

In subsection (a) of this section, the former inaccurate phrase “(on– and off–sale)” is deleted because not all jurisdictions in which the Class 7 micro–brewery license is authorized allow retail sale of beer for off–premises consumption.

In subsection (b) of this section, the former reference to a restaurant “located in a jurisdiction listed in paragraph (2) of this subsection” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(1) of this section, the reference to the “location described in the license” is substituted for the former reference to the “license location” for accuracy and consistency within this subtitle.

In subsection (e)(2) of this section, the former phrase “[n]otwithstanding § 2–201(b) of this subtitle” is deleted as obsolete, as it referred to a provision that was changed as a result of Chapter 207, Acts of 2013.

In subsection (f)(2)(ii) of this section, the reference to “beer” is substituted for the former reference to “brewed beverages” for consistency within this subsection.

Also in subsection (f)(2)(ii) of this section, the former reference to a person being authorized “under the laws of that state” to acquire beer is deleted as unnecessary.

In subsection (g) of this section, the former reference to a Class B license “in the respective jurisdictions listed in subsection (b)(2) of this section” is deleted as unnecessary in light of the organization of this revised article.

In subsection (h)(1)(i) of this section, the reference to the container being “returned for refilling” is added to state expressly that which was only implied in the former law.

In subsection (h)(1)(ii) of this section, the reference to the container being sealed “when” filled is substituted for the former reference to being sealed “at the time of each” refill for brevity.

Former Art. 2B, § 2-208(d)(3)(i), which listed the jurisdictions where this section is applicable, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“On-sale” § 1-101

“Person” § 1-101

“Restaurant” § 1-101

“State” § 1-101

“Wholesaler’s license” § 1-101

“Wine” § 1-101

## **2-210. CLASS 8 FARM BREWERY LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 8 FARM BREWERY LICENSE.**

### **(B) SCOPE OF AUTHORIZATION — IN GENERAL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY SELL AND DELIVER BEER MANUFACTURED IN A FACILITY ON THE LICENSED FARM OR IN A FACILITY OTHER THAN ONE ON THE LICENSED FARM TO:**

**(I) A WHOLESALER LICENSED TO SELL AND DELIVER BEER IN THE STATE; OR**

**(II) A PERSON IN ANOTHER STATE AUTHORIZED TO ACQUIRE BEER.**

**(2) THE BEER TO BE SOLD AND DELIVERED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MANUFACTURED WITH AN INGREDIENT FROM A MARYLAND AGRICULTURAL PRODUCT, INCLUDING HOPS, GRAIN, AND FRUIT, PRODUCED ON THE LICENSED FARM.**

### **(C) SCOPE OF AUTHORIZATION — SPECIFIC ACTS.**

**A LICENSE HOLDER MAY:**

**(1) (I) SELL BEER PRODUCED BY THE LICENSE HOLDER FOR ON-PREMISES CONSUMPTION;**

**(II) IN AN AMOUNT NOT EXCEEDING 6 FLUID OUNCES PER BRAND, PROVIDE SAMPLES OF BEER THAT THE LICENSE HOLDER PRODUCES TO A CONSUMER:**

- 1. AT NO CHARGE; OR**
- 2. FOR A FEE; AND**

**(III) SELL OR SERVE:**

- 1. BREAD AND OTHER BAKED GOODS;**
- 2. CHILI;**
- 3. CHOCOLATE;**
- 4. CRACKERS;**
- 5. CURED MEAT;**
- 6. FRUITS (WHOLE AND CUT);**
- 7. HARD AND SOFT CHEESE (WHOLE AND CUT);**
- 8. SALADS AND VEGETABLES (WHOLE AND CUT);**
- 9. ICE CREAM;**
- 10. JAM;**
- 11. JELLY;**
- 12. VINEGAR;**
- 13. PIZZA;**
- 14. PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;**
- 15. SOUP; AND**
- 16. CONDIMENTS;**

**(2) STORE ON ITS LICENSED FARM, IN A SEGREGATED AREA APPROVED BY THE COMPTROLLER, BEER PRODUCED AT THE LICENSED FARM FOR SALE AND DELIVERY TO A WHOLESALER LICENSED IN THE STATE OR A PERSON OUTSIDE THE STATE AUTHORIZED TO ACQUIRE THE BEER;**

**(3) BREW, BOTTLE, OR CONTRACT FOR NOT MORE THAN 15,000 BARRELS OF BEER EACH CALENDAR YEAR;**

**(4) CONTRACT WITH THE HOLDER OF A CLASS 2 RECTIFYING LICENSE, A CLASS 5 BREWERY LICENSE, OR A CLASS 7 MICRO-BREWERY LICENSE TO BREW AND BOTTLE BEER FROM INGREDIENTS PRODUCED ON THE LICENSED FARM;**

**(5) IMPORT, EXPORT, AND TRANSPORT ITS BEER IN ACCORDANCE WITH THIS SECTION;**

**(6) STORE BEER AT A WAREHOUSE FOR WHICH THE LICENSE HOLDER HAS BEEN ISSUED AN INDIVIDUAL STORAGE PERMIT, FOR SALE AND DELIVERY TO A WHOLESALER LICENSED IN THE STATE OR A PERSON OUTSIDE THE STATE AUTHORIZED TO ACQUIRE THE BEER, OR SHIPMENT BACK TO THE LICENSED FARM, IF:**

**(I) THE LICENSE HOLDER DOES NOT SERVE OR SELL BEER AT THE WAREHOUSE; AND**

**(II) THE COMPTROLLER HAS FULL ACCESS AT ALL TIMES TO THE WAREHOUSE TO ENFORCE THIS ARTICLE; AND**

**(7) ENTER INTO A TEMPORARY DELIVERY AGREEMENT WITH A DISTRIBUTOR ONLY FOR DELIVERY OF BEER TO A BEER FESTIVAL OR A WINE AND BEER FESTIVAL, AND THE RETURN OF ANY UNUSED BEER, IF:**

**(I) THE FESTIVAL IS IN A SALES TERRITORY FOR WHICH THE LICENSE HOLDER DOES NOT HAVE A FRANCHISE WITH A DISTRIBUTOR UNDER THE BEER FRANCHISE FAIR DEALING ACT IN TITLE 5, SUBTITLE 1 OF THIS ARTICLE; AND**

**(II) THE TEMPORARY DELIVERY AGREEMENT IS IN WRITING.**

**(D) LIMITATION ON BREWERY LOCATION.**

**(1) A CLASS 8 FARM BREWERY MAY BE LOCATED ONLY AT THE PLACE STATED ON THE LICENSE.**

**(2) THE PLACE LISTED ON THE LICENSE SHALL BE IN COMPLIANCE WITH § 1-405(B) OF THIS ARTICLE.**

**(E) PREEMPTION OF LOCAL LAW.**

**NOTWITHSTANDING ANY LOCAL LAW, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF A CLASS 8 FARM BREWERY LICENSE.**

**(F) HOURS OF OPERATION.**

**SUBJECT TO SUBSECTIONS (J) AND (K) OF THIS SECTION, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE EACH DAY:**

**(1) FROM 10 A.M. TO 6 P.M., FOR CONSUMPTION OF BEER AND SALES AND SERVICE OF FOOD AT THE LICENSED FARM; AND**

**(2) FROM 10 A.M. TO 10 P.M., FOR:**

**(I) SAMPLING OF BEER;**

**(II) CONSUMPTION OF BEER OFF THE LICENSED FARM IF THE BEER IS PACKAGED IN SEALED OR RESEALABLE CONTAINERS, SUCH AS GROWLERS; AND**

**(III) GUESTS WHO ATTEND A PLANNED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE LICENSED FARM.**

**(G) DAYS OF OPERATION.**

**EXCEPT AS PROVIDED IN DIVISION II OF THIS ARTICLE, A CLASS 8 FARM BREWERY LICENSE ALLOWS THE LICENSE HOLDER TO OPERATE 7 DAYS A WEEK.**

**(H) UNAUTHORIZED PRODUCTS.**

**EXCEPT AS PROVIDED IN SUBSECTION (J) OF THIS SECTION, A LICENSE HOLDER MAY NOT SELL OR ALLOW TO BE CONSUMED AT THE LOCATION OF THE FARM BREWERY ANY ALCOHOLIC BEVERAGE OTHER THAN THE BEER PRODUCED BY THE LICENSE HOLDER UNDER THE AUTHORITY OF THIS SECTION.**

**(I) SECTION NOT TO LIMIT APPLICATION OF HEALTH – GENERAL ARTICLE.**

**NOTHING IN THIS SECTION LIMITS THE APPLICATION OF RELEVANT PROVISIONS OF TITLE 21 OF THE HEALTH – GENERAL ARTICLE, AND REGULATIONS ADOPTED UNDER THAT TITLE, TO A LICENSE HOLDER.**

**(J) MULTIBREWERY ACTIVITY.**

**(1) A LICENSE HOLDER MAY SPONSOR A MULTIBREWERY ACTIVITY AT THE LICENSED FARM THAT:**

**(I) INCLUDES THE PRODUCTS OF OTHER MARYLAND BREWERIES; AND**

**(II) PROVIDES FOR THE SALE OF BEER BY THE GLASS FOR ON-PREMISES CONSUMPTION ONLY.**

**(2) IN A SEGREGATED AREA APPROVED BY THE COMPTROLLER ON THE LICENSED FARM, A LICENSE HOLDER MAY STORE THE PRODUCTS OF OTHER MARYLAND BREWERIES FOR THE MULTIBREWERY ACTIVITY.**

**(3) THE MULTIBREWERY ACTIVITY:**

**(I) MAY BE HELD FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

**(II) MAY NOT EXCEED 3 CONSECUTIVE DAYS.**

**(K) BREWERY PROMOTIONAL EVENT PERMIT.**

**(1) THE COMPTROLLER MAY ISSUE A BREWERY PROMOTIONAL EVENT PERMIT TO A LICENSE HOLDER.**

**(2) AT LEAST 15 DAYS BEFORE HOLDING A PLANNED PROMOTIONAL EVENT, THE LICENSE HOLDER SHALL OBTAIN A PERMIT FROM THE COMPTROLLER BY FILING A NOTICE OF THE PROMOTIONAL EVENT ON THE FORM THAT THE COMPTROLLER PROVIDES.**

**(3) THE PERMIT AUTHORIZES THE LICENSE HOLDER TO CONDUCT AT THE LICENSED FARM A PROMOTIONAL EVENT AT WHICH THE LICENSE HOLDER MAY:**

**(I) PROVIDE SAMPLES OF NOT MORE THAN 6 FLUID OUNCES PER BRAND TO CONSUMERS; AND**

**(II) SELL BEER PRODUCED BY THE LICENSE HOLDER TO PERSONS WHO PARTICIPATE IN THE EVENT.**

**(4) THE BEER AT THE EVENT SHALL BE SOLD BY THE GLASS AND FOR ON-PREMISES CONSUMPTION ONLY.**

**(5) THE LICENSE HOLDER MAY NOT BE ISSUED MORE THAN 12 PERMITS IN A CALENDAR YEAR.**

**(6) A SINGLE PROMOTIONAL EVENT:**

**(I) MAY BE HELD FROM 10 A.M. TO 10 P.M. EACH DAY; AND**

**(II) MAY NOT EXCEED 3 CONSECUTIVE DAYS.**

**(7) THE PERMIT FEE IS \$25 PER EVENT.**

**(L) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-209(b) through (e) and (a)(1) through (7), (8)(i), (9), and (10) and, as it related to the farm brewery license, 2-201(a).

In subsection (g) of this section, the reference to "Division II of this article" is substituted for the former reference to "subparagraph (ii) of this paragraph" to reflect the organization of this revised article.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"Consumer" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler" § 1-101

## **2-211. RESIDENCY REQUIREMENT.**

**TO BE ISSUED A MANUFACTURER'S LICENSE, THE FOLLOWING INDIVIDUALS SHALL RESIDE IN THE STATE FOR 2 YEARS IMMEDIATELY PRECEDING THE FILING OF AN APPLICATION FOR THE LICENSE:**

**(1) FOR A SOLE PROPRIETORSHIP, THE INDIVIDUAL APPLICANT;**

**(2) FOR A CORPORATION OR LIMITED LIABILITY COMPANY, THE INDIVIDUAL WHO QUALIFIES AS A RESIDENT APPLICANT; OR**

**(3) FOR A PARTNERSHIP, EACH PARTNER OF THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-401(a), as it related to applicants for manufacturer's licenses.

In item (1) of this section, the reference to "a sole proprietorship" is added for clarity.

In item (2) of this section, the reference to a "limited liability company" is added for clarity and consistency with Subtitle 7 of this title.

In item (3) of this section, the reference to each "partner of the applicant" is substituted for the former reference to each "applicant" for accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in the introductory language of this section, which requires that certain license applicants reside in the State for 2 years immediately preceding the filing of a license application, 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: "Manufacturer's license" § 1-101  
"State" § 1-101

## **2-212. ADDITIONAL LICENSES.**

### **(A) MANUFACTURER'S LICENSE.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS 6 PUB-BREWERY LICENSE.**

**(2) THE HOLDER OF A DISTILLERY, RECTIFYING, WINERY, LIMITED WINERY, OR BREWERY LICENSE MAY APPLY FOR AND OBTAIN, UNDER A DIFFERENT NAME, ONE OR MORE ADDITIONAL DISTILLERY, RECTIFYING, WINERY, LIMITED WINERY, OR BREWERY LICENSES FOR THE SAME OR DIFFERENT PREMISES.**



**(3) THE ADDITIONAL LICENSES MAY BE ISSUED TO DIFFERENT PERSONS OR UNDER TRADE NAMES USED BY PERSONS OCCUPYING ALL OR A PART OF THE SAME PREMISES.**

**(4) A HOLDER OF A LICENSE LISTED IN PARAGRAPH (2) OF THIS SUBSECTION MAY HOLD ADDITIONAL LICENSES LISTED IN PARAGRAPH (2) OF THIS SUBSECTION OF THE SAME OR OF A DIFFERENT CLASS.**

**(5) THE HOLDER OF A MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN NOT MORE THAN ONE ADDITIONAL MICRO-BREWERY LICENSE FOR ANOTHER PREMISES.**

**(B) CERTAIN HOLDERS OF MANUFACTURER'S LICENSES ELIGIBLE FOR WHOLESALER'S LICENSES.**

**(1) THE HOLDER OF A RECTIFYING OR WINERY LICENSE MAY APPLY FOR AND OBTAIN A WHOLESALER'S LICENSE OF ANY CLASS FOR THE SAME PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

**(2) THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE FOR THE SAME PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

**(3) (I) THE HOLDER OF A CLASS 5 BREWERY LICENSE OR CLASS 7 MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE IN ACCORDANCE WITH THIS PARAGRAPH.**

**(II) A HOLDER OF A CLASS 5 BREWERY LICENSE THAT WAS SELLING THE HOLDER'S OWN BEER AT WHOLESALE IN THE STATE AS OF JANUARY 1, 2013, MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE TO CONTINUE TO SELL THE HOLDER'S OWN BEER AT WHOLESALE IN THE SAME LOCATION IN AN AMOUNT THAT IS NOT MORE THAN 3,000 BARRELS ANNUALLY.**

**(III) A HOLDER OF A CLASS 5 BREWERY LICENSE THAT PRODUCES IN AGGREGATE FROM ALL ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE AND DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER ANNUALLY.**

**(4) A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY LICENSES THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE AND DISTRIBUTE BEER THAT:**

**(I) TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS IN AGGREGATE FROM ALL OF ITS LOCATIONS; AND**

**(II) HAS BEEN BREWED AT THE LOCATION FROM WHERE IT IS DISTRIBUTED.**

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

Defined terms: "Beer" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler's license" § 1-101

### **2-213. ADDITIONAL FEES.**

#### **(A) INITIAL ISSUANCE.**

**IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS ARTICLE, AN APPLICANT FOR INITIAL ISSUANCE OF A MANUFACTURER'S LICENSE SHALL PAY TO THE COMPTROLLER A NONREFUNDABLE APPLICATION FEE OF \$200.**

#### **(B) RENEWAL.**

**IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS ARTICLE, AN APPLICANT FOR RENEWAL OF A MANUFACTURER'S LICENSE SHALL PAY TO THE COMPTROLLER A RENEWAL FEE OF \$30.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-402(a), as it related to additional fees for manufacturer's licenses.

In this section, the defined term "manufacturer's license" is substituted for the former references to a "license issued by the Comptroller under Subtitle 2 ... of Title 2 of this article" for brevity and consistency within this article.

Defined terms: "Comptroller" § 1-101

"License" § 1-101

"Manufacturer's license" § 1-101

### **2-214. SALE OR DELIVERY RESTRICTED.**

#### **(A) IN GENERAL.**

**EXCEPT AS OTHERWISE PROVIDED WITH RESPECT TO A 1-DAY LICENSE IN DIVISION II OF THIS ARTICLE, AND SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A MANUFACTURER’S LICENSE MAY NOT SELL OR DELIVER ALCOHOLIC BEVERAGES TO A PERSON IN THE STATE THAT DOES NOT HOLD A LICENSE OR PERMIT UNDER THIS ARTICLE.**

**(B) SERVICE UNDER RETAIL LICENSE ALLOWED.**

**THIS SECTION DOES NOT PROHIBIT A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE AND A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE FROM ALSO HOLDING A CLASS A LIGHT WINE LICENSE ISSUED UNDER DIVISION II OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–401(c) and, as it related to manufacturer’s licenses, (b).

In subsection (a) of this section, the reference to holding a license or permit “under this article” is added for clarity.

Also in subsection (a) of this section, the phrase “[e]xcept as otherwise provided with respect to a 1–day license in Division II of this article” is substituted for the former phrase “[e]xcept as provided in [Art. 2B, § 2–401(c)]” to reflect the reorganization of material relating to certain 1–day licenses in titles for each applicable jurisdiction in this revised article.

Also in subsection (a) of this section, the former phrase “except as provided in [Art. 2B,] § 7–101(c)” is deleted as surplusage. Former Art. 2B, § 7–101(c) governed the delivery of beer and wine to the holder of a special 1–day license, by definition a license holder, albeit a temporary one.

In subsection (b) of this section, the reference to a “Class A light wine license issued under Division II of this article” is substituted for the former reference to a “license issued under the authority of Title 4, Subtitle 2 of this article” to reflect the reorganization of material relating to Class A light wine licenses in titles for each applicable jurisdiction in this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

**2-215. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.****(A) SALE PROHIBITED.**

**A HOLDER OF A MANUFACTURER'S LICENSE MAY NOT SELL BEER TO A RETAIL DEALER ON TERMS OTHER THAN FOR CASH ON DELIVERY.**

**(B) ENFORCEMENT PROHIBITED.**

**A CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED OR ENFORCE A CHECK GIVEN IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-112(d) and the fourth sentence of 12-202(c) and, as they related to manufacturers, §§ 12-112(b) and the first sentence of 12-202(c).

In subsection (a) of this section, the former phrase "wherever he be located in Maryland" is deleted as surplusage.

In subsection (b) of this section, the reference to a "civil action" is substituted for the former references to a "suit or action ex contractu" for clarity.

Defined terms: "Beer" § 1-101  
 "Manufacturer's license" § 1-101  
 "Retail dealer" § 1-101  
 "State" § 1-101

**2-216. INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS.****(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "ADVERTISEMENT" INCLUDES A GRAPHIC OR NONGRAPHIC SIGN, DISPLAY, POSTER, AND PLACARD.**

**(3) "MANUFACTURING ENTITY" MEANS:**

**(I) A HOLDER OF A MANUFACTURER'S LICENSE OR A PERSON CONNECTED WITH THE BUSINESS OF THE HOLDER; OR**

**(II) A DISTILLER, NONRESIDENT DEALER, RESIDENT DEALER, BREWER, RECTIFIER, BLENDER, OR BOTTLER OF ALCOHOLIC BEVERAGES.**

**(B) RESTRICTIONS ON OWNERSHIP INTEREST IN RETAIL ESTABLISHMENT.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION:**

**(1) A MANUFACTURING ENTITY MAY NOT HAVE A FINANCIAL INTEREST IN:**

**(I) THE PREMISES ON OR IN WHICH A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES AT RETAIL; OR**

**(II) A BUSINESS THAT A LICENSE HOLDER CONDUCTS;**

**(2) A MANUFACTURING ENTITY MAY NOT LEND MONEY OR ANY OTHER THING OF VALUE, MAKE A GIFT, OR OFFER A GRATUITY TO A RETAIL DEALER;**

**(3) A RETAIL DEALER MAY NOT ACCEPT, RECEIVE, OR MAKE USE OF MONEY, A GIFT, OR AN ADVERTISEMENT PROVIDED BY A MANUFACTURING ENTITY OR BECOME INDEBTED TO A MANUFACTURING ENTITY EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES AND ALLIED PRODUCTS PURCHASED FOR RESALE; AND**

**(4) A MANUFACTURING ENTITY MAY NOT PROVIDE AN ADVERTISEMENT TO A RETAIL DEALER.**

**(C) ADVERTISEMENTS ALLOWED — BREWED PRODUCTS.**

**(1) THIS SUBSECTION APPLIES ONLY TO BREWED PRODUCTS.**

**(2) (I) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A BREWER, NONRESIDENT DEALER, OR RESIDENT DEALER MAY NOT PROVIDE TO A RETAIL LICENSE HOLDER AN ADVERTISEMENT THAT:**

**1. IS WORTH MORE THAN \$150; AND**

**2. ADVERTISES THE BEER OR MALT PRODUCTS OF A PARTICULAR BREWER, NONRESIDENT DEALER, RESIDENT DEALER, OR BEER WHOLESALER.**

**(II) AN ADVERTISEMENT PROVIDED IN ACCORDANCE WITH THIS SUBSECTION SHALL CONTAIN BRAND INFORMATION THAT IS PROMINENT, PERMANENT, AND EQUAL TO THE LIFE AND VALUE OF THE UTILITARIAN CHARACTER OF THE ADVERTISING ITEM.**

**(D) ADVERTISEMENTS ALLOWED — WINE AND LIQUOR.**

**(1) THIS SUBSECTION APPLIES ONLY TO WINE AND LIQUOR.**

**(2) AN ADVERTISEMENT FOR USE IN WINDOWS OR ELSEWHERE ON A RETAIL LIQUOR ESTABLISHMENT MAY BE GIVEN TO A RETAILER BY A BRAND OWNER WHO IS ENGAGED IN THE BUSINESS OF A MANUFACTURING ENTITY, IF:**

**(I) THE UTILITARIAN VALUE IS SECONDARY AND ONLY INCIDENTAL TO THE VALUE AS AN ADVERTISEMENT;**

**(II) THE TOTAL VALUE OF AN ITEM PROVIDED BY A BRAND OWNER FOR EACH OF ITS INDIVIDUAL BRANDS FOR USE IN ANY ONE RETAIL ESTABLISHMENT AT ANY ONE TIME IS NOT MORE THAN \$150 FOR EACH INDIVIDUAL BRAND; AND**

**(III) THE COST OF INSTALLING THESE MATERIALS DOES NOT EXCEED THE USUAL COST IN THE LOCALITY.**

**(3) (I) IN LIEU OF PREMANUFACTURED ADVERTISING MATERIAL, MATERIALS AND LABOR MAY BE PROVIDED BY A BRAND OWNER FOR THE CUSTOM MANUFACTURE OF AN ADVERTISING DISPLAY THAT:**

- 1. IS WORTH NOT MORE THAN \$150;**
- 2. IS TEMPORARY; AND**
- 3. HAS NO OTHER UTILITARIAN VALUE.**

**(II) A MANUFACTURER, NONRESIDENT DEALER, RESIDENT DEALER, OR BRAND OWNER MAY NOT UNDERTAKE A PLAN THAT DIRECTLY OR INDIRECTLY RESULTS IN THE PURCHASE OF ADVERTISING MATERIALS, SUPPLIES, OR SERVICES BY A WHOLESALER'S LICENSE HOLDER OR RETAIL LICENSE HOLDER.**

**(III) A RETAIL LICENSE HOLDER MAY NOT PARTICIPATE DIRECTLY OR INDIRECTLY IN A TRANSACTION IN WHICH THE LICENSE HOLDER PAYS FOR OR SHARES THE COST FOR ANY OF THE ADVERTISING MATERIALS, SUPPLIES, SERVICES, OR MAILING EXPENSES USED TO PROMOTE A BRAND OWNER'S PRODUCTS.**

**(E) EXCEPTIONS.**

**(1) SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT APPLY TO:**

**(I) A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE WITH RESPECT TO THE MALT BEVERAGES BREWED ON THE PREMISES; OR**

**(II) A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE WITH RESPECT TO THE MALT BEVERAGES BREWED ON THE PREMISES THAT ARE SOLD:**

**1. ON THE LICENSED PREMISES OF THE BREWERY; OR**

**2. IN A RESTAURANT OR BREWERY PUB OWNED, CONDUCTED, AND OPERATED BY THE HOLDER IN OR ADJACENT TO THE BREWERY FOR WHICH IT IS LICENSED.**

**(2) A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE MAY HOLD OR HAVE A FINANCIAL INTEREST IN ONE RETAIL LICENSE THAT DOES NOT APPLY TO PREMISES TO WHICH A CLASS 6 PUB-BREWERY LICENSE OR CLASS 7 MICRO-BREWERY LICENSE APPLIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-104(a), (b), (c)(1), (2), and (4), (d)(1), (2), and (3)(i) and (ii), and (e)(2) through (4), except as they related to a holder of a wholesaler's license.

In subsection (a)(2) of this section, the defined term "[a]dvertisement" is substituted for the former narrower term "[s]ign" for clarity.

In subsections (a)(3) and (b) of this section, the references to "[m]anufacturing" are substituted for the former overly broad references to a "[b]usiness entity" for clarity.

In subsection (b)(3) of this section, the former phrase "[e]xcept as provided for" is deleted as surplusage.

In subsection (b)(4) of this section, the phrase "to a retail dealer" is added for clarity.

Also in subsection (b)(4) of this section, the former phrase "except as provided in this article" is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(2)(i) of this section, the former reference to a retail license holder "under the provisions of this article" is deleted as surplusage.

In subsection (d)(1) of this section, the reference to “liquor” is substituted for the former reference to “distilled spirits” to conform to the terminology used throughout this article.

In the introductory language of subsection (d)(2) of this section, the former reference to an advertisement “bearing advertising matter or any other forms of advertising” is deleted as surplusage.

Also in the introductory language of subsection (d)(2) of this section, the former reference to “furnished” is deleted as included in the reference to “given”.

In subsection (d)(2)(ii) of this section, the former reference to “the sum of” \$150 is deleted as surplusage.

In subsection (d)(2)(iii) of this section, the former reference to “customary” is deleted as unnecessary in light of the reference to “usual”.

Also in subsection (d)(2)(iii) of this section, the former reference to the “particular” locality is deleted as surplusage.

In subsection (d)(3)(i)2 of this section, the former reference to temporary “in nature” is deleted as surplusage.

In subsection (d)(3)(ii) of this section, the former reference to “design” is deleted as included in the reference to “plan”.

In subsection (d)(3)(iii) of this section, the former reference to the cost for any “of the value” of the advertising materials is deleted as surplusage.

Former Art. 2B, § 12–104(g), which provided the penalty for a violation of this section, is deleted as duplicative of the general penalty for a violation of this article stated in § 6–402(a) of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(3)(i) of this section, the reference to a person “connected” with the business of the license holder is ambiguous and may be overly broad.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101



“Restaurant” § 1-101  
“Retail dealer” § 1-101  
“Wholesaler” § 1-101  
“Wholesaler’s license” § 1-101  
“Wine” § 1-101

**2-217. DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES.**

**(A) LEGISLATIVE PURPOSE.**

THE PURPOSE OF THIS SECTION IS TO ELIMINATE THE UNDUE STIMULATION OF THE SALE OF ALCOHOLIC BEVERAGES AND THE PRACTICE OF MANUFACTURERS GRANTING SECRET DISCOUNTS, REBATES, ALLOWANCES, FREE GOODS, OR OTHER INDUCEMENTS TO SELECTED LICENSE HOLDERS THAT CONTRIBUTE TO A DISORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES.

**(B) PROHIBITED ACTIONS.**

(1) A LICENSED MANUFACTURER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER MAY NOT DISCRIMINATE DIRECTLY OR INDIRECTLY IN PRICE, DISCOUNTS, OR THE QUALITY OF MERCHANDISE SOLD BETWEEN:

(I) ONE DISPENSARY AND ANOTHER DISPENSARY; OR

(II) ONE RETAILER AND ANOTHER RETAILER THAT PURCHASES ALCOHOLIC BEVERAGES THAT BEAR THE SAME BRAND AND TRADE NAME, AND ARE SIMILAR IN AGE AND QUALITY.

(2) A NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT WINERY PERMIT HOLDER, OR NONRESIDENT UNLICENSED MANUFACTURER MAY NOT USE OR PROMOTE THE USE OF A PRACTICE PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO SELL OR DISTRIBUTE ALCOHOLIC BEVERAGES TO OR THROUGH A LICENSED MANUFACTURER, LICENSED WHOLESALER, OR COUNTY DISPENSARY.

**(C) DEPENDENT DISCOUNTING PROHIBITED.**

A SUPPLIER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER MAY NOT MAKE A DISCOUNT, REBATE, OR DEPLETION ALLOWANCE THAT IS OFFERED ON A PRODUCT DEPENDENT ON THE PRICING POLICY OR PRACTICE OF THE LICENSE HOLDER WHO IS INVOICED FOR THE PRODUCT.

**(D) RATION PLAN ALLOWED.**

**(1) THIS SECTION DOES NOT RESTRICT A MANUFACTURER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER FROM LIMITING THE QUANTITY OF ALCOHOLIC BEVERAGES TO BE SOLD TO A LICENSE HOLDER UNDER A VOLUNTARY OR COMPULSORY RATIONING PLAN.**

**(2) A MANUFACTURER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER IS NOT REQUIRED TO SELL TO ALL LICENSE HOLDERS FROM WHOM ORDERS ARE RECEIVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-102(b) and the first through third sentences of (a), except as they related to wholesalers.

In subsection (a) of this section, the reference to “[t]he purpose of this section” is added for clarity.

In subsection (d)(2) of this section, the reference to “[a] manufacturer ... is not required” to sell to all license holders is substituted for the former reference to “the word ‘purchase’ shall not imply that a manufacturer ... shall be required” to sell to all license holders for clarity.

The fourth sentence of former Art. 2B, § 12-102(a), which stated that “[t]he Comptroller may promulgate such rules and regulations as are necessary to carry out the purpose of this section”, is deleted as unnecessary in light of the requirement under § 1-302 of this article for the Comptroller to adopt regulations to discharge the duties of this article.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 1-101

“License holder” § 1-101

“Wholesaler” § 1-101

**2-218. RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED.**

**A HOLDER OF A MANUFACTURER'S LICENSE OR THE OWNER OF AN INTEREST IN A DISTILLERY, BREWERY, RECTIFYING, BLENDING, OR BOTTLING PLANT MAY NOT ENTER INTO AN AGREEMENT WITH A RETAIL DEALER THAT LIMITS THE PURCHASES OR SALES OF THE RETAIL DEALER TO THE PRODUCTS OF ANY PRODUCER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-101, except as it related to wholesalers.

The phrase “that limits” is substituted for the former phrase “the effect or purpose of which is to limit” for brevity.

The former reference to “no distiller, brewer, rectifier, blender or bottler of alcoholic beverages” is deleted as included in the reference to “[a] holder of a manufacturer’s license”.

The former statement that “it being the intent and purpose of this article that every retail dealer shall at all times, be and remain free to purchase the alcoholic beverages sold by him, from any holder of a manufacturer’s ... license issued under the provisions of this article” is deleted as unnecessary.

Defined term: “Manufacturer’s license” § 1–101

**SUBTITLE 3. WHOLESALER’S LICENSES.**

**2–301. LICENSES ISSUED BY COMPTROLLER.**

**EACH LICENSE SPECIFIED IN THIS TITLE IS A WHOLESALER’S LICENSE THAT THE COMPTROLLER ISSUES.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that all wholesaler’s licenses are issued by the Comptroller.

Defined terms: “Comptroller” § 1–101  
“License” § 1–101  
“Wholesaler’s license” § 1–101

**2–302. CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

**(1) ACQUIRE BEER, WINE, AND LIQUOR FROM:**

**(i) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND DELIVER THE BEER, WINE, AND LIQUOR TO A WHOLESALER; AND**

**(II) A HOLDER OF A NONRESIDENT DEALER’S PERMIT OR A RESIDENT DEALER’S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER, WINE, AND LIQUOR; AND**

**(2) SELL AND DELIVER BEER, WINE, AND LIQUOR FROM THE LICENSED PREMISES TO:**

**(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

**(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

**(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF BEER, WINE, AND LIQUOR:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$2,000 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 1 beer, wine, and liquor wholesaler’s license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 2–301(a)(2)(i) and (b)(1) and, as it related to Class 1 licenses, (a)(1).

In subsection (b) of this section, the former phrase “issued in accordance with the fee paid” is deleted as unnecessary.

Also in subsection (b) of this section, the references to the acquisition, sale, and delivery of “beer, wine, and liquor” are substituted for the former references to the acquisition of “the alcoholic beverages indicated on the license” and the sale and delivery of “those alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this subsection” is deleted in light of the organization of this

revised article. The provisions to which the former phrase referred are found in Division II of this article.

In subsection (b)(1) of this section, the former references to license holders, holders of nonresident dealer's permits, and holders of resident dealer's permits that are authorized "by this State" to make the sales and deliveries are deleted as unnecessary.

In subsection (d)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of beer, wine, and liquor.

In subsection (d)(2) of this section, the former reference to payment of an "additional" fee is deleted as unnecessary.

Defined terms: "Beer" § 1-101  
 "Comptroller" § 1-101  
 "License holder" § 1-101  
 "Person" § 1-101  
 "State" § 1-101  
 "Wholesaler" § 1-101  
 "Wholesaler's license" § 1-101  
 "Wine" § 1-101

## **2-303. CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 2 WINE AND LIQUOR WHOLESALER'S LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

#### **(1) ACQUIRE WINE AND LIQUOR FROM:**

**(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND DELIVER THE WINE AND LIQUOR TO A WHOLESALER; AND**

**(II) A HOLDER OF A NONRESIDENT DEALER'S PERMIT OR A RESIDENT DEALER'S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER WINE AND LIQUOR; AND**

**(2) SELL AND DELIVER WINE AND LIQUOR FROM THE LICENSED PREMISES TO:**

**(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

**(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,750.**

**(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF WINE AND LIQUOR:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$1,750 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 2 wine and liquor wholesaler's license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 2-301(a)(2)(ii) and (b)(1) and, as it related to Class 2 licenses, (a)(1).

In subsection (b) of this section, the former phrase "issued in accordance with the fee paid" is deleted as unnecessary.

Also in subsection (b) of this section, the references to the acquisition, sale, and delivery of "wine and liquor" are substituted for the former references to the acquisition of "the alcoholic beverages indicated on the license" and the sale and delivery of "those alcoholic beverages" for clarity.

Also in subsection (b) of this section, the former phrase "[e]xcept as otherwise provided in this subsection" is deleted in light of the organization of this revised article. The provisions to which the former phrase referred are found in Division II of this article.

In subsection (b)(1) of this section, the former references to license holders, holders of nonresident dealer's permits, and holders of resident dealer's permits that are authorized "by this State" to make the sales and deliveries are deleted as unnecessary.

In subsection (d)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of wine and liquor.

In subsection (d)(2) of this section, the former reference to payment of an "additional" fee is deleted as unnecessary.

Defined terms: "Comptroller" § 1-101

"License holder" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

## **2-304. CLASS 3 BEER AND WINE WHOLESALER'S LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS 3 BEER AND WINE WHOLESALER'S LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

#### **(1) ACQUIRE BEER AND WINE FROM:**

**(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND DELIVER THE BEER AND WINE TO A WHOLESALER; AND**

**(II) A HOLDER OF A NONRESIDENT DEALER'S PERMIT OR A RESIDENT DEALER'S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER AND WINE; AND**

**(2) SELL AND DELIVER BEER AND WINE FROM THE LICENSED PREMISES TO:**

- (I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND
- (II) AN AUTHORIZED PERSON OUTSIDE THE STATE.

(C) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.

THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF BEER AND WINE:

(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND

(2) ON THE PAYMENT OF A \$1,500 FEE FOR EACH ADDITIONAL LOCATION.

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 3 beer and wine wholesaler's license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 2-301(a)(2)(iii) and (b)(1) and, as it related to Class 3 licenses, (a)(1).

In subsection (b) of this section, the former phrase "issued in accordance with the fee paid" is deleted as unnecessary.

Also in subsection (b) of this section, the references to the acquisition, sale, and delivery of "beer and wine" are substituted for the former references to the acquisition of "the alcoholic beverages indicated on the license" and the sale and delivery of "those alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former references to license holders, holders of nonresident dealer's permits, and holders of resident dealer's permits that are authorized "by this State" to make the sales and deliveries are deleted as unnecessary.

In subsection (d)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the



Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of beer and wine.

In subsection (d)(2) of this section, the former reference to payment of an “additional” fee is deleted as unnecessary.

Defined terms: “Beer” § 1–101  
“Comptroller” § 1–101  
“License holder” § 1–101  
“Person” § 1–101  
“State” § 1–101  
“Wholesaler” § 1–101  
“Wholesaler’s license” § 1–101  
“Wine” § 1–101

**2–305. CLASS 4 BEER WHOLESALER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 4 BEER WHOLESALER’S LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

**(1) ACQUIRE BEER FROM:**

**(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND DELIVER BEER TO A WHOLESALER; AND**

**(II) A HOLDER OF A NONRESIDENT DEALER’S PERMIT OR A RESIDENT DEALER’S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER BEER; AND**

**(2) SELL AND DELIVER BEER FROM THE LICENSED PREMISES TO:**

**(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

**(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,250.**

**(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF BEER:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$1,250 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 4 beer wholesaler's license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 2-301(a)(2)(iv) and (b)(1) and, as it related to Class 4 licenses, (a)(1).

In subsection (b) of this section, the former phrase "issued in accordance with the fee paid" is deleted as unnecessary.

Also in subsection (b) of this section, the references to the acquisition, sale, and delivery of "beer" are substituted for the former references to the acquisition of "the alcoholic beverages indicated on the license" and the sale and delivery of "those alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former references to license holders, holders of nonresident dealer's permits, and holders of resident dealer's permits that are authorized "by this State" to make the sales and deliveries are deleted as unnecessary.

In subsection (d)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of beer.

In subsection (d)(2) of this section, the former reference to payment of an "additional" fee is deleted as unnecessary.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

- “Person” § 1-101
- “State” § 1-101
- “Wholesaler” § 1-101
- “Wholesaler’s license” § 1-101

**2-306. CLASS 5 WINE WHOLESALER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 5 WINE WHOLESALER’S LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

**(1) ACQUIRE WINE FROM:**

**(I) A LICENSE HOLDER THAT IS AUTHORIZED TO SELL AND DELIVER WINE TO A WHOLESALER; AND**

**(II) A HOLDER OF A NONRESIDENT DEALER’S PERMIT OR A RESIDENT DEALER’S PERMIT THAT IS AUTHORIZED TO SELL AND DELIVER WINE; AND**

**(2) SELL AND DELIVER WINE FROM THE LICENSED PREMISES TO:**

**(I) A LICENSE HOLDER OR PERMIT HOLDER IN THE STATE; AND**

**(II) AN AUTHORIZED PERSON OUTSIDE THE STATE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,250.**

**(D) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF WINE:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$1,250 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 5 wine wholesaler's license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 2-301(a)(2)(v) and (b)(1) and, as it related to Class 5 licenses, (a)(1).

In subsection (b) of this section, the former phrase "issued in accordance with the fee paid" is deleted as unnecessary.

Also in subsection (b) of this section, the references to the acquisition, sale, and delivery of "wine" are substituted for the former references to the acquisition of "the alcoholic beverages indicated on the license" and the sale and delivery of "those alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former references to license holders, holders of nonresident dealer's permits, and holders of resident dealer's permits that are authorized "by this State" to make the sales and deliveries are deleted as unnecessary.

In subsection (d)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of wine.

In subsection (d)(2) of this section, the former reference to payment of an "additional" fee is deleted as unnecessary.

Defined terms: "Comptroller" § 1-101

"License holder" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

**2-307. CLASS 6 LIMITED WINE WHOLESALER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A WINE MANUFACTURER THAT:**

**(1) HOLDS A CLASS 4 LIMITED WINERY LICENSE; AND**

**(2) PRODUCES NOT MORE THAN 27,500 GALLONS OF ITS OWN WINE ANNUALLY.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AND DELIVER ITS OWN BRAND OF WINE PRODUCED AT THE LICENSE HOLDER'S PREMISES TO:**

**(I) A HOLDER OF A RETAIL LICENSE THAT IS AUTHORIZED TO ACQUIRE THE WINE; AND**

**(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE THE WINE.**

**(2) THE LICENSE HOLDER MAY NOT SELL ITS WINE TO A HOLDER OF A WHOLESALER'S LICENSE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

**(E) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF WINE:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$50 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 6 limited wine wholesaler's license.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 2-301(a)(2)(vi) and (b)(2) and (3) and, as it related to Class 6 licenses, (a)(1).

In subsection (b)(1) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 limited winery manufacturer's license issued under this article" for brevity.

In subsection (c)(1) of this section, the former phrase "on approval of the application and payment of the fee" is deleted as unnecessary.

Also in subsection (c)(1) of this section, the former reference to holders of retail licenses and permits "in the State" is deleted as unnecessary.

In subsection (e)(1) of this section, the phrase "if approved by the Comptroller following submission of a separate application for each location" is substituted for the former ambiguous phrase "[u]pon approval of the application" to clarify that in practice there is a separate application that must be approved by the Comptroller before the holder of the license may use an additional location for the warehousing, sale, and delivery of wine.

In subsection (e)(2) of this section, the former reference to payment of an "additional" fee is deleted as unnecessary.

Defined terms: "Comptroller" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

## **2-308. CLASS 7 LIMITED BEER WHOLESALER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS 7 LIMITED BEER WHOLESALER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A PERSON THAT:**

**(1) HOLDS A CLASS 5 MANUFACTURER'S LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE; AND**

**(2) PRODUCES IN THE AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

**(1) SELL AND DELIVER ITS OWN BEER PRODUCED AT THE LICENSE HOLDER'S PREMISES TO:**

**(I) A HOLDER OF A RETAIL LICENSE THAT IS AUTHORIZED TO ACQUIRE BEER FROM A WHOLESALER; AND**

**(II) A HOLDER OF A PERMIT THAT IS AUTHORIZED TO ACQUIRE BEER FROM A WHOLESALER; AND**

**(2) DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER ANNUALLY.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

**(E) ADDITIONAL LOCATION FOR WAREHOUSING, SALE, AND DELIVERY.**

**THE LICENSE HOLDER MAY USE AN ADDITIONAL LOCATION FOR THE WAREHOUSING, SALE, AND DELIVERY OF BEER:**

**(1) IF APPROVED BY THE COMPTROLLER FOLLOWING SUBMISSION OF A SEPARATE APPLICATION FOR EACH LOCATION; AND**

**(2) ON THE PAYMENT OF A \$50 FEE FOR EACH ADDITIONAL LOCATION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that there is a Class 7 limited beer wholesaler's license.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 2-301(b)(4) and (5) and (a)(2)(vii) and, as it related to a Class 7 limited beer wholesaler's license, (a)(1).

In the introductory language of subsection (c) of this section, the former phrase “[o]n approval of the application and payment of the fee” is deleted as unnecessary.

In subsection (c)(1) of this section, the former reference to holders of retail licenses and permits “in the State” is deleted as unnecessary.

In subsection (c)(1)(i) and (ii) of this section, the phrase “from a wholesaler” is added for clarity.

In subsection (e)(1) of this section, the phrase “if approved by the Comptroller following submission of a separate application for each location” is substituted for the former ambiguous phrase “[u]pon approval of the application” to clarify that in practice there is a separate application that must be approved by the Comptroller before the license holder may use an additional location for the warehousing, sale, and delivery of beer.

In subsection (e)(2) of this section, the former reference to payment of an “additional” fee is deleted as implicit.

Defined terms: “Beer” § 1–101

“Comptroller” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

## **2–309. SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE.**

**SUBJECT TO § 2–310 OF THIS SUBTITLE, THE SALE AND DELIVERY OF BEER OR WINE FROM A VEHICLE UNDER THE EXCLUSIVE CONTROL OF A HOLDER OF A WHOLESALER’S LICENSE CONSTITUTES SALE AND DELIVERY FROM THE WHOLESALER’S LICENSED PREMISES IF THE BEER OR WINE IS:**

**(1) BEER PREVIOUSLY PURCHASED BY AND DELIVERED TO THE HOLDER OF THE WHOLESALER’S LICENSE; OR**

**(2) WINE OR A WINE–BASED BEVERAGE WITH AN ALCOHOL CONTENT OF 6.5% OR LESS BY VOLUME.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–301(d) and (e).

In this section, the former requirement that a wholesaler “ha[ve] a license to sell wine” in order for the sale and delivery of wine from the wholesaler’s



vehicle to be treated as a sale and delivery from the wholesaler's premises is deleted as unnecessary.

In the introductory language of this section, the reference to "licensed premises" is substituted for the former reference to "place of business" to conform to the terminology used throughout this article.

Also in the introductory language of this section, the reference to "sale and delivery" from a vehicle is substituted for the former references to "[d]elivery" from a vehicle for clarity and consistency throughout this subtitle.

Also in the introductory language of this section, the former phrase "within the meaning of this section" is deleted as surplusage.

Also in the introductory language of this section, the former references to delivery from a "truck" are deleted as unnecessary in light of the more general reference to delivery from a "vehicle".

Defined terms: "Beer" § 1-101

"Wholesaler" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

## **2-310. SALE AND DELIVERY TO RETAIL LICENSE HOLDER.**

### **(A) APPLICATION OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A NONRESIDENT WINERY PERMIT.**

### **(B) ACCOUNTING FOR ALCOHOLIC BEVERAGES AT WHOLESALER'S PREMISES.**

**BEFORE A HOLDER OF A WHOLESALER'S LICENSE MAY SELL AND DELIVER ALCOHOLIC BEVERAGES ACQUIRED BY THE WHOLESALER TO A HOLDER OF A RETAIL LICENSE, THE ALCOHOLIC BEVERAGES SHALL COME TO REST ON THE LICENSED PREMISES OF THE WHOLESALER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-301(f).

In subsection (b) of this section, the former reference to alcoholic beverages acquired by a wholesaler "from any source" is deleted as unnecessary.

Defined terms: "Alcoholic beverage" § 1-101

“Wholesaler” § 1-101

“Wholesaler’s license” § 1-101

**2-311. ADDITIONAL WHOLESALER’S LICENSES.**

**(A) FOR LICENSED WHOLESALERS.**

**THE HOLDER OF A CLASS 1, CLASS 2, OR CLASS 3 WHOLESALER’S LICENSE MAY OBTAIN MORE THAN ONE SUCH LICENSE PROVIDED SEPARATE RECORDS ARE KEPT.**

**(B) FOR LICENSED MANUFACTURERS.**

**(1) THE HOLDER OF A RECTIFYING OR WINERY LICENSE MAY APPLY FOR AND OBTAIN A WHOLESALER’S LICENSE OF ANY CLASS FOR THE SAME PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

**(2) THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE FOR THE SAME PREMISES OR ELSEWHERE AS PROVIDED UNDER THIS ARTICLE.**

**(3) (I) THE HOLDER OF A CLASS 5 MANUFACTURER’S LICENSE OR CLASS 7 MICRO-BREWERY LICENSE MAY APPLY FOR AND OBTAIN A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE IN ACCORDANCE WITH THIS PARAGRAPH.**

**(II) A HOLDER OF A CLASS 5 MANUFACTURER’S LICENSE THAT WAS SELLING THE HOLDER’S OWN BEER AT WHOLESALE IN THE STATE AS OF JANUARY 1, 2013, MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE TO CONTINUE TO SELL THE HOLDER’S OWN BEER AT WHOLESALE IN THE SAME LOCATION IN AN AMOUNT THAT IS NOT MORE THAN 3,000 BARRELS ANNUALLY.**

**(III) A HOLDER OF A CLASS 5 MANUFACTURER’S LICENSE THAT PRODUCES IN AGGREGATE FROM ALL ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE AND DISTRIBUTE NOT MORE THAN 3,000 BARRELS OF ITS OWN BEER ANNUALLY.**

**(IV) A HOLDER OF ONE OR TWO CLASS 7 MICRO-BREWERY LICENSES THAT PRODUCES IN AGGREGATE FROM ALL OF ITS LOCATIONS NOT MORE THAN 22,500 BARRELS OF BEER ANNUALLY MAY OBTAIN A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE AND DISTRIBUTE BEER THAT:**

- 1. TOTALS ANNUALLY NOT MORE THAN 3,000 BARRELS IN AGGREGATE FROM ALL OF ITS LOCATIONS; AND**
- 2. HAS BEEN BREWED AT THE LOCATION FROM WHERE IT IS DISTRIBUTED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-201(b)(5) and 2-301(c).

In subsection (a) of this section, the former phrase "upon approval of application and the payment of the fee" is deleted as unnecessary.

Defined terms: "Beer" § 1-101  
"Manufacturer's license" § 1-101  
"State" § 1-101  
"Wholesaler's license" § 1-101  
"Wine" § 1-101

**2-312. DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A WHOLESALER'S LICENSE MAY DIRECTLY IMPORT ALCOHOLIC BEVERAGES OF THE TYPE INDICATED ON THE LICENSE FROM OUTSIDE THE CONTINENTAL LIMITS AND POSSESSIONS OF THE UNITED STATES IF THE BRAND OWNER PROVIDES NOTICE TO THE COMPTROLLER OF THE LICENSE HOLDER'S JURISDICTION AND AUTHORITY TO SELL THE ALCOHOLIC BEVERAGES.**

**(B) RESTRICTIONS.**

**A HOLDER OF A WHOLESALER'S LICENSE THAT IMPORTS ALCOHOLIC BEVERAGES FROM OUTSIDE THE CONTINENTAL LIMITS AND POSSESSIONS OF THE UNITED STATES MUST:**

- (1) BE THE BRAND OWNER; OR**
- (2) PURCHASE THE ALCOHOLIC BEVERAGES:**
  - (I) DIRECTLY FROM THE BRAND OWNER OR THE AUTHORIZED AGENT OF THE BRAND OWNER; OR**
  - (II) FROM THE AUTHORIZED UNITED STATES IMPORTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-301(b)(7) and (8).

In subsection (a) of this section, the phrase “a holder of a wholesaler’s license may directly import alcoholic beverages of the type indicated on the license” is substituted for the former phrase “[a] wholesaler’s license of the appropriate class authorizes the holder to directly import beer, wine, or distilled spirits” for clarity and consistency throughout this article.

Also in subsection (a) of this section, the reference to the importation of alcoholic beverages from “sources” outside the United States is deleted as unnecessary.

Also in subsection (a) of this section, the reference to the brand owner providing notice of the wholesaler’s jurisdiction and authority to sell “the alcoholic beverages” is added for clarity.

In the introductory language of subsection (b) of this section, the reference to a wholesaler importing “alcoholic beverages from outside the continental limits and possessions of the United States” is added for clarity and consistency with subsection (a) of this section.

Also in the introductory language of subsection (b) of this section, the former reference to the importation of alcoholic beverages “for subsequent distribution in or outside the State of Maryland” is deleted as unnecessary.

In subsection (b)(2) of this section, the former requirement that a holder of a wholesaler’s license that is not the brand owner be a “wholesale licensee” in order to import alcoholic beverages for subsequent distribution is deleted as redundant.

Also in subsection (b)(2) of this section, the reference to a holder of a wholesaler’s license purchasing “the alcoholic beverages” from the brand owner, authorized agent of the brand owner, or authorized United States importer is added for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the word “brand” is undefined in this section.

Defined terms: “Alcoholic beverage” § 1-101

“Comptroller” § 1-101

“License” § 1-101

“License holder” § 1-101

“Wholesaler’s license” § 1-101

### **2-313. SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A WHOLESALER'S LICENSE MAY NOT SELL OR DELIVER ALCOHOLIC BEVERAGES TO A PERSON IN THE STATE THAT DOES NOT HOLD A LICENSE OR PERMIT UNDER THIS ARTICLE.**

**(B) SERVICE UNDER RETAIL LICENSE ALLOWED.**

**THIS SECTION DOES NOT PROHIBIT A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE AND A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE FROM ALSO HOLDING A CLASS A LIGHT WINE LICENSE OR A CLASS A WINE LICENSE ISSUED UNDER DIVISION II OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-401(c) and, as it related to wholesaler's licenses, (b).

In subsection (a) of this section, the reference to holding a license or permit "under this article" is added for clarity.

Also in subsection (a) of this section, the former phrase "[e]xcept as provided in [Art. 2B,] § 7-101(c)" is deleted as surplusage.

In subsection (b) of this section, the reference to a "Class A light wine license or a Class A wine license issued under Division II of this article" is substituted for the former reference to a "license issued under the authority of Title 4, Subtitle 2 of this article" to reflect the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Person" § 1-101

"State" § 1-101

"Wholesaler's license" § 1-101

"Wine" § 1-101

**2-314. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) SALE PROHIBITED.**

**A HOLDER OF A WHOLESALER'S LICENSE MAY NOT SELL BEER TO A RETAIL DEALER ON TERMS OTHER THAN FOR CASH ON DELIVERY.**

**(B) ENFORCEMENT PROHIBITED.**

**A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED OR ENFORCE PAYMENT OF A CHECK GIVEN FOR PAYMENT IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

**(C) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES PROVIDED IN § 6-402 OF THIS ARTICLE.**

REVISOR'S NOTE: Subsections (a) and (b) of this section are new language derived without substantive change from former Art. 2B, § 12-112(d) and, as they related to wholesalers, §§ 12-112(b), 12-201(d), and the first and fourth sentences of 12-202(c).

Subsection (c) of this section is new language added to set out the penalties for a violation of this section.

In subsection (b) of this section, the reference to a "civil" action is substituted for the former references to an action "ex contractu" for clarity. No substantive change is intended.

Former Art. 2B, §§ 12-112(a) and 12-201(a), which stated that this section applied only in specified jurisdictions, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Person" § 1-101

"Retail dealer" § 1-101

"State" § 1-101

"Wholesaler's license" § 1-101

**2-315. INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS.****(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "ADVERTISEMENT" INCLUDES A GRAPHIC OR NONGRAPHIC SIGN, DISPLAY, POSTER, AND PLACARD.**

**(3) "WHOLESALING ENTITY" MEANS:**

**(I) A HOLDER OF A WHOLESALER'S LICENSE OR A PERSON CONNECTED WITH THE BUSINESS OF THE HOLDER; OR**

**(II) A NONRESIDENT DEALER OR RESIDENT DEALER OF ALCOHOLIC BEVERAGES.**

**(B) RESTRICTIONS ON OWNERSHIP INTEREST IN RETAIL ESTABLISHMENT.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A WHOLESALING ENTITY MAY NOT HAVE A FINANCIAL INTEREST IN:**

**(I) THE PREMISES ON OR IN WHICH A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES AT RETAIL; OR**

**(II) A BUSINESS THAT A LICENSE HOLDER CONDUCTS.**

**(2) A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER'S LICENSE MAY HAVE A FINANCIAL INTEREST IN NOT MORE THAN ONE CLASS A LICENSED PREMISES.**

**(3) A WHOLESALING ENTITY MAY NOT LEND MONEY OR ANY OTHER THING OF VALUE, MAKE A GIFT, OR OFFER A GRATUITY TO A RETAIL DEALER.**

**(4) A RETAIL DEALER MAY NOT ACCEPT, RECEIVE, OR MAKE USE OF MONEY, A GIFT, OR AN ADVERTISEMENT PROVIDED BY A WHOLESALING ENTITY OR BECOME INDEBTED TO A WHOLESALING ENTITY EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES AND ALLIED PRODUCTS PURCHASED FOR RESALE.**

**(5) A WHOLESALING ENTITY OTHER THAN A WHOLESALER OF BEER AND MALT BEVERAGES MAY NOT PROVIDE AN ADVERTISEMENT TO A RETAIL DEALER.**

**(C) ADVERTISEMENTS ALLOWED – BREWED PRODUCTS.**

**(1) THIS SUBSECTION APPLIES ONLY TO BREWED PRODUCTS.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, A NONRESIDENT DEALER, RESIDENT DEALER, OR BEER WHOLESALER MAY NOT PROVIDE TO A RETAIL LICENSE HOLDER AN ADVERTISEMENT THAT:**

**1. IS WORTH MORE THAN \$150; AND**

**2. ADVERTISES THE BEER OR MALT PRODUCTS OF A PARTICULAR BREWER, NONRESIDENT DEALER, RESIDENT DEALER, OR BEER WHOLESALER.**

**(II) AN ADVERTISEMENT PROVIDED IN ACCORDANCE WITH THIS SUBSECTION SHALL CONTAIN BRAND INFORMATION THAT IS PROMINENT, PERMANENT, AND EQUAL TO THE LIFE AND VALUE OF THE UTILITARIAN CHARACTER OF THE ADVERTISING ITEM.**

**(III) AN ADVERTISEMENT THAT IS MANUFACTURED BY A BEER WHOLESALER AND PROVIDED TO THE HOLDER OF A RETAIL LICENSE MAY NOT BE WORTH MORE THAN \$50 TO THE HOLDER OF THE RETAIL LICENSE WHERE THE ADVERTISEMENT ADVERTISES THE BEER OR MALT PRODUCTS OF THE BEER WHOLESALER.**

**(D) ADVERTISEMENTS ALLOWED – WINE AND LIQUOR.**

**(1) THIS SUBSECTION APPLIES ONLY TO WINE AND LIQUOR.**

**(2) AN ADVERTISEMENT FOR USE IN WINDOWS OR ELSEWHERE ON A RETAIL LIQUOR ESTABLISHMENT MAY BE GIVEN TO A RETAILER BY A BRAND OWNER WHO IS ENGAGED IN THE BUSINESS OF A MANUFACTURING ENTITY IF:**

**(I) THE UTILITARIAN VALUE IS SECONDARY AND ONLY INCIDENTAL TO THE VALUE AS AN ADVERTISEMENT;**

**(II) THE TOTAL VALUE OF AN ITEM PROVIDED BY A BRAND OWNER FOR EACH OF ITS INDIVIDUAL BRANDS FOR USE IN ANY ONE RETAIL ESTABLISHMENT AT ANY ONE TIME IS NOT MORE THAN \$150 FOR EACH INDIVIDUAL BRAND; AND**

**(III) THE COST OF INSTALLING THESE MATERIALS DOES NOT EXCEED THE USUAL COST IN THE LOCALITY.**

**(3) (I) IN LIEU OF PREMANUFACTURED ADVERTISING MATERIAL, MATERIALS AND LABOR MAY BE PROVIDED BY A BRAND OWNER FOR THE CUSTOM MANUFACTURE OF AN ADVERTISING DISPLAY THAT:**

**1. IS WORTH NOT MORE THAN \$150;**

**2. IS TEMPORARY; AND**



**3. HAS NO OTHER UTILITARIAN VALUE.**

**(II) A NONRESIDENT DEALER, RESIDENT DEALER, OR BRAND OWNER MAY NOT UNDERTAKE A PLAN THAT DIRECTLY OR INDIRECTLY RESULTS IN THE PURCHASE OF ADVERTISING MATERIALS, SUPPLIES, OR SERVICES BY A HOLDER OF A WHOLESALER’S LICENSE OR RETAIL LICENSE HOLDER.**

**(III) A HOLDER OF A WHOLESALER’S LICENSE OR RETAIL LICENSE HOLDER MAY NOT PARTICIPATE DIRECTLY OR INDIRECTLY IN A TRANSACTION IN WHICH THE LICENSE HOLDER PAYS FOR OR SHARES THE COST FOR ANY OF THE ADVERTISING MATERIALS, SUPPLIES, SERVICES, OR MAILING EXPENSES USED TO PROMOTE A BRAND OWNER’S PRODUCTS.**

**(IV) THIS SUBSECTION DOES NOT PREVENT A HOLDER OF A WHOLESALER’S LICENSE FROM PROVIDING BRAND OWNERS WITH DISPLAY MATERIALS AND INSTALLATION SERVICES AT CHARGES COMPUTED AT NOT LESS THAN THE FAIR MARKET VALUE FOR THESE SERVICES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–104(b), (f), and, except as they related to a holder of a manufacturer’s license, (a), (c), and (d).

In subsection (a)(2) of this section, the defined term “advertisement” is substituted for the former narrower term “[s]ign” for clarity.

In subsection (a)(3) of this section, the defined term “[w]holesaling entity” is substituted for the former overly broad reference to a “[b]usiness entity” for clarity.

In subsection (b)(4) of this section, the former phrase “[e]xcept as provided for” is deleted as surplusage.

In subsection (b)(5) of this section, the phrase “to a retail dealer” is added for clarity.

In subsection (c)(2)(i) of this section, the former reference to a holder of a retail license “issued under the provisions of this article” is deleted as surplusage.

In subsection (d)(1) of this section, the reference to “liquor” is substituted for the former reference to “distilled spirits” to conform to the terminology used throughout this article.

In the introductory language of subsection (d)(2) of this section, the former reference to an advertisement “bearing advertising matter or any other forms of advertising” is deleted as surplusage.

Also in the introductory language of subsection (d)(2) of this section, the former reference to “furnished” is deleted as included in the reference to “given”.

In subsection (d)(2)(ii) of this section, the former reference to “the sum of” \$150 is deleted as surplusage.

In subsection (d)(2)(iii) of this section, the former reference to “customary” is deleted as unnecessary in light of the reference to “usual”.

Also in subsection (d)(2)(iii) of this section, the former reference to the “particular” locality is deleted as surplusage.

In subsection (d)(3)(i)2 of this section, the former reference to temporary “in nature” is deleted as surplusage.

In subsection (d)(3)(ii) of this section, the former reference to “design” is deleted as included in the reference to “plan”.

In subsection (d)(3)(iii) of this section, the former reference to the cost for any “of the value” of the advertising materials is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(3)(i) of this section, the reference to a person “connected” with the business of the license holder is ambiguous and may be overly broad.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

## **2–316. DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES.**

### **(A) LEGISLATIVE PURPOSE.**

**THE PURPOSE OF THIS SECTION IS TO ELIMINATE THE UNDUE STIMULATION OF THE SALE OF ALCOHOLIC BEVERAGES AND THE PRACTICE OF WHOLESALERS GRANTING SECRET DISCOUNTS, REBATES, ALLOWANCES, FREE GOODS, OR OTHER**

**INDUCEMENTS TO SELECTED LICENSE HOLDERS THAT CONTRIBUTE TO A DISORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

**(B) PROHIBITED ACTIONS.**

**(1) A LICENSED WHOLESALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER MAY NOT DISCRIMINATE DIRECTLY OR INDIRECTLY IN PRICE, DISCOUNTS, OR THE QUALITY OF MERCHANDISE SOLD BETWEEN:**

**(I) ONE DISPENSARY AND ANOTHER DISPENSARY;**

**(II) ONE WHOLESALER AND ANOTHER WHOLESALER; OR**

**(III) ONE RETAILER AND ANOTHER RETAILER THAT PURCHASES ALCOHOLIC BEVERAGES THAT BEAR THE SAME BRAND AND TRADE NAME, AND ARE SIMILAR IN AGE AND QUALITY.**

**(2) A NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT WINERY PERMIT HOLDER, OR NONRESIDENT UNLICENSED MANUFACTURER MAY NOT USE OR PROMOTE THE USE OF A PRACTICE PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO SELL OR DISTRIBUTE ALCOHOLIC BEVERAGES TO OR THROUGH A LICENSED MANUFACTURER, LICENSED WHOLESALER, OR COUNTY DISPENSARY.**

**(C) DEPENDENT DISCOUNTING PROHIBITED.**

**A SUPPLIER, NONRESIDENT DEALER, RESIDENT DEALER, NONRESIDENT WINERY PERMIT HOLDER, OR WHOLESALER MAY NOT MAKE A DISCOUNT, REBATE, OR DEPLETION ALLOWANCE THAT IS OFFERED ON A PRODUCT DEPENDENT ON THE PRICING POLICY OR PRACTICE OF THE LICENSE HOLDER WHO IS INVOICED FOR THE PRODUCT.**

**(D) RATION PLAN ALLOWED.**

**(1) THIS SECTION DOES NOT RESTRICT A WHOLESALER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER FROM LIMITING THE QUANTITY OF ALCOHOLIC BEVERAGES TO BE SOLD TO A LICENSE HOLDER UNDER A VOLUNTARY OR COMPULSORY RATIONING PLAN.**

**(2) A WHOLESALER, NONRESIDENT DEALER, RESIDENT DEALER, OR NONRESIDENT WINERY PERMIT HOLDER IS NOT REQUIRED TO SELL TO ALL LICENSE HOLDERS FROM WHOM ORDERS ARE RECEIVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–102(b) and the first through third sentences of (a), except as they related to manufacturers.

In subsection (a) of this section, the reference to “[t]he purpose of this section” is added for clarity.

In subsection (d)(2) of this section, the reference to “[a] wholesaler ... is not required” to sell to all license holders is substituted for the former reference to “the word ‘purchase’ shall not imply that a ... wholesaler ... shall be required” to sell to all license holders for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“License holder” § 1–101

“Wholesaler” § 1–101

## **2–317. RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED.**

**A HOLDER OF A WHOLESALER’S LICENSE MAY NOT ENTER INTO AN AGREEMENT WITH A RETAIL DEALER THAT LIMITS THE PURCHASES OR SALES OF THE RETAIL DEALER TO THE PRODUCTS OF ANY PRODUCER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–101, except as it related to manufacturers.

The phrase “that limits” is substituted for the former phrase “the effect or purpose of which is to limit” for brevity.

The former statement that “it being the intent and purpose of this article that every retail dealer shall at all times, be and remain free to purchase the alcoholic beverages sold by him, from any holder of a ... wholesaler’s license issued under the provisions of this article” is deleted as unnecessary.

Defined terms: “Retail dealer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 4. WATER VESSEL, RAILROAD, AND AIRCRAFT LICENSES.**

### **2–401. NO LICENSE OR PERMIT REQUIRED FOR CERTAIN PLANES OR SHIPS.**

**A LICENSE OR PERMIT IS NOT REQUIRED FOR A TRANSPORT PLANE FURNISHED WITH A COCKTAIL LOUNGE OR A WATER VESSEL CARRYING PASSENGERS OR CARGO TO A FOREIGN PORT IF:**

**(1) ALCOHOLIC BEVERAGES ARE PURCHASED FROM A MANUFACTURER OR WHOLESALER; AND**

**(2) SATISFACTORY EVIDENCE IS SUBMITTED IN WRITING TO THE COMPTROLLER THAT THE ALCOHOLIC BEVERAGES ARE FOR SALE OR USE BEYOND THE CONTINENTAL LIMITS AND POSSESSIONS OF THE UNITED STATES.**

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

In the introductory language of this section, the reference to "a water vessel" is substituted for the former reference to "ships" to conform to the terminology used in §§ 2-402 and 2-403 of this subtitle.

In item (2) of this section, the reference to submitting evidence "to the Comptroller" is added for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in the introductory language of this section, the meaning of the reference to a "transport plane" is unclear.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License" § 1-101

"Wholesaler" § 1-101

**2-402. CLASS E (WATER VESSEL) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS E (WATER VESSEL) BEER, WINE, AND LIQUOR LICENSE ISSUED BY THE COMPTROLLER.**

**(B) SCOPE OF LICENSE.**

**(1) THE LICENSE IS REQUIRED TO BE OBTAINED FOR EACH WATER VESSEL ON WHICH BEER, WINE, OR LIQUOR IS SOLD.**

**(2) THE LICENSE IS VALID THROUGHOUT THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A WATER VESSEL TO SELL BEER, WINE, OR LIQUOR FOR CONSUMPTION ON THE VESSEL IF THE WATER VESSEL IS USED:**

**(1) FOR THE TRANSPORTATION FOR HIRE OF PASSENGERS FROM PORTS IN THE STATE TO OTHER PORTS IN THE STATE, COASTAL PORTS IN OTHER STATES, OR FOREIGN PORTS; OR**

**(2) TO OPERATE TOURS WITHIN STATE WATERWAYS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-501(a) through (e).

In subsection (a) of this section, the former reference to the issuance of a license "subject to the conditions and restrictions set forth in this section" is deleted as unnecessary.

In subsection (b)(1) and the introductory language of subsection (c) of this section, the former references to a "ferry boat" and "other vessel" are deleted as included in the references to a "water vessel".

In subsection (b)(1) of this section, the statement that a license "is required to be obtained" for each water vessel is substituted for the former requirement that a license "shall be issued" for each water vessel to avoid the implication that the Comptroller has a duty to issue a license for each vessel.

Also in subsection (b)(1) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "such beverages" for clarity.

In the introductory language of subsection (c) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "all alcoholic beverages" to conform to the terminology of the Class E beer, wine, and liquor license.

In subsection (d) of this section, the former reference to the annual license fee "be[ing] paid to the Office of the Comptroller before the license is issued" is deleted as unnecessary.

Defined terms: "Beer" § 1-101  
 "Comptroller" § 1-101  
 "State" § 1-101

“Wine” § 1–101

**2–403. LOCAL PROHIBITION AGAINST SELLING ALCOHOLIC BEVERAGES ON WATER VESSELS.**

**A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES WHILE THE WATER VESSEL FOR WHICH THE LICENSE IS ISSUED IS DOCKED TO A WHARF OR PIER IN A JURISDICTION WHERE LOCAL LAW PROHIBITS THE SALE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–501(f).

The reference to “sell[ing] alcoholic beverages” is substituted for the former reference to “mak[ing] any sale pursuant to the license” for clarity.

The defined term “jurisdiction” is substituted for the former word “county” for accuracy.

The word “docked” is substituted for the former phrase “made fast” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

**2–404. CLASS F (RAILROAD) BEER AND LIGHT WINE LICENSE.**

**(A) “LIGHT WINE” DEFINED.**

**IN THIS SECTION, “LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

**(B) ESTABLISHED.**

**THERE IS A CLASS F (RAILROAD) BEER AND LIGHT WINE LICENSE ISSUED BY THE COMPTROLLER.**

**(C) SCOPE OF LICENSE.**

**THE LICENSE IS VALID THROUGHOUT THE STATE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A STEAM, A DIESEL, OR AN ELECTRIC RAILROAD IN THE STATE OR A CAR ON A LINE OF THE RAILROAD THAT IS A CLUB, A PARLOR, A BUFFET, AN OBSERVATION, A SLEEPING, OR A DINING CAR TO SELL BEER AND LIGHT WINE IN THOSE CARS, FOR CONSUMPTION IN THOSE CARS.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$60.**

**(F) EFFECT OF SECTION.**

**(1) OTHER PROVISIONS OF THIS ARTICLE MAY NOT BE CONSTRUED AS APPLYING TO OR AFFECTING THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS F BEER AND LIGHT WINE LICENSE.**

**(2) THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL OR GENERAL LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-501, 11-201, 1-102(a)(17), and, as it related to Class F licenses, 8-102.

In subsection (a) of this section, the term "light wine", which formerly was used as a defined term for all of Article 2B, is used as a defined term for this section, the only section in Division I of this article where "light wine" is used. "Light wine" is further defined in each title of Division II where it is used.

Also in subsection (a) of this section, the former reference to "naturally fermented" wine is deleted as surplusage in light of the definition of "wine" in § 1-101 of this article.

In subsection (d) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (e) of this section, the former reference to the annual license fee "be[ing] paid to the Comptroller for the use of the State before the license is issued" is deleted as unnecessary.

In subsection (f)(1) of this section, the reference to "[o]ther provisions of" this article is added for clarity.



Also in subsection (f)(1) of this section, the former statement that this article “does not restrict, limit, or prohibit the sale of alcoholic beverages on any day or during any period of hours on any day” is deleted as unnecessary in light of the statement that this article does not “appl[y] to or affec[t] the sale of alcoholic beverages”.

Also in subsection (f)(1) of this section, the former phrase “in any manner” is deleted as surplusage.

Also in subsection (f)(1) of this section, the former reference to a license “issued according to the provisions of this article” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Comptroller” § 1-101

“State” § 1-101

“Wine” § 1-101

**2-405. CLASS F (RAILROAD) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS F (RAILROAD) BEER, WINE, AND LIQUOR LICENSE ISSUED BY THE COMPTROLLER.**

**(B) SCOPE OF LICENSE.**

**THE LICENSE IS VALID THROUGHOUT THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF A STEAM, A DIESEL, OR AN ELECTRIC RAILROAD IN THE STATE OR A CAR ON A LINE OF THE RAILROAD THAT IS A CLUB, A PARLOR, A BUFFET, AN OBSERVATION, A SLEEPING, OR A DINING CAR TO SELL BEER, WINE, AND LIQUOR IN THOSE CARS, FOR CONSUMPTION IN THOSE CARS.**

**(D) LICENSE TO BE KEPT IN CHIEF OPERATING OFFICE.**

**THE LICENSE SHALL BE KEPT IN THE CHIEF OPERATING OFFICE OF THE CORPORATION IN THE STATE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

**(F) EFFECT OF SECTION.**

**(1) OTHER PROVISIONS OF THIS ARTICLE MAY NOT BE CONSTRUED AS APPLYING TO OR AFFECTING THE SALE OF ALCOHOLIC BEVERAGES UNDER A CLASS F BEER, WINE, AND LIQUOR LICENSE.**

**(2) THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL OR GENERAL LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–502, 11–201, and, as they related to Class F licenses, 8–102 and 10–505.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” to conform to the terminology of the Class F beer, wine, and liquor license.

In subsection (e) of this section, the former reference to the annual license fee “be[ing] paid to the Office of the Comptroller before the license is issued” is deleted as unnecessary.

In subsection (f)(1) of this section, the reference to “[o]ther provisions of” this article is added for clarity.

Also in subsection (f)(1) of this section, the former statement that this article “does not restrict, limit, or prohibit the sale of alcoholic beverages on any day or during any period of hours on any day” is deleted as unnecessary in light of the statement that this article does not “appl[y] to or affec[t] the sale of alcoholic beverages”.

Also in subsection (f)(1) of this section, the former phrase “in any manner” is deleted as surplusage.

Also in subsection (f)(1) of this section, the former reference to a license “issued according to the provisions of this article” is deleted as surplusage.

Former Art. 2B, § 8–213, which stated that “[n]othing contained in this article as to Harford County shall apply to or affect Class F licenses issued under this article, with respect to sales of beer, wine and liquor or other alcoholic beverages on passenger trains, while said trains are in transit through [Harford County]”, is deleted as unnecessary in light of subsection (f) of this section and § 2–404 of this subtitle, which state that other provisions of this

article do not apply to or affect the sale of alcoholic beverages under a Class F license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“State” § 1–101

“Wine” § 1–101

**2–406. CLASS G (AIRCRAFT) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS G (AIRCRAFT) BEER, WINE, AND LIQUOR LICENSE ISSUED BY THE COMPTROLLER.**

**(B) SCOPE OF LICENSE.**

**THE LICENSE IS VALID THROUGHOUT THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE OWNER OR OPERATOR OF AIRCRAFT OPERATED ON REGULARLY SCHEDULED FLIGHTS OVER ANY PART OF THE STATE TO SELL BEER, WINE, AND LIQUOR IN THE AIRCRAFT FOR CONSUMPTION IN THE AIRCRAFT.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

**(E) EFFECT OF SECTION.**

**THIS SECTION MAY NOT BE CONSIDERED REPEALED BY A LOCAL OR GENERAL LAW UNLESS THE LAW EXPRESSLY REFERS TO AND REPEALS THIS SECTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–503 and, as it related to Class G licenses, 8–102.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” to conform to the terminology of the Class G beer, wine, and liquor license.

Also in subsection (c) of this section, the former references to “airplanes” are deleted as included in the references to “aircraft”.

In subsection (d) of this section, the former reference to the annual license fee “be[ing] paid to the Office of the Comptroller before the license is issued” is deleted as unnecessary.

Defined terms: “Beer” § 1-101

“Comptroller” § 1-101

“State” § 1-101

“Wine” § 1-101

## **2-407. LICENSE APPLICATION — GENERALLY.**

### **(A) APPLICATION TO BE FILED WITH COMPTROLLER.**

**(1) AN APPLICANT FOR A CLASS E, CLASS F, OR CLASS G LICENSE SHALL SUBMIT TO THE COMPTROLLER AN APPLICATION IN THE FORM THAT THE COMPTROLLER PROVIDES.**

**(2) AN APPLICATION SHALL BE MADE UNDER OATH.**

### **(B) THREE OFFICER OR EMPLOYEE RULE.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE APPLICATION SHALL BE MADE ON BEHALF OF AN ENTITY THAT IS A CORPORATION, A LIMITED LIABILITY COMPANY, OR AN INCORPORATED OR UNINCORPORATED CLUB BY THREE OFFICERS OR EMPLOYEES RESIDING IN THE STATE WHO ARE AUTHORIZED BY THE ENTITY TO APPLY FOR THE LICENSE.**

### **(C) EXCEPTIONS TO APPLICATION REQUIREMENTS.**

**(1) IF THERE ARE FEWER THAN THREE OFFICERS, DIRECTORS, OR AUTHORIZED INDIVIDUALS OF THE ENTITY, ALL OFFICERS, DIRECTORS, OR AUTHORIZED INDIVIDUALS SHALL MAKE THE APPLICATION.**

**(2) A STOCKHOLDER ON BEHALF OF A CLOSE CORPORATION MAY MAKE THE APPLICATION IF:**

**(I) THERE ARE NO OFFICERS OR DIRECTORS OF THE CLOSE CORPORATION; AND**

**(II) THERE IS AN AFFIRMATIVE VOTE OF THE STOCKHOLDERS HOLDING A MAJORITY OF THE STOCK.**

**(3) IF THREE PRINCIPAL OFFICERS OF AN ENTITY ARE APPLICANTS FOR A CLASS G LICENSE, NO APPLICANT NEED BE A REGISTERED VOTER, TAXPAYER, OR RESIDENT OF THE STATE.**

**(4) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, IF THE APPLICATION FOR A CLASS E OR CLASS F LICENSE IS MADE FOR THE USE OF A LIMITED LIABILITY COMPANY:**

**(I) THE LICENSE SHALL BE APPLIED FOR AND ISSUED TO THREE OF THE AUTHORIZED INDIVIDUALS FOR THE COMPANY, AS INDIVIDUALS; AND**

**(II) AT LEAST ONE OF THE APPLICANTS:**

**1. SHALL BE A REGISTERED VOTER AND TAXPAYER OF THE STATE WHEN THE APPLICATION IS SUBMITTED; AND**

**2. SHALL HAVE RESIDED IN THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS SUBMITTED.**

**(5) IN BALTIMORE CITY, AN AUTHORIZED INDIVIDUAL OF A LIMITED LIABILITY COMPANY WHO HOLDS A LICENSE FOR THE USE OF THE LIMITED LIABILITY COMPANY THAT WAS GRANTED ON OR BEFORE JUNE 1, 2012, NEED NOT BE A REGISTERED VOTER IN BALTIMORE CITY.**

**(D) CONTENTS OF APPLICATION.**

**(1) AN APPLICATION SHALL CONTAIN:**

**(I) THE NAME AND ADDRESS OF THE APPLICANT;**

**(II) THE AMOUNT OF TIME THE APPLICANT HAS RESIDED IN THE STATE;**

**(III) THE NAME AND ADDRESS OF THE ENTITY ON WHOSE BEHALF THE LICENSE IS SOUGHT;**

**(IV) THE CLASS OF LICENSE SOUGHT;**

**(V) A STATEMENT THAT THE APPLICANT:**

1. IS A CITIZEN OF THE UNITED STATES;
2. IS AT LEAST 21 YEARS OLD;
3. HAS NOT BEEN CONVICTED OF A FELONY;
4. HAS NOT HAD A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES REVOKED; AND
5. IF ISSUED A LICENSE, WILL OBEY ALL LAWS RELATING TO THE BUSINESS FOR WHICH THE LICENSE IS SOUGHT;

(VI) A STATEMENT THAT THE ENTITY FOR WHICH THE LICENSE IS SOUGHT:

1. CONSENTS TO THE ISSUANCE OF THE LICENSE; AND
2. EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AUTHORIZES THE COMPTROLLER TO INSPECT AND SEARCH AT ANY TIME, WITHOUT WARRANT, THE AIRCRAFT, RAILROAD CAR, OR WATER VESSEL TO WHICH THE LICENSE APPLIES;

(VII) THE NAMES AND ADDRESSES OF ALL OF THE OFFICERS OF THE ENTITY; AND

(VIII) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE ENTITY, AND THE THREE OFFICERS TO WHOM THE LICENSE SHALL BE ISSUED.

(2) AN INSPECTION OR A SEARCH CONDUCTED UNDER PARAGRAPH (1)(VI)2 OF THIS SUBSECTION MAY NOT BE AT A TIME OR IN A MANNER THAT DELAYS OR INTERFERES WITH THE MOVEMENT OF AN AIRCRAFT, A TRAIN, OR A WATER VESSEL.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–102, 9–101(c)(2) through (4), (1)(i) and (ii), and (5)(ii) and (b)(2) through (4), (6), (7), and the second clause of (1)(i), and, as it related to Class E, F, and G licenses, the first sentence of 10–101(a).

In subsection (a)(2) of this section, the reference to an application being “made under oath” is substituted for the former reference to an application being “sworn to by the applicant” to conform to the terminology used throughout this article.

In subsection (b) of this section, the former reference to any officers or employees “duly” authorized is deleted as surplusage.

Throughout subsection (c) of this section, the references to authorized “individual[s]” are substituted for the former references to authorized “person[s]” for clarity.

In subsection (c)(1) and (2) of this section, the former references to the making of an application “as provided in this section” are deleted as surplusage.

In subsections (c)(1) and (3) and (d)(1)(viii) of this section, the references to an “entity” are substituted for the former references to a “corporation”, a “limited liability company”, and a “corporation or club” to conform to the terminology used throughout this section.

In subsection (c)(4)(ii)1 of this section, the former reference to “county or city” is deleted as unnecessary because a Class E, F, or G license is a statewide license.

In subsection (d)(1)(iii) of this section, the reference to the “entity” is substituted for the former references to the “corporation, partnership or association”, the “limited liability company”, and the “particular company” for brevity.

In subsection (d)(1)(v)5 of this section, the former reference to “regulations” is deleted as included in the reference to “laws”.

In subsection (d)(1)(vi)1 of this section, the former reference to the license “applied for” is deleted as surplusage.

In subsection (d)(1)(vi)2 of this section, the former reference to the Comptroller’s “duly authorized deputies, inspectors and clerks” is deleted as implicit in the reference to the “Comptroller”.

Also in subsection (d)(1)(vi)2 of this section, the former references to “any and all” are deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, reference is made to “an entity that is a corporation, a limited liability company, or an incorporated or unincorporated club”, but no mention is made of partnerships or other forms of entities. The Committee wonders whether the reference is intended to be a list for illustrative purposes rather than an exhaustive list.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1-101  
 “Comptroller” § 1-101  
 “License” § 1-101  
 “State” § 1-101

**2-408. CLASS E, CLASS F, AND CLASS G LICENSES.**

**(A) LICENSE EXPIRATION.**

**A CLASS E, CLASS F, OR CLASS G LICENSE EXPIRES 10 DAYS AFTER THE LAST REMAINING INDIVIDUAL TO WHOM THE LICENSE IS ISSUED DIES OR IS DECLARED INCOMPETENT.**

**(B) REPLACEMENT LICENSE.**

**(1) BEFORE A LICENSE UNDER SUBSECTION (A) OF THIS SECTION EXPIRES, THE COMPTROLLER SHALL ISSUE A REPLACEMENT LICENSE CONTAINING THE PRIVILEGES CONFERRED BY THE ORIGINAL LICENSE IF:**

**(I) THE COMPTROLLER RECEIVES FROM AN INDIVIDUAL ON BEHALF OF THE LICENSE HOLDER AN APPLICATION FOR THE REPLACEMENT LICENSE WITHIN 10 DAYS AFTER THE LAST REMAINING INDIVIDUAL DIES OR IS DECLARED INCOMPETENT; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE APPLICATION IS ACCOMPANIED BY PAYMENT OF A FEE OF \$1.**

**(2) IN FREDERICK COUNTY, A FEE MAY NOT BE CHARGED FOR A NEW LICENSE.**

**(3) A REPLACEMENT LICENSE EXPIRES AT THE END OF THE LICENSE YEAR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(8) and (9).

In subsection (a) of this section, the reference to “the last remaining individual” is substituted for the former reference to “all of the persons” for clarity.

Also in subsection (a) of this section, the reference to being “declared” incompetent is substituted for the former reference to “becom[ing]” incompetent for clarity.



Also in subsection (a) of this section, the former phrase “during its term” is deleted as surplusage.

Also in subsection (a) of this section, the former language “[n]o Class E, Class F or Class G license shall expire or become inoperative because of the death and/or incompetency of one or more, but less than all, of the persons to whom it is issued for a company” is deleted as surplusage.

Defined term: “Comptroller” § 1–101

**SUBTITLE 5. STATE CATERER’S LICENSES.**

**2–501. STATE CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A STATE CATERER’S LICENSE.**

**(B) GENERAL STATEWIDE OR LIMITED STATEWIDE LICENSE.**

**THE LICENSE MAY BE ISSUED AS A GENERAL STATEWIDE OR A LIMITED STATEWIDE CATERER’S LICENSE.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a statewide caterer’s license exists.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 6–701(d)(1).

Former Art. 2B, § 6–701(a), which stated that former Art. 2B, § 6–701 applied throughout the State, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “State” § 1–101

**2–502. AUTHORIZED HOLDER.**

**(A) IN GENERAL.**

**THE COMPTROLLER MAY ISSUE A STATE CATERER’S LICENSE TO A PERSON THAT:**

**(1) IS ENGAGED IN THE BUSINESS OF CATERING;**

**(2) MEETS ALL STATE AND LOCAL REQUIREMENTS FOR AND HOLDS ALL REQUIRED LICENSES RELATING TO THE CONDUCT OF THE CATERING BUSINESS;**

**(3) HOLDS ANY CATERING LICENSE THAT MAY BE REQUIRED UNDER THIS ARTICLE IN THE JURISDICTION IN WHICH THE PERSON'S PRINCIPAL PLACE OF BUSINESS IS LOCATED;**

**(4) (I) HOLDS A RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED OTHER THAN A CLASS C LICENSE; OR**

**(II) DOES NOT HOLD A LICENSE BUT HAS A PERMANENT OFFICE AND STORAGE FACILITY FOR ALCOHOLIC BEVERAGES IN THE STATE; AND**

**(5) MEETS ALL OTHER REQUIREMENTS OF THIS SUBTITLE.**

**(B) CONDITIONS UNDER WHICH STATE CATERER'S LICENSE NOT REQUIRED.**

**A LICENSED RETAIL DEALER THAT OPERATES ONLY IN THE JURISDICTION UNDER AUTHORITY OF THE LOCAL LICENSING BOARD NEED NOT ACQUIRE A STATE CATERER'S LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-701(b) and (f)(2).

Throughout this section and subtitle, the references to a "State caterer's" license are substituted for the former references to a "SCAT" license for clarity.

In subsections (a)(3) and (b) of this section, the defined term "jurisdiction" is substituted for the former references to a "[local] political subdivision" to conform to the terminology used throughout this article.

In subsection (a)(3) of this section, the reference to a person's principal "place of business" is substituted for the former reference to a person's principal "office" to conform to the terminology used throughout this article.

In subsection (a)(4) of this section and throughout this subtitle, the references to a license "that may be annually renewed" are substituted for the former references to a "permanent" license for clarity.

Also in subsection (a)(4) of this section, the former reference to an "existing" license is deleted as surplusage.

In subsection (b) of this section, the defined term “retail dealer” is substituted for the former reference to a “retailer” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

**2–503. SCOPE OF AUTHORIZATION.**

**(A) FOR ALL STATE CATERER’S LICENSES.**

**(1) A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S LICENSE AUTHORIZES THE HOLDER TO:**

**(I) ACQUIRE ALCOHOLIC BEVERAGES:**

**1. IF THE HOLDER OPERATES UNDER A RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED, THROUGH A HOLDER OF A WHOLESALER’S LICENSE; OR**

**2. EXCEPT AS PROVIDED IN §§ 25–307, 29–306, 32–306, 32–309(E), AND 33–305 OF THIS ARTICLE, THROUGH A LICENSED RETAIL DEALER THAT HAS OFF–SALE PRIVILEGES;**

**(II) SERVE ALCOHOLIC BEVERAGES AT A CATERED EVENT ANYWHERE IN THE STATE TO INDIVIDUALS WHO HAVE ATTAINED THE LEGAL DRINKING AGE ON PREMISES THAT ARE UNLICENSED OR FOR WHICH A TEMPORARY LICENSE HAS BEEN ISSUED BY THE LOCAL LICENSING BOARD; AND**

**(III) EXCEPT AS PROVIDED IN § 2–504(B)(2) OF THIS SUBTITLE, STORE UNUSED ALCOHOLIC BEVERAGES AT THE HOLDER’S PRINCIPAL PLACE OF BUSINESS FOR USE AT OTHER CATERED EVENTS.**

**(2) THE HOLDER MAY SELL AND SERVE ALCOHOLIC BEVERAGES DURING THE HOURS AND ON THE DAYS THAT A HOLDER OF A CLASS B LICENSE MAY OPERATE IN THE JURISDICTION WHERE THE CATERED EVENT IS CONDUCTED.**

**(B) FOR GENERAL STATEWIDE CATERER’S LICENSES ONLY.**

**A GENERAL STATEWIDE CATERER’S LICENSE AUTHORIZES THE HOLDER TO PROVIDE CATERING SERVICES IN ANY JURISDICTION IN THE STATE.**

**(C) FOR LIMITED STATEWIDE CATERER’S LICENSES ONLY.**

**A LIMITED STATEWIDE CATERER’S LICENSE AUTHORIZES THE HOLDER TO PROVIDE CATERING SERVICES IN NOT MORE THAN THREE CONTIGUOUS AND DESIGNATED JURISDICTIONS IN THE STATE IF THE TOTAL POPULATION OF THE DESIGNATED JURISDICTIONS DOES NOT EXCEED 1,000,000, BASED ON THE MOST RECENT POPULATION RECORDS OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–701(c), (l), (d)(2), (3), and (4), and (f)(1).

In the introductory language of subsection (a)(1) of this section, the reference to a “general statewide or limited statewide” license is added for clarity.

In subsection (a)(1)(i)2 of this section, the former reference to a licensed retail dealer “located in the State” is deleted as unnecessary.

In subsection (a)(1)(ii) of this section, the phrase “anywhere in the State” is substituted for the former phrase “throughout the State” for clarity.

Also in subsection (a)(1)(ii) of this section, the reference to individuals “who have attained the legal drinking age” is substituted for the former reference to individuals “21 years of age or older” for clarity and consistency throughout this article.

In subsection (a)(1)(iii) of this section, the phrase “except as provided in § 2–504(b)(2) of this subtitle,” is added for clarity.

In subsections (b) and (c) of this section, the references to “provide catering services” are substituted for the former references to “operate” for clarity.

Also in subsections (b) and (c) of this section, the former references to the holder “compl[ying] with all other provisions of this subtitle” are deleted as implicit.

In subsection (b) of this section, the defined term “jurisdiction” is substituted for the former reference to a “political subdivision” to conform to the terminology used throughout this article. Similarly, in subsection (c) of this section, the defined term “jurisdictions” is substituted for the former references to “political subdivisions”.

In subsection (c) of this section, the former reference to “applicable” population records is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Off-sale” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

“Wholesaler’s license” § 1–101

## **2–504. DUTIES AND RESTRICTIONS.**

### **(A) DUTIES.**

**AT EACH CATERED EVENT AT WHICH ALCOHOLIC BEVERAGES ARE SERVED, THE HOLDER OF A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S LICENSE SHALL:**

**(1) SUPPLY SERVICE PERSONNEL, INCLUDING BARTENDERS AND WAITERS;**

**(2) ENSURE THAT THE SERVICE PERSONNEL ARE PRESENT AT ALL TIMES DURING THE CATERED EVENT;**

**(3) HAVE AT LEAST ONE INDIVIDUAL AT THE CATERED EVENT WHO HAS BEEN CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4–505 OF THIS ARTICLE;**

**(4) ENSURE THAT THE SALE OF FOOD REPRESENTS AT LEAST 70% OF THE TOTAL COST OF THE CATERED EVENT; AND**

**(5) RETURN ALL UNOPENED CONTAINERS OF ALCOHOLIC BEVERAGES TO THE HOLDER’S PRINCIPAL PLACE OF BUSINESS AT THE END OF THE CATERED EVENT.**

### **(B) RESTRICTIONS.**

**(1) THE HOLDER OF A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S LICENSE MAY NOT:**

**(I) DELIVER ALCOHOLIC BEVERAGES TO A CATERED EVENT WITHOUT SERVICE PERSONNEL PRESENT ON THE PREMISES OF THE CATERED EVENT; AND**

**(II) EXCEPT WHEN OPERATING UNDER AN ON-PREMISES RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED ISSUED BY A LOCAL LICENSING BOARD, SERVE ALCOHOLIC BEVERAGES AT:**

- 1. THE HOLDER’S PRINCIPAL PLACE OF BUSINESS; OR**
- 2. AN EVENT FOR WHICH THE HOLDER IS A SPONSOR OR PROMOTER.**

**(2) TO ENSURE PRODUCT INTEGRITY, A PARTIALLY USED KEG OF A MALT BEVERAGE MAY NOT BE USED AT ANOTHER CATERED EVENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–701(h), (i), (j), and (k).

In the introductory language of subsection (a) of this section, the former reference to alcoholic beverages “products” is deleted as unnecessary.

In subsection (a)(3) of this section, the phrase “at the catered event” is substituted for the former reference to “on-site” for clarity.

Also in subsection (a)(3) of this section, the reference to an alcohol awareness program “under § 4–505 of this article” is substituted for the former reference to a program “that is licensed by the State Comptroller” for clarity.

In subsection (a)(5) of this section, the reference to “unopened” containers is substituted for the former reference to “full” containers for accuracy.

In subsection (b)(1)(i) of this section, the reference to service personnel “present on the premises of the catered event” is substituted for the former reference to “on the premises” for clarity.

Also in subsection (b)(1)(i) of this section, the former phrase “under the SCAT license” is deleted as surplusage.

In subsection (b)(1)(ii)1 of this section, the reference to the license holder’s principal “place of business” is substituted for the former reference to the holder’s principal “office” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the reference to a “partially used” keg is substituted for the former reference to a “partial” keg for clarity.

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

**2–505. FEES.**

**(A) GENERAL STATEWIDE CATERER’S LICENSE.**

**THE ANNUAL FEE FOR A GENERAL STATEWIDE CATERER’S LICENSE IS \$2,000.**

**(B) LIMITED STATEWIDE CATERER’S LICENSE.**

**(1) THE ANNUAL FEES FOR A LIMITED STATEWIDE CATERER’S LICENSE ARE:**

**(I) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL POPULATION OF NOT MORE THAN 300,000, \$750;**

**(II) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL POPULATION OF MORE THAN 300,000 BUT LESS THAN 600,000, \$1,000; AND**

**(III) FOR DESIGNATED JURISDICTIONS THAT HAVE A TOTAL POPULATION OF AT LEAST 600,000, \$1,500.**

**(2) THE FEE FOR A LIMITED STATEWIDE CATERER’S LICENSE IS BASED ON THE MOST RECENT POPULATION RECORDS OF THE DESIGNATED JURISDICTIONS IN WHICH THE APPLICANT OR LIMITED STATEWIDE CATERER’S LICENSE HOLDER PROVIDES CATERING SERVICES, AS COMPILED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.**

**(C) CREDIT AGAINST LICENSE FEE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICANT FOR A GENERAL STATEWIDE OR LIMITED STATEWIDE CATERER’S LICENSE THAT HOLDS A RETAIL LICENSE THAT MAY BE ANNUALLY RENEWED AND A SPECIAL CATERING LICENSE OR THAT IS REQUIRED TO PAY AN ADDITIONAL FEE TO PROVIDE CATERING SERVICES IN THE APPLICANT’S JURISDICTION IS ENTITLED TO A CREDIT AGAINST THE LICENSE FEE.**

**(2) THE CREDIT MAY BE GRANTED IF:**

**(I) THE CREDIT DOES NOT EXCEED THE ADDITIONAL CATERING FEE REQUIRED TO BE PAID IN THE JURISDICTION; AND**

**(II) AFTER THE CREDIT IS APPLIED AGAINST THE LICENSE FEE, AT LEAST A \$250 FEE REMAINS TO BE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-701(e).

In subsection (b)(1) of this section, the references to "total" population are added for clarity and consistency with § 2-503(c) of this subtitle.

In subsection (b)(2) of this section, the reference to the jurisdictions "in which the applicant or limited statewide caterer's license holder provides catering services" is substituted for the former reference to the "applicable" population records of the jurisdiction for clarity.

In subsections (b)(2) and (c)(1) and (2)(i) of this section, the defined term "jurisdictio[n]" is substituted for the former references to "political subdivisio[n]" to conform to the terminology used throughout this article.

In subsection (c)(1) of this section, the reference to "provide catering services" is substituted for the former reference to "the privilege of catering" to conform to the terminology used throughout this subtitle.

In subsection (c)(2)(ii) of this section, the phrase "after the credit is applied against the license fee, at least a \$250 fee remains to be paid" is substituted for the former phrase "there is a minimum license fee payment of \$250 for a general or limited SCAT license" for clarity.

Defined term: "Jurisdiction" § 1-101

## **2-506. ENFORCEMENT OF PROHIBITIONS AGAINST UNLAWFUL SALES.**

### **(A) INVESTIGATION BY LOCAL LICENSING BOARD.**

**A LOCAL LICENSING BOARD MAY CONDUCT AN INVESTIGATION AT A CATERED EVENT TO ENFORCE THE PROHIBITIONS UNDER §§ 6-304 AND 6-307 OF THIS ARTICLE AGAINST SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUALS WHO HAVE NOT ATTAINED THE LEGAL DRINKING AGE OR ARE VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE.**

### **(B) REPORT TO COMPTROLLER.**



**IF A LOCAL LICENSING BOARD DETERMINES THAT ALCOHOLIC BEVERAGES WERE UNLAWFULLY SOLD OR PROVIDED AT A CATERED EVENT:**

**(1) THE LOCAL LICENSING BOARD SHALL REPORT ITS FINDINGS TO THE COMPTROLLER; AND**

**(2) THE COMPTROLLER SHALL TAKE THE ACTION THE COMPTROLLER DETERMINES IS APPROPRIATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-701(g).

In subsection (a) of this section, the reference to individuals who "have not attained the legal drinking age" is substituted for the former reference to individuals who "are under 21 years of age" for clarity and consistency throughout this article.

In the introductory language of subsection (b) of this section, the reference to "alcoholic beverages [that] were unlawfully sold or provided at a catered event" is substituted for the former reference to "sales [that] have been made unlawfully" for clarity.

Defined terms: "Alcoholic beverage" § 1-101  
"Comptroller" § 1-101  
"Local licensing board" § 1-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 6-701(m), which authorized the Comptroller to adopt regulations to establish reporting requirements and to carry out former Art. 2B, § 6-701, is deleted as unnecessary in light of the Comptroller's general authority to adopt regulations under § 1-302 of this article.

**TITLE 3. STATE LICENSING.**

**SUBTITLE 1. APPLICATIONS FOR STATE LICENSES.**

**3-101. APPLICATIONS TO BE FILED WITH COMPTROLLER.**

**AN APPLICATION FOR A MANUFACTURER'S LICENSE, WHOLESALER'S LICENSE, CLASS E (WATER VESSEL) LICENSE, CLASS F (RAILROAD) LICENSE, CLASS G (AIRPLANE) LICENSE, OR STATEWIDE CATERER'S LICENSE SHALL BE FILED WITH THE COMPTROLLER.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10-101(a).

The reference to a "statewide caterer's license" is added for accuracy.

The reference to a "water vessel" license is substituted for the former obsolete reference to a "steamboat[s]" license.

Defined terms: "Comptroller" § 1-101  
 "Manufacturer's license" § 1-101  
 "Wholesaler's license" § 1-101

### **3-102. INDIVIDUAL APPLICANT FOR MANUFACTURER'S OR WHOLESALER'S LICENSE.**

**TO BE ISSUED A MANUFACTURER'S LICENSE OR A WHOLESALER'S LICENSE, AN INDIVIDUAL APPLICANT SHALL HAVE BEEN A RESIDENT OF THE STATE FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-401(a), as it related to individual applicants.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant shall have been a resident in the State for 2 years immediately before the filing of the application 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: "Manufacturer's license" § 1-101  
 "State" § 1-101  
 "Wholesaler's license" § 1-101

### **3-103. NAMES AND ADDRESSES OF APPLICANTS REQUIRED.**

**AN APPLICATION FOR A LICENSE SHALL DISCLOSE THE NAME AND ADDRESS OF THE BUSINESS ENTITY ON WHOSE BEHALF THE APPLICATION IS MADE AND THE NAME AND ADDRESS OF EACH INDIVIDUAL APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of former Art. 2B, § 9-101(b)(1) and the second sentence of (2).

The reference to “business entity” is substituted for the former references to “corporation, or a club, whether incorporated or unincorporated” and “corporation, partnership or association” for brevity.

Defined term: “License” § 1–101

### **3–104. APPLICATION ON BEHALF OF PARTNERSHIP.**

#### **(A) APPLICATION TO BE ISSUED TO THREE INDIVIDUALS.**

**(1) IF AN APPLICATION FOR A LICENSE IS MADE FOR THE USE OF A PARTNERSHIP, THE LICENSE SHALL BE ISSUED TO THREE INDIVIDUALS.**

#### **(2) EACH OF THE INDIVIDUALS SHALL QUALIFY AS:**

**(I) AN INDIVIDUAL GENERAL PARTNER; OR**

**(II) IF A GENERAL PARTNER IS A CORPORATION, AN OFFICER OF THE CORPORATION AS AN INDIVIDUAL.**

#### **(B) PARTNERSHIP WITH FEWER THAN THREE GENERAL PARTNERS.**

**(1) IF A PARTNERSHIP HAS FEWER THAN THREE GENERAL PARTNERS, THE NAMES OF EACH GENERAL PARTNER SHALL BE ON THE LICENSE.**

**(2) EACH OF THE THREE GENERAL PARTNERS OR CORPORATE OFFICERS SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) BE A REGISTERED VOTER OF THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(a)(6)(ii) through (iv) and, as it related to partnerships, the second sentence of § 2–401(a).

In subsection (b)(1) of this section, the reference to the requirement that “the names of each general partner shall be on the license” is substituted for the former reference to “a license may be issued to all of the general partners or officers qualified under subparagraph (ii)2 of this paragraph” for clarity.

Former Art. 2B, § 9–101(a)(6)(i), which stated that former Art. 2B, § 9–101(a)(6) applied only to licenses issued by the Comptroller, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–101(b)(6)(v), which stated that former Art. 2B, § 9–101(b)(6) may not be construed to waive any of the requirements under former Art. 2B, § 9–102, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
 “State” § 1–101

### **3–105. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO:**

- (1) A CORPORATION; AND**
- (2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

#### **(B) THREE OFFICERS REQUIRED.**

**(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS INDIVIDUALS.**

#### **(2) AT LEAST ONE OF THE THREE OFFICERS SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) BE A REGISTERED VOTER AND TAXPAYER OF THE STATE WHEN THE APPLICATION IS FILED.**

#### **(C) CORPORATION WITH FEWER THAN THREE OFFICERS OR DIRECTORS.**

**IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS, ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

#### **(D) CLOSE CORPORATION.**

**IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER MAY APPLY FOR A LICENSE IF:**

**(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS; AND**

**(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE STOCKHOLDERS.**

**(E) CONTENTS OF APPLICATION.**

**AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL INCLUDE:**

**(1) THE NAME AND ADDRESS OF EACH OFFICER;**

**(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND**

**(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE SHALL BE ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(b)(6), (7), the first sentence of (2), and, except as it related to being a registered voter and taxpayer of a county or city, (1).

In subsections (c) and (d) of this section, the references to "apply[ing] for a license" are substituted for the former references to "mak[ing] the application as provided in this section" for brevity and clarity.

In the introductory language of subsection (d) of this section, the reference to "one individual stockholder" is substituted for the former reference to "one stockholder" for consistency within this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b)(2)(i) of this section that at least one of the three officers who apply for a license on behalf of a corporation or club shall have been a resident of the State for at least 2 years before the application is filed 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: “Club” § 1–101

“License” § 1–101

“State” § 1–101

### **3–106. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

#### **(A) IN GENERAL.**

**(1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR AND ISSUED TO, AS INDIVIDUALS:**

**(I) ALL OF THE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED INDIVIDUALS; OR**

**(II) THREE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED INDIVIDUALS.**

**(2) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) BE A REGISTERED VOTER AND TAXPAYER OF THE STATE WHEN THE APPLICATION IS FILED.**

#### **(B) CONTENTS OF APPLICATION.**

**AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL INCLUDE:**

**(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND**

**(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(c)(2), (3)(i), (5)(ii), and, except as it related to being a registered voter and taxpayer of a county or city, (1)(i).

Throughout this section, the references to three authorized “individuals” are substituted for the former references to “persons” to clarify that they are human beings.

In subsection (b)(2) of this section, the former reference to “the name and address of the applicant” is deleted as duplicative of subsection (b)(1) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a)(2)(i) of this section that at least one of the three authorized individuals who apply for a license on behalf of a corporation or club shall have been a resident of the State for at least 2 years before the application is filed 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: “License” § 1–101  
 “State” § 1–101

### **3–107. DISPOSITION OF FEES.**

**THE COMPTROLLER MAY RETAIN FROM THE LICENSE AND PERMIT FEES THAT ARE COLLECTED AN AMOUNT TO PAY FOR:**

**(1) THE COST OF REFUNDS ISSUED IN ACCORDANCE WITH § 3–108(B) OF THIS SUBTITLE; AND**

**(2) THE ADMINISTRATIVE EXPENSES INCURRED BY THE COMPTROLLER TO DISCHARGE ITS DUTIES UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(a)(3).

In the introductory language of this section, the former reference to license and permit fees collected “by the office for the use of the State of Maryland” is deleted as surplusage.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101

### **3–108. REFUND OF LICENSE FEES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER IS NOT ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE LICENSE FEE.**

**(B) INSTANCES WHEN REFUNDS ARE AUTHORIZED.**

**A REFUND SHALL BE ISSUED TO A LICENSE HOLDER ON SURRENDER OF THE LICENSE IF:**

**(1) RECEIVERSHIP OR BANKRUPTCY OF THE BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE WAS ISSUED OCCURS AND A LICENSE TRANSFER IS NOT REQUESTED, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE CREDITORS OF THE LICENSE HOLDER;**

**(2) THE LICENSE HOLDER DIES, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER;**

**(3) THE LICENSE HOLDER VOLUNTEERS FOR OR HAS BEEN CALLED INTO THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED STATE MILITIA;**

**(4) THE LICENSE HOLDER SURRENDERS A LICENSE AND OBTAINS A NEW LICENSE OF ANOTHER CLASS CARRYING A HIGHER FEE, WITH THE REFUND DEDUCTED FROM THE HIGHER FEE;**

**(5) THE LICENSE HOLDER, AGAINST WHOM CHARGES ARE PENDING WHEN THE LICENSE IS RENEWED, IS FOUND GUILTY AND THE LICENSE IS REVOKED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REVOCATION BECOMES FINAL;**

**(6) THE ISSUANCE OF A LICENSE BY THE COMPTROLLER IS REVERSED ON JUDICIAL REVIEW AND THE OPERATION OF THE ESTABLISHMENT IS PROHIBITED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REFUSAL TO GRANT THE RENEWAL BECOMES FINAL; OR**

**(7) THE LICENSED PREMISES IS TAKEN BY THE FEDERAL GOVERNMENT, THE STATE, OR A MUNICIPALITY FOR PUBLIC USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-205(a).



In subsection (b)(3) of this section, the reference to the “organized” State militia is substituted for the former obsolete reference to the “regular” State militia to conform to the terminology used in § 13–203 of the Public Safety Article.

In subsection (b)(4) of this section, the reference to the “higher fee” is substituted for the former reference to the “amount of the fee to be paid for the newly obtained license” for brevity.

In subsection (b)(6) of this section, the reference to “the operation of the establishment is prohibited” is added for clarity.

Also in subsection (b)(6) of this section, the reference to a “judicial review” is substituted for the former reference to an “appeal” for accuracy.

Also in subsection (b)(6) of this section, the reference to “the date that the refusal to grant the renewal becomes final” is substituted for the former reference to “the date the revocation becomes final” for accuracy.

In subsection (b)(7) of this section, the former reference to a “city” is deleted as included in the reference to a “municipality”.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

### **3–109. FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO TEMPORARY OR MISCELLANEOUS LICENSES.**

#### **(B) FEE SCHEDULE.**

**THE FEE FOR A LICENSE ISSUED FOR LESS THAN 1 YEAR IS:**

**(1) THE FULL ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FIRST QUARTER OF THE LICENSE YEAR;**

**(2) THREE–FOURTHS OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE SECOND QUARTER OF THE LICENSE YEAR;**

**(3) ONE-HALF OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE THIRD QUARTER OF THE LICENSE YEAR; AND**

**(4) ONE-FOURTH OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FOURTH QUARTER OF THE LICENSE YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-207(a).

Defined term: "License" § 1-101

## **SUBTITLE 2. ISSUANCE OR DENIAL OF STATE LICENSES.**

### **3-201. STATE LICENSES ISSUED BY COMPTROLLER.**

#### **(A) IN GENERAL.**

**THE COMPTROLLER SHALL ISSUE EACH LICENSE THAT APPLIES STATEWIDE.**

#### **(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.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that all licenses that apply statewide are issued by the Comptroller.

Subsections (b) and (c) of this section are new language derived without substantive change from the first sentence of former Art. 2B, § 9-101(a)(1).

Although no provision in former Article 2B covers all statewide licenses, several provisions in the former law provided that the Comptroller issue certain statewide licenses: former Art. 2B, §§ 2-207(a)(1) (pub-brewery license), 2-208(b)(1) (micro-brewery license), 6-501(c) (Class E water vessels),

6–502(c) (Class F railroads), 6–503(c) (Class G airplanes), 6–701(b) (statewide caterer’s license), and 7–101(a)(2) (special licenses). Other statewide licenses that the Comptroller in fact issues are distillery, rectifying, winery, limited winery, brewery, and wholesaler’s licenses. With respect to these licenses, this revision codifies current practice and various strong implications found under former Article 2B that the Comptroller issues all statewide licenses. *See, e.g.* former Art. 2B, § 2–402(a) (establishing fees for the initial issuance and renewal of alcoholic beverages licenses issued “by the Comptroller” under former Art. 2B, Title 2, Subtitles 2 and 3; and former Art. 2B, § 10–101(a), requiring that an application for some of these licenses be filed with the Comptroller).

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

### **3–202. APPROVAL OR DENIAL OF LICENSE APPLICATION.**

#### **(A) INVESTIGATION.**

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

- (1) THE APPLICANT;**
- (2) THE BUSINESS TO BE OPERATED; AND**
- (3) THE STATEMENTS PRESENTED IN THE LICENSE APPLICATION.**

#### **(B) GROUNDS FOR DENIAL OF LICENSE APPLICATION.**

**ON COMPLETION OF THE INVESTIGATION, THE COMPTROLLER SHALL DENY THE LICENSE APPLICATION:**

##### **(1) IF THE COMPTROLLER DETERMINES THAT THE APPLICANT:**

- (I) IS NOT A FIT PERSON TO RECEIVE THE LICENSE;**
- (II) MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**OR**

**(III) ACTED FRAUDULENTLY IN CONNECTION WITH THE APPLICATION; OR**

**(2) FOR OTHER REASONS THAT THE COMPTROLLER CONSIDERS SUFFICIENT.**

**(C) APPROVAL OF LICENSE APPLICATION.**

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

**(D) FEE.**

**(1) IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS ARTICLE, AN APPLICANT FOR THE INITIAL ISSUANCE OF A MANUFACTURER'S OR WHOLESALE'S LICENSE UNDER TITLE 2, SUBTITLE 2 OR 3 OF THIS ARTICLE SHALL PAY TO THE COMPTROLLER A NONREFUNDABLE APPLICATION FEE OF \$200.**

**(2) THE APPLICATION FEE UNDER THIS SUBSECTION DOES NOT APPLY TO A LICENSE FOR WHICH PAYMENT OF AN ANNUAL LICENSE FEE IS NOT OTHERWISE REQUIRED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–201, as it related to the issuance of statewide licenses, and 2–402(a)(1) and, as it related to application fees, (b).

In the introductory language of subsection (a) of this section, the phrase “[o]n receipt of an application” is substituted for the former phrase “[b]efore the Comptroller shall approve any license” for clarity.

Also in the introductory language of subsection (a) of this section, the requirement that the Comptroller “order an investigation of” an applicant is substituted for the former requirement that the Comptroller “cause an investigation to be made regarding” an applicant for brevity.

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

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

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

In subsection (b)(1) of this section, the phrase “if the Comptroller determines” is substituted for the former phrases “if the Comptroller is of the opinion” and “in the discretion of the Comptroller” for brevity.

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

In subsection (b)(1)(iii) of this section, the reference to “act[ing] fraudulently” is substituted for the former reference to “practic[ing] fraud” for consistency with terminology used throughout this article.

In subsection (b)(2) of this section, the reference to other reasons “that the Comptroller considers sufficient” is substituted for the former reference to other reasons “why the license ... should not be issued” to conform to terminology used throughout this article.

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

In subsection (d)(1) of this section, the reference to a “manufacturer’s or wholesaler’s” license is added for clarity.

Also in subsection (d)(1) of this section, the former reference to a license “issued by the Comptroller” is deleted as unnecessary because all manufacturer’s licenses and wholesaler’s licenses are issued by the Comptroller.

In subsection (d)(2) of this section, the reference to an “annual” license is added for clarity.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Person” § 1–101

“Wholesaler’s license” § 1–101

### **3–203. FORMS; NUMBERING.**

#### **(A) FORMS.**

**A STATEWIDE LICENSE SHALL BE ON THE FORM THAT THE COMPTROLLER PROVIDES.**

#### **(B) NUMBERING.**

**THE COMPTROLLER SHALL NUMBER EACH STATEWIDE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(d) and, as it related to required forms for statewide licenses, 10–206(a).

The references to a “statewide” license are substituted for the former broader references to a license “issued under the provisions of this article” or “[e]very license” because this title applies only to statewide licenses.

In subsection (a) of this section, the former phrase “as the case may be” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the former reference to “appropriately” number is deleted as surplusage.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101

### **3–204. EFFECTIVE DATE; EXPIRATION.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE ISSUED BY THE COMPTROLLER SHALL BE DATED AS OF THE DATE OF ISSUANCE AND SHALL EXPIRE ON THE NEXT APRIL 30 AFTER ITS ISSUANCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–206(a), as it related to the effective date for and expiration of statewide licenses, other than temporary or special licenses.

The phrase “[e]xcept as otherwise provided in this article” is added for accuracy to reflect the organization of this article.

The reference to a “license issued by the Comptroller” is substituted for the former broader reference to a license “issued under the provisions of this article” because this title applies only to licenses issued by the Comptroller.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101

### **3–205. LICENSE NOT PROPERTY.**

**A LICENSE ISSUED BY THE COMPTROLLER:**

**(1) IS NOT PROPERTY AND DOES NOT CONFER PROPERTY RIGHTS;**

**AND**

**(2) IS SUBJECT TO:**

**(I) SUSPENSION, REVOCATION, AND RESTRICTIONS  
AUTHORIZED BY LAW; AND**

**(II) REGULATIONS AUTHORIZED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(a).

In the introductory language of this section, the reference to a “license issued by the Comptroller” is substituted for the former broader reference to a license “issued under provisions of this article” because this title applies only to licenses issued by the Comptroller.

Also in the introductory language of this section, the former phrase “[e]xcept as otherwise provided under this section” is deleted as unnecessary in light of the organization of this revised article.

In item (2)(i) of this section, the reference to suspension, revocation, and restrictions “authorized by law” is added for clarity.

In item (2)(ii) of this section, the reference to regulations “authorized under this article” is substituted for the former reference to regulations “that may be adopted as herein provided” for clarity.

Also in item (2)(ii) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

**3–206. REPLACEMENT LICENSES.****(A) ISSUANCE.**

**THE COMPTROLLER MAY ISSUE A REPLACEMENT LICENSE TO A LICENSE HOLDER WHOSE LICENSE IS LOST OR DESTROYED ON RECEIVING:**

**(1) AN APPLICATION UNDER OATH; AND**

**(2) PAYMENT OF A \$1 FEE.**

**(B) CONTENTS.**

**ON THE REPLACEMENT LICENSE, THE WORD “REPLACEMENT” SHALL APPEAR WITH ALL OF THE INFORMATION THAT APPEARED ON THE ORIGINAL LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(a).

Throughout this section, the references to a “replacement” license are substituted for the former references to “another” license and a “duplicate” license for clarity.

In subsection (a) of this section, the reference to the “Comptroller” is substituted for the former reference to the “license issuing authority” because only the Comptroller may issue a license under this subtitle.

Also in subsection (a) of this section, the former reference to a license “issued under this article” is deleted as included in the defined term “license”.

Also in subsection (a) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the reference to the word “appear[ing]” on the replacement license is substituted for the former reference to “be[ing] endorsed” for clarity.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

**3–207. WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

**(1) IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION MAY NOT BE CONSIDERED FROM THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6 MONTHS AFTER THE DENIAL; AND**

**(2) IF A SUBSEQUENT APPLICATION BY THE SAME APPLICANT OR FOR THE SAME LOCATION IS DENIED WITHIN A 2–YEAR PERIOD IMMEDIATELY AFTER THE FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT APPLICANT OR FOR THAT LOCATION UNTIL THE 2–YEAR PERIOD EXPIRES.**



**(B) EXCEPTIONS.****THIS SECTION DOES NOT APPLY TO:**

**(1) AN APPLICANT, IF THE LICENSE WAS DENIED BECAUSE IT WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC OR THE LOCATION WAS NOT SUITABLE FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(2) THE LOCATION, IF THE LICENSE WAS DENIED BECAUSE THE COMPTROLLER DETERMINED THAT THE APPLICANT WAS NOT A PROPER PERSON TO BE ISSUED THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-208(a)(1) and (2)(i) and the first sentence of (ii).

Throughout this section, the references to the "location" are substituted for the former references to the "premises" for consistency with terminology used throughout this article.

In subsection (a) of this section, the former phrases "as the case may be" are deleted as surplusage.

In subsection (a)(1) of this section, the references to the "same" applicant and location are added for clarity.

Also in subsection (a)(1) of this section, the former phrase "a period of" 6 months is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to "the date of" the first refusal is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to this section "not apply[ing]" is substituted for the former reference to this section "not hold[ing] against" for clarity.

In subsection (b)(1) of this section, the former phrase "under the license applied for" is deleted as surplusage. Similarly, in subsection (b)(2) of this section, the former references to the license "applied for" are deleted.

In subsection (b)(2) of this section, the reference to the "Comptroller" is added for clarity.

Also in subsection (b)(2) of this section, the former reference to the premises “set forth in an application” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the applicant “personally” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (b)(2) of this section to a determination whether the applicant was “not a proper person” to be issued the license is unclear as to whether the applicant was not fit, *i.e.* having committed an immoral act, or the applicant did not meet technical requirements. The General Assembly may want to clarify the requirements necessary for a determination that an applicant is “not a proper person”.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“Person” § 1–101

### **SUBTITLE 3. TRANSFER OF STATE LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

#### **3–301. TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY.**

##### **(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER OR A RECEIVER OR TRUSTEE FOR THE BENEFIT OF CREDITORS MAY:**

**(1) TRANSFER THE LICENSE HOLDER’S PLACE OF BUSINESS TO SOME OTHER LOCATION; OR**

**(2) TRANSFER THE LICENSE AND THE LICENSE HOLDER’S INVENTORY TO ANOTHER PERSON.**

##### **(B) CONDITIONS OF TRANSFER.**

**A TRANSFER UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE IF:**

**(1) AN APPLICATION FOR THE TRANSFER HAS BEEN MADE;**

**(2) ALL SALES AND USE, AMUSEMENT, ADMISSION, AND WITHHOLDING TAXES HAVE BEEN PAID TO THE COMPTROLLER;**

**(3) A BULK TRANSFER PERMIT HAS BEEN OBTAINED IF THE INVENTORY OF ALCOHOLIC BEVERAGES IS TO BE TRANSFERRED:**

**(I) IN ANY MANNER, INCLUDING BY SALE, GIFT, INHERITANCE, AND ASSIGNMENT; AND**

**(II) REGARDLESS OF WHETHER CONSIDERATION IS PAID; AND**

**(4) THE COMPTROLLER APPROVES THE NEW LOCATION OR LICENSE HOLDER IN THE SAME WAY THE COMPTROLLER APPROVES THE ISSUANCE OF A LICENSE.**

**(C) TRANSFER OF LOCATION AND OWNERSHIP IN SAME APPLICATION.**

**AN APPLICANT MAY APPLY FOR A TRANSFER OF LOCATION AND A TRANSFER OF OWNERSHIP IN THE SAME APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(2) and the second sentence of (3).

In the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to “[a]ny holder of a license under this article” for brevity.

In subsection (a)(2) of this section, the reference to “transfer[ring]” the license is substituted for the former reference to “sell[ing] or assign[ing]” the license for brevity and consistency with terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the former reference to a “sale” is deleted as included in the reference to the “transfer”.

Also in subsection (a)(2) of this section, the reference to “inventory” is substituted for the former reference to “stock in trade” for clarity. Similarly, in subsection (b)(3) of this section, the reference to “inventory” is substituted for the former reference to “stock”.

In subsection (b)(4) of this section, the defined term “Comptroller” is substituted for the former reference to the “board” to state expressly what was only implied in the former law, that this subtitle applies to State licenses issued by the Comptroller.

Also in subsection (b)(4) of this section, the reference to “license holder” is substituted for the former reference to “assignee” for consistency within this section.

Also in subsection (b)(4) of this section, the phrase “in the same way the Comptroller approves the issuance of a license” is substituted for the former phrase “as in the case of an original application for such a license under § 10–202 of this title” for clarity.

In subsection (c) of this section, the phrase “[a]n applicant may apply for” a transfer is substituted for the former phrase “[t]his section permits the” transfer for clarity.

Also in subsection (c) of this section, the reference to a “transfer of ownership” is substituted for the former reference to an “assignment of license” for consistency.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

### **3–302. COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED.**

**THE COMPTROLLER MAY NOT ALLOW THE TRANSFER OF A LICENSE UNTIL THE TRANSFEROR HAS:**

**(1) COMPLIED WITH THE BULK TRANSFERS ACT UNDER TITLE 6 OF THE COMMERCIAL LAW ARTICLE; AND**

**(2) PROVIDED TO THE COMPTROLLER AN AFFIDAVIT THAT CERTIFIES COMPLIANCE WITH THE BULK TRANSFERS ACT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(4).

In item (2) of this section, the defined term “Comptroller” is substituted for the former reference to the “board” to state expressly what was only implied in the former law, that this subtitle applies to State licenses issued by the Comptroller.

Defined terms: “License” § 1–101

“Comptroller” § 1–101

### **3–303. FILING FEE AND ENDORSEMENT.**

**(A) PAYMENT TO COMPTROLLER.**

**AN APPLICANT SHALL PAY TO THE COMPTROLLER A FEE OF \$20, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE, WHEN FILING AN APPLICATION FOR THE TRANSFER OF A LICENSE.**

**(B) ENDORSEMENT BY COMPTROLLER.**

**THE COMPTROLLER SHALL ENDORSE ON THE LICENSE THE TRANSFER OF THE LICENSE IF THE APPLICANT HAS PAID THE FEE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10-503(a)(3).

In subsection (a) of this section, the reference to the "Comptroller" is substituted for the former reference to the "local collecting agent" for clarity. Similarly, in subsection (b) of this section, the reference to the "Comptroller" is substituted for the former reference to the "license issuing authority".

Also in subsection (a) of this section, the former reference to the "sale" of a license is deleted as included in the reference to the "transfer" of a license. Similarly, in subsection (b) of this section, the former reference to the "assignment" of a license is deleted as included in the reference to the "transfer" of a license.

In subsection (b) of this section, the former phrase ", when made," is deleted as surplusage.

Defined terms: "Comptroller" § 1-101  
"License" § 1-101

**3-304. SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A LICENSE ISSUED BY THE COMPTROLLER FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**
- (3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE WITH THE COMPTROLLER AN AFFIDAVIT THAT CONTAINS:**

- (1) THE SUBSTITUTION OF THE OFFICER;**
- (2) AN EXPLANATION FOR THE SUBSTITUTION; AND**
- (3) IN THE CASE OF A CORPORATION, A STATEMENT THAT THE OWNERSHIP OF THE CORPORATION HAS NOT CHANGED.**

**(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT AND AFTER DETERMINING THAT THE APPLICANT QUALIFIES UNDER THIS ARTICLE, THE COMPTROLLER SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(2)(ii), (iii), and, as it related to licenses issued by the Comptroller, (i).

In the introductory language of subsection (a) of this section, the reference to "the license holder" is substituted for the former reference to "a corporation or club holding an alcoholic beverages license" for brevity. Similarly, in the introductory language of subsection (b) of this section, the reference to the "license holder" is substituted for the former reference to the "corporation or club".

Also in the introductory language of subsection (a) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase "notwithstanding any other provision of this article to the contrary" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase ", during the license year," is deleted as surplusage.

In subsection (a) of this section, the reference to an officer who “[h]as been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsections (b) and (c) of this section, the references to the “Comptroller” are substituted for the former references to the “license issuing authority” because only the Comptroller may issue licenses under this subtitle.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license in corrected form” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to a “corporation or club” may be too narrow because a license may be held for the use of other types of business entities, such as limited liability companies. The General Assembly may want to consider using a term that encompasses all of the types of business entities for the use of which a license may be held.

Defined terms: “Club” § 1–101  
 “Comptroller” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **SUBTITLE 4. RENEWAL OF STATE LICENSES.**

##### **3–401. ELIGIBILITY FOR RENEWAL; PROCESS.**

###### **(A) ELIGIBILITY.**

**SUBJECT TO §§ 3–405 AND 3–406 OF THIS SUBTITLE, A HOLDER OF AN EXPIRING LICENSE IS ENTITLED TO AN ANNUAL LICENSE RENEWAL:**

**(1) ON THE APPROVAL OF THE LICENSE RENEWAL APPLICATION BY THE COMPTROLLER;**

**(2) ON PAYMENT OF THE ANNUAL LICENSE FEE; AND**

**(3) WITHOUT FILING OR PROVIDING MORE INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE COMPTROLLER.**

**(B) PROCESS.**

**EXCEPT AS PROVIDED IN §§ 3-406(A) AND 3-407(C) OF THIS SUBTITLE, THE COMPTROLLER SHALL CONSIDER AN APPLICATION FOR LICENSE RENEWAL IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

**(C) FEE.**

**(1) IN ADDITION TO ANY LICENSE FEE OTHERWISE REQUIRED UNDER THIS ARTICLE, AN APPLICANT FOR RENEWAL OF A MANUFACTURER'S OR WHOLESALER'S LICENSE UNDER TITLE 2, SUBTITLE 2 OR 3 OF THIS ARTICLE SHALL PAY TO THE COMPTROLLER A RENEWAL FEE OF \$30.**

**(2) THE RENEWAL FEE UNDER THIS SUBSECTION DOES NOT APPLY TO A LICENSE FOR WHICH PAYMENT OF AN ANNUAL LICENSE FEE IS NOT OTHERWISE REQUIRED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-301(a)(1)(ii)4 and the third sentence of (b) and 2-402(a)(2) and, as it related to renewal fees, (b).

In the introductory language of subsection (a) of this section, the phrase "[s]ubject to §§ 3-405 and 3-406 of this subtitle" is added for clarity.

Also in the introductory language of subsection (a) of this section, the reference to an "annual license renewal" is substituted for the former reference to a "new license for another year" for clarity and brevity.

In subsection (a)(1) of this section, the reference to the "approval of the license renewal application by the Comptroller" is substituted for the former misleading reference to the "filing of the renewal application" for clarity.

In subsection (a)(2) of this section, the reference to an annual "license" fee is added for clarity.

In subsection (a)(3) of this section, the reference to the "Comptroller" is substituted for the former reference to the "official authorized to approve the license" for clarity and brevity.

In subsection (b) of this section, the reference to "license" renewal is added for clarity.

Also in subsection (b) of this section, the requirement that the Comptroller "consider an application ... in the same manner" as for an original application



is substituted for the former requirement that an application “be treated” as an original application for clarity and consistency within this subtitle.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in §§ 3–406(a) and 3–407(c) of this subtitle” is substituted for the former reference to a renewal application “received otherwise as herein stated” for clarity.

In subsection (c)(1) of this section, the reference to a “manufacturer’s or wholesaler’s” license is added for clarity.

Also in subsection (c)(1) of this section, the former reference to a license “issued by the Comptroller” is deleted as unnecessary because all manufacturer’s licenses and wholesaler’s licenses are issued by the Comptroller.

In subsection (c)(2) of this section, the reference to an “annual” license is added for clarity.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101  
 “Manufacturer’s license” § 1–101  
 “Wholesaler’s license” § 1–101

### **3–402. RENEWAL APPLICATION.**

**TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE A WRITTEN APPLICATION, UNDER OATH, WITH THE COMPTROLLER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(i), except as it related to the filing period for a renewal application.

The word “annually” is substituted for the former reference to “each and every year” for brevity.

The reference to the “license holder” is substituted for the former reference to the “holder of any expiring license” for brevity.

The reference to an application “under” oath is substituted for the former reference to an application “duly verified by” oath for clarity and brevity.

The reference to the “Comptroller” is substituted for the former reference to the “official authorized to approve the [license]” for clarity and brevity.

The former phrase “[e]xcept in Prince George’s County” is deleted as potentially misleading, as the exception does not apply to licenses renewed by

the Comptroller under this subtitle. The Prince George's County exception applies to locally issued licenses and is revised in Title 26, Subtitle 18 of this article.

The former reference to "special licenses issued under the provisions of this article" is deleted as unnecessary. The Comptroller does not issue "special" licenses, that is, licenses of limited duration.

Defined terms: "Comptroller" § 1-101

"License" § 1-101

"License holder" § 1-101

### **3-403. FILING PERIOD FOR RENEWAL APPLICATION.**

**AN APPLICATION TO RENEW A LICENSE SHALL BE FILED BETWEEN MARCH 2 AND APRIL 1, INCLUSIVE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(i), as it related to the filing period for a renewal application.

The reference to a license renewal period being "between March 2 and April 1, inclusive" is substituted for the former reference to a license renewal period of "not less than 30 nor more than 60 days before the first day of May" for clarity and brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to the time period that is "not less than 30 nor more than 60 days before the first day of May" is the period "between March 2 and April 1, inclusive". It is not clear whether the intent was to begin this period on March 1 instead of March 2.

Defined term: "License" § 1-101

### **3-404. CONTENTS OF RENEWAL APPLICATION.**

#### **(A) REQUIRED.**

**TO BE APPROVED, A LICENSE RENEWAL APPLICATION SHALL:**

**(1) STATE WHETHER THE FACTS IN THE ORIGINAL APPLICATION HAVE CHANGED AND, IF SO, THE MANNER IN WHICH THE FACTS HAVE CHANGED; AND**

**(2) BE ACCOMPANIED BY A STATEMENT SIGNED BY THE OWNER OF THE LICENSED PREMISES CONSENTING TO:**

**(I) RENEWAL OF THE LICENSE; AND**

**(II) SEARCH AND SEIZURE IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

**(B) CONSENT STATEMENT; EXCEPTION.**

**THE COMPTROLLER MAY NOT REQUIRE THE CONSENT STATEMENT UNDER SUBSECTION (A)(2) OF THIS SECTION FOR A RETAIL DEALER APPLYING FOR RENEWAL IF:**

**(1) THE OWNER SIGNED A COMPARABLE CONSENT STATEMENT IN CONNECTION WITH AN ORIGINAL OR PREVIOUS LICENSE RENEWAL APPLICATION;**

**(2) THE CONSENT STATEMENT UNDER ITEM (1) OF THIS SUBSECTION IS IN EFFECT FOR THE TERM OF THE OWNER'S LEASE WITH THE APPLICANT; AND**

**(3) THE LEASE DOES NOT EXPIRE DURING THE TERM OF THE LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(ii)1, 2, and 3.

Throughout this section, the references to a "license" renewal application are added for clarity.

In the introductory language of subsection (a) of this section, the phrase "[t]o be approved" is added for clarity.

In the introductory language of subsection (a)(2) of this section, the reference to the owner of the "licensed" premises is added for clarity.

In subsection (a)(2)(ii) of this section, the reference to search and seizure "in the same manner as for" an original application is substituted for the former reference to search and seizure "as in the case of" an original application for clarity.

In the introductory language of subsection (b) of this section, the reference to a consent statement "under subsection (a)(2) of this section" is substituted for the former reference to a consent statement "by the owner of the premises" for clarity.

Also in the introductory language of subsection (b) of this section, the reference to the "Comptroller" is added to state expressly what was only implicit in the

former law, that the Comptroller is the official that may not require a consent statement under the circumstances stated in this subsection.

In subsection (b)(1) of this section, the reference to “a comparable consent” statement is substituted for the former reference to “such a” statement for clarity.

Also in subsection (b)(1) of this section, the former reference to a “previously” signed consent statement is deleted as unnecessary.

In subsection (b)(2) of this section, the requirement that a previous consent statement be “in effect” for the term of the owner’s lease with the applicant is substituted for the former requirement that the previous consent statement “giv[e] consent” for the term of the lease for clarity.

In subsection (b)(3) of this section, the former reference to a lease “renewal” is deleted as included in the reference to the “lease”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1) of this section, the reference to the requirement that a license renewal application “state whether the facts in the original application have changed and, if so, the manner in which the facts have changed” has been substituted for the former reference to the requirement that a license renewal application “state that the facts in the original application are unchanged”. The Committee believes this substitution reflects the intent of the General Assembly.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that in the introductory language of subsection (b) of this section, the reference to a “retail dealer” may be too restrictive. There may be other types of license holders to which this subsection should apply.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Retail dealer” § 1–101

### **3–405. PROTESTS.**

#### **(A) AUTHORIZED.**

**A PROTEST AGAINST A LICENSE RENEWAL MAY BE MADE BY AT LEAST 10 SIGNATORIES WHO ARE:**

**(1) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND**

**(2) LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED PREMISES.**

**(B) HEARING REQUIRED.**

**(1) IF A PROTEST AGAINST RENEWING A LICENSE IS FILED AT LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE COMPTROLLER MAY NOT APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.**

**(2) THE COMPTROLLER SHALL HEAR AND DETERMINE THE PROTEST IN THE SAME MANNER AS THE COMPTROLLER HEARS AND DETERMINES AN ORIGINAL APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(iv)1, (iii)1, as it related to the statewide governance of protests of license renewals, and the first clause of (v).

In this section, the references to the "Comptroller" are substituted for references to the "board of licensing commissioners" and "such official" for clarity. This subtitle applies to the Comptroller and not to a local licensing board.

In subsection (a) of this section, the reference to a protest being "made by at least 10 signatories who are" residents is substituted for the former reference to a protest being "[s]igned by not less than ten" residents for clarity.

In subsection (a)(1) of this section, the former reference to a license "issued under this article" is deleted as included in the defined term "license".

In subsection (a)(2) of this section, the reference to the licensed "premises" is substituted for the former reference to a licensed "place of business" for clarity and consistency within this article.

In subsection (b)(1) of this section, the reference to "renewing a license" is substituted for the former reference to the "granting of the new license" for brevity.

Also in subsection (b)(1) of this section, the reference to "the renewal" is substituted for the former reference to "a license by way of renewal" for brevity.

Also in subsection (b)(1) of this section, the former reference to the license “for which renewal is sought” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to license renewal “in the same manner as the Comptroller hears and determines” an original application is substituted for the former reference to license renewal “as in the case of” an original application for clarity and consistency within this subtitle.

Also in subsection (b)(2) of this section, the reference to a protest “[that] has been filed” is deleted as surplusage.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101

### **3–406. DENIAL OF RENEWAL APPLICATION.**

#### **(A) DISQUALIFICATION.**

##### **THE COMPTROLLER:**

**(1) MAY NOT RENEW A LICENSE IF THE COMPTROLLER DETERMINES THAT THE LICENSE HOLDER IS NOT QUALIFIED TO OBTAIN A LICENSE RENEWAL; BUT**

**(2) SHALL ISSUE TO THE LICENSE HOLDER BY WAY OF RENEWAL THE CLASS OR TYPE OF LICENSE FOR WHICH THE COMPTROLLER DETERMINES THE LICENSE HOLDER IS QUALIFIED.**

#### **(B) CONVICTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL DENY A LICENSE RENEWAL APPLICATION IF DURING THE LICENSE YEAR THE LICENSE HOLDER WAS CONVICTED OF A STATE OR FEDERAL OFFENSE THAT, IN THE JUDGMENT OF THE COMPTROLLER, RENDERS THE LICENSE HOLDER UNFIT OR UNQUALIFIED TO OBTAIN A RENEWED LICENSE.**

##### **(2) THE COMPTROLLER:**

**(I) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE OFFENSE AT THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(c) and the first sentence of (b).

In this section, the references to the “Comptroller” are substituted for the former references to the “licensing official” and the “local licensing officials” for clarity. This subtitle applies only to the Comptroller and not to a local licensing official.

In subsection (a)(1) of this section, the former reference to qualifications to obtain renewal of an “expiring” license is deleted as unnecessary.

In subsection (a)(2) of this section, the reference to “the Comptroller” is substituted for the former reference to “they” for clarity.

In subsection (b)(1) of this section, the requirement that “the Comptroller shall deny” a license renewal is substituted for the former reference stating that “[n]o [license renewal] shall be granted” for clarity and brevity.

Also in subsection (b)(1) of this section, the references to a “license holder” are substituted for the former references to a “person” for clarity and consistency within this article.

Also in subsection (b)(1) of this section, the reference to a “State or federal offense” is substituted for the former reference to an “offense against the laws of the State or of the United States” for brevity.

Also in subsection (b)(1) of this section, the former reference to an offense that is “of such a nature as to” render the offender unfit for license renewal is deleted as unnecessary.

In subsection (b)(2)(i) of this section, the reference to license renewal “under the circumstances described in paragraph (1) of this subsection” is substituted for the former reference to license renewal “in such a case” for clarity.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

### **3–407. ISSUANCE OF RENEWED LICENSES.**

#### **(A) ISSUANCE.**

**THE COMPTROLLER MAY ISSUE RENEWED LICENSES FOR THE FOLLOWING LICENSE YEAR BETWEEN APRIL 15 AND MAY 1, INCLUSIVE.**

**(B) EFFECTIVE DATE.****ALL RENEWED LICENSES SHALL BE DATED MAY 1.****(C) LICENSE SUBJECT TO RESTRICTION OR SUSPENSION.****IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR SUSPENSION, THE COMPTROLLER SHALL ISSUE THE CORRESPONDING LICENSE RENEWAL SUBJECT TO THE SAME ORDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(d)(1) and the second sentence of (b).

In subsection (a) of this section, the reference to between April 15 and May 1 “, inclusive” is added for clarity.

Also in subsection (a) of this section, the reference to the “Comptroller” is substituted for the former reference to a “license issuing authority” for clarity.

Also in subsection (a) of this section, the reference to “renewed” licenses is substituted for the former reference to “such new” licenses for clarity.

Also in subsection (a) of this section, the reference to the “following license” year is substituted for the former reference to the “ensuing” year for clarity.

Also in subsection (a) of this section, the former reference to the issuance of renewed licenses between April 15 and May 1 “of each and every year” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “as hereinabove provided” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “at any time” between specific dates is deleted as unnecessary.

In subsection (c) of this section, the reference to the “corresponding license renewal” is substituted for the former reference to the “new license” for clarity.

Also in subsection (c) of this section, the reference to license renewal subject to “the same” order is substituted for the former reference to license renewal subject to “said” order for clarity.

Defined terms: “Comptroller” § 1–101

“License” § 1–101



**SUBTITLE 5. CONDUCT OF STATE LICENSE HOLDERS.**

**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.

In subsection (a) of this section, the reference to a "salesperson" is substituted for the former reference to a "salesman" to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former phrase "within this State" is deleted as implicit.

Also in subsection (b) of this section, the reference to "occur" is substituted for the former reference to "be consummated" for clarity.

Defined terms: "Alcoholic beverage" § 1-101  
 "Retail dealer" § 1-101

### **3-503. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

#### **(A) EMPLOYMENT OF INDIVIDUAL UNDER AGE OF 18 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES.**

#### **(B) EMPLOYMENT OF INDIVIDUAL BETWEEN AGES OF 18 AND 21 YEARS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS MAY BE EMPLOYED IN THE SALE OF BEER AND LIGHT WINE.**

**(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED BY A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE SALE OF ALCOHOLIC BEVERAGES.**

#### **(C) EMPLOYMENT OF INDIVIDUAL AT LEAST 18 YEARS OLD.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED BY A HOLDER OF A CLASS A LICENSE TO OPERATE A LOTTERY TICKET TERMINAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(a).

Throughout this section, the references to an “individual” are substituted for the former, broader references to a “person” for accuracy, as all of the references are to human beings.

In subsection (a) of this section, the former phrase “[u]nless provision is made elsewhere, the following provisions apply statewide” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Wine” § 1–101

**3–504. ALCOHOL AWARENESS PROGRAM.**

**(A) “ALCOHOL AWARENESS PROGRAM” DEFINED.**

**IN THIS SECTION, “ALCOHOL AWARENESS PROGRAM” MEANS A PROGRAM THAT:**

**(1) INCLUDES INSTRUCTION ON HOW ALCOHOL AFFECTS AN INDIVIDUAL’S BEHAVIOR AND BODY;**

**(2) PROVIDES EDUCATION ON THE DANGERS OF DRINKING AND DRIVING; AND**

**(3) DEFINES EFFECTIVE METHODS TO:**

**(I) DETERMINE WHETHER A CUSTOMER IS UNDER THE LEGAL DRINKING AGE;**

**(II) SERVE CUSTOMERS TO MINIMIZE THE CHANCE OF INTOXICATION; AND**

**(III) STOP SERVICE BEFORE A CUSTOMER BECOMES INTOXICATED.**

**(B) SCOPE OF SECTION.**

**(1) THIS SECTION APPLIES TO:**

**(I) A LICENSED PREMISES THAT SELLS ALCOHOLIC BEVERAGES TO A CUSTOMER FROM A BAR OR SERVICE BAR ON THE PREMISES; AND**

**(II) A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.**

**(2) THIS SECTION DOES NOT APPLY TO:**

**(I) A TEMPORARY LICENSE;**

**(II) A CLASS E (ON-SALE) WATER VESSEL LICENSE;**

**(III) A CLASS F (ON-SALE) RAILROAD LICENSE; OR**

**(IV) A CLASS G (ON-SALE) AIRPLANE LICENSE.**

**(C) PROGRAM CERTIFICATION.**

**THE COMPTROLLER:**

**(1) SHALL APPROVE, CERTIFY, AND ISSUE AN ALCOHOL AWARENESS PROGRAM PERMIT TO EACH ALCOHOL AWARENESS PROGRAM THAT COMPLIES WITH THIS SECTION; AND**

**(2) MAY REQUIRE RECERTIFICATION OF THE APPROVED ALCOHOL AWARENESS PROGRAM TO ENSURE COMPLIANCE WITH CHANGES IN THE PROGRAM.**

**(D) ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**BEFORE AN INDIVIDUAL MAY TEACH AN ALCOHOL AWARENESS PROGRAM, THE INDIVIDUAL SHALL OBTAIN AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**(E) TRAINING REQUIRED.**

**A HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES LICENSE OR AN EMPLOYEE DESIGNATED BY THE HOLDER SHALL COMPLETE TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM.**

**(F) CERTIFICATE OF COMPLETION; NOTIFICATION OF LOCAL LICENSING BOARD.**

**(1) (I) FOR EACH COMPLETION OF A CERTIFIED ALCOHOL AWARENESS PROGRAM, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL ISSUE A CERTIFICATE OF COMPLETION THAT IS VALID FOR 4 YEARS FROM THE DATE OF ISSUANCE.**

**(II) THE HOLDER OR EMPLOYEE SHALL COMPLETE RETRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM FOR EACH SUCCESSIVE 4-YEAR PERIOD.**

**(III) ON REQUEST, A VALID CERTIFICATE SHALL BE PRESENTED TO THE PROPER AUTHORITY.**

**(2) WITHIN 5 DAYS AFTER A LICENSE HOLDER, AN OWNER OF AN UNLICENSED ESTABLISHMENT, OR AN EMPLOYEE OF A LICENSE HOLDER OR OWNER OF AN UNLICENSED ESTABLISHMENT IS SENT A CERTIFICATE OF COMPLETION, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL INFORM THE APPROPRIATE LOCAL LICENSING BOARD OF:**

**(I) THE INDIVIDUAL'S NAME, ADDRESS, AND CERTIFICATION DATE; AND**

**(II) THE NAME AND ADDRESS OF THE LICENSED ESTABLISHMENT OR UNLICENSED ESTABLISHMENT.**

**(G) DECERTIFICATION.**

**THE COMPTROLLER MAY DECERTIFY THE ALCOHOL AWARENESS PROGRAM OF AN ALCOHOL AWARENESS PROGRAM PROVIDER WHO VIOLATES SUBSECTION (C), (D), OR (F) OF THIS SECTION.**

**(H) ENFORCEMENT AND PENALTIES.**

**(1) EACH LOCAL LICENSING BOARD SHALL ENFORCE THIS SECTION.**

**(2) A LICENSE HOLDER WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS SUBJECT TO:**

**(I) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

**(II) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT TO EXCEED \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

**(I) EFFECT OF SECTION.**

**(1) THIS SECTION DOES NOT CREATE OR ENLARGE A CIVIL CAUSE OF ACTION OR CRIMINAL PROCEEDING AGAINST A LICENSE HOLDER.**

**(2) EVIDENCE OF A VIOLATION OF THIS SECTION:**

**(I) MAY ONLY BE USED AS EVIDENCE BEFORE THE LOCAL LICENSING BOARD IN AN ACTION BROUGHT BEFORE THE LOCAL LICENSING BOARD FOR A VIOLATION OF THIS SECTION; AND**

**(II) MAY NOT BE INTRODUCED IN A CIVIL OR CRIMINAL PROCEEDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(a), (d) through (f), (b)(1)(i) and (ii) and (2), and (c)(1).

In subsection (a)(3)(iii) of this section, the reference to “stop” is substituted for the former reference to “ceasing” for clarity.

In subsection (b)(1)(i) of this section, the reference to a licensed premises that “sells” is substituted for the former reference to licensed premises that “are operated by selling” for brevity.

In subsection (b)(2)(ii) of this section, the reference to “water vessel” is substituted for the former obsolete reference to “steamboat”. Similarly, in subsection (b)(2)(iv) of this section, the reference to “airplane” is substituted for the former obsolete reference to “aircraft”.

In subsection (d) of this section, the reference to “may” is substituted for the former reference to “who is authorized or employed to” for brevity.

In subsection (e) of this section, the former reference to “class of” retail alcoholic beverages license is deleted as surplusage.

In subsection (f)(1)(i) of this section, the phrase “the alcohol awareness program provider shall issue” is substituted for the former phrase “[a] certificate of completion shall be issued for each completion of” for clarity.

In subsection (f)(1)(iii) of this section, the former reference to “up-to-date” is deleted as included in the reference to “valid”.

In subsection (f)(2) of this section, the references to an “unlicensed establishment” are substituted for the former obsolete references to a “bottle club” for clarity.

In subsection (h)(1) of this section, the reference to each local licensing board “shall enforce” is substituted for the former reference to “is responsible for enforcing” for brevity.

Also in subsection (h)(1) of this section, the former phrase “including the penalty provision” is deleted as unnecessary.

Former Art. 2B, § 13–101(g), which stated that “[t]he Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format and any other course related activities the Comptroller may require”, is deleted as unnecessary in light of the requirement under § 1–302 of this article for the Comptroller to adopt regulations to discharge the duties of this article.

- Defined terms: “Alcoholic beverage” § 1–101
- “Comptroller” § 1–101
- “License” § 1–101
- “License holder” § 1–101
- “Local licensing board” § 1–101
- “On–sale” § 1–101

**3–505. EVIDENCE OF PURCHASER’S AGE.**

**(A) LICENSE HOLDER MAY KEEP RECORD OF EVIDENCE OF AGE.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY REQUIRE AN INDIVIDUAL TO SIGN A BOOK THAT THE LICENSE HOLDER KEEPS IF:**

**(1) THE INDIVIDUAL HAS SHOWN DOCUMENTARY EVIDENCE THAT SUBSTANTIATES THE INDIVIDUAL’S AGE TO ALLOW THE PURCHASE OF ALCOHOLIC BEVERAGES; AND**

**(2) THE AGE OF THE INDIVIDUAL REMAINS IN QUESTION.**

**(B) REQUIRED FORM.**

**(1) THE BOOK AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL CONTAIN COPIES OF THE FOLLOWING FORM:**

**DATE..... 20....**

**TO BE FILLED IN BY SELLER**

---

---

**IDENTIFICATION (CHECK ALL SHOWN)**

---

**DRIVER’S LICENSE .....  ARMY I.D. CARD.....**

**BIRTH CERTIFICATE**.....  **COAST GUARD I.D. CARD**.....   
**SERVICE DISCHARGE** .....  **MARINE I.D. CARD**.....   
**DRAFT CARD** .....  **NAVY I.D. CARD** .....   
**AIR FORCE I.D. CARD** .....   
**OTHER (SPECIFY)** .....

---



---

**DESCRIPTION OF PURCHASER**

---

**HEIGHT**..... **WEIGHT**.....  
**COLOR OF EYES** ..... **COLOR OF HAIR** .....  
**OUTSTANDING FEATURES**.....  
.....  
.....  
.....  
.....  
.....  
**SELLER’S SIGNATURE**.....

---



---

**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.**

**PRINT FULL NAME** .....  
**STREET ADDRESS**.....  
**CITY** ..... **STATE**.....  
**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.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE; OR**

**(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE.**

**(B) PROHIBITED UNLESS AUTHORIZED BY LOCAL LICENSING BOARD.**

**RETAIL DELIVERY TO A PURCHASER OF ALCOHOLIC BEVERAGES IS PROHIBITED UNLESS:**

**(1) A RETAIL LICENSE HOLDER OBTAINS A LETTER OF AUTHORIZATION FROM THE LOCAL LICENSING BOARD TO MAKE DELIVERIES; AND**

**(2) THE DELIVERY IS MADE FROM THE LICENSED PREMISES BY THE RETAIL LICENSE HOLDER OR AN EMPLOYEE OF THE RETAIL LICENSE HOLDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–301(b) and (f).

In subsection (b)(1) of this section, the former requirement that a retail license holder “compl[y] with any regulations promulgated by the local licensing authority pertaining to those deliveries” is deleted as unnecessary because a retail license holder would be expected in any case to comply with regulations adopted by the local licensing board.

In subsection (b)(2) of this section, the former reference to an employee “authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made” is deleted as unnecessary in light of subsection (b)(1) of this section, which requires the

retail license holder to obtain a letter of authorization from the local licensing board to make deliveries.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Wine” § 1–101

### **3–507. DISPLAY OF LICENSE.**

#### **(A) IN GENERAL.**

**A LICENSE HOLDER SHALL FRAME THE LICENSE UNDER GLASS AND DISPLAY THE LICENSE CONSPICUOUSLY IN THE LICENSED PREMISES.**

#### **(B) CLASS F LICENSES.**

**A CLASS F LICENSE SHALL BE KEPT IN THE CHIEF OPERATING OFFICE OF THE CORPORATION IN THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–505.

In subsection (a) of this section, the defined term “license holder” is substituted for the former reference to “[e]very person receiving a license under the provisions of this article” for brevity.

Also in subsection (a) of this section, the reference to “the licensed premises” is substituted for the former reference to “his place of business” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former phrase “at all times” is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “easily read” is deleted as implicit in the word “conspicuously”.

Defined terms: “License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **SUBTITLE 6. REVOCATION AND SUSPENSION OF STATE LICENSES AND PERMITS.**

### **3–601. POWER OF COMPTROLLER.**

**THE COMPTROLLER MAY REVOKE OR SUSPEND A LICENSE OR PERMIT THAT THE COMPTROLLER ISSUES IN ACCORDANCE WITH THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(a)(1), as it related to the general authority of the Comptroller to revoke or suspend a license.

The reference to the authority of the Comptroller to revoke or suspend a license "in accordance with this subtitle" is added for clarity.

In this section and throughout this subtitle, the references to a "permit" are added to clarify that the Comptroller may revoke or suspend a permit as well as a license that the Comptroller issues.

Defined terms: "Comptroller" § 1-101  
"License" § 1-101

**3-602. REVOCATION AND SUSPENSION PROCEDURES.**

**(A) BY COMPLAINT OR ON COMPTROLLER'S INITIATIVE.**

**REVOCATION OR SUSPENSION PROCEDURES MAY BE STARTED:**

- (1) BY THE COMPTROLLER, AT THE COMPTROLLER'S INITIATIVE;**
- (2) ON THE COMPLAINT OF A DEPUTY OR AN INSPECTOR THAT THE COMPTROLLER EMPLOYS TO ADMINISTER THIS ARTICLE;**
- (3) ON THE COMPLAINT OF A PEACE OFFICER;**
- (4) IF THE LICENSE HOLDER OR PERMIT HOLDER IS LOCATED IN A MUNICIPALITY THAT IS WITHIN A COUNTY, ON THE COMPLAINT OF THE MAYOR AND COUNCIL OF THE MUNICIPALITY; OR**
- (5) ON THE WRITTEN COMPLAINT OF AT LEAST 10 RESIDENTS, REAL ESTATE OWNERS, OR VOTERS OF THE PRECINCT IN WHICH THE LICENSED PREMISES IS LOCATED.**

**(B) HEARING.**

**SUBJECT TO SUBSECTION (C) OF THIS SECTION, A LICENSE HOLDER OR PERMIT HOLDER AGAINST WHOM PROCEEDINGS UNDER THIS SECTION ARE BROUGHT SHALL:**

**(1) BE ENTITLED TO A HEARING ON THE CHARGES IN THE COMPLAINT; AND**

**(2) RECEIVE NOTICE OF THE HEARING AT LEAST 10 DAYS BEFORE THE HEARING DATE.**

**(C) IMMEDIATE SUSPENSION BY COMPTROLLER.**

**THE COMPTROLLER MAY IMMEDIATELY SUSPEND A LICENSE OR PERMIT FOR A VIOLATION OF RECORDKEEPING OR REPORTING REQUIREMENTS UNDER § 1-408 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(a)(2)(i) and, except as it related to a local licensing board, (a)(1).

In subsection (a)(4) and the introductory language of (b) of this section, the references to a "permit holder" are added to state expressly what was only implied in the former law, that these subsections apply to permit holders.

In subsection (a)(4) of this section, the former reference to "the corporate limits" of a municipality is deleted as surplusage.

In subsection (a)(5) of this section, the reference to licensed "premises" is substituted for the former reference to licensed "place of business" for consistency with terminology used throughout this article.

Also in subsection (a)(5) of this section, the former reference to "citizens" is deleted as included in the reference to "residents".

In the introductory language of subsection (b) of this section, the reference to a license holder "against whom proceedings under this section are brought" is added for clarity.

In subsection (b)(1) of this section, the reference to charges "in the complaint" is substituted for the former reference to charges "to be framed by the officer ... or upon the complaint" for brevity.

In subsection (c) of this section, the phrase "for a violation of recordkeeping and reporting requirements under § 1-408 of this article" is added to state expressly what was only implied in the former law, *i.e.* that the power of the Comptroller to immediately suspend a license or permit may be exercised only under certain circumstances. No substantive change is intended.

Defined terms: "Comptroller" § 1-101

“County” § 1-101  
“License” § 1-101  
“License holder” § 1-101

**3-603. GROUNDS FOR REVOCATION OR SUSPENSION.**

**(A) DISCRETIONARY GROUNDS.**

**THE COMPTROLLER MAY REVOKE OR SUSPEND A LICENSE OR PERMIT:**

**(1) FOR ANY REASON TO PROMOTE THE PEACE OR SAFETY OF THE COMMUNITY IN WHICH THE PREMISES ARE LOCATED; OR**

**(2) FOR OFFENSES AS PROVIDED IN THIS ARTICLE.**

**(B) MANDATORY GROUNDS.**

**THE COMPTROLLER SHALL REVOKE A LICENSE OR PERMIT OR, EXCEPT AS PROVIDED IN § 3-606 OF THIS SUBTITLE, SUSPEND A LICENSE OR PERMIT FOR:**

**(1) CONVICTION OF THE LICENSE HOLDER OR PERMIT HOLDER FOR VIOLATION OF THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX;**

**(2) WILLFUL FAILURE OR REFUSAL OF THE LICENSE HOLDER OR PERMIT HOLDER TO COMPLY WITH:**

**(I) THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**

**(II) A REGULATION ADOPTED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;**

**(3) MAKING A MATERIAL FALSE STATEMENT IN AN APPLICATION FOR A LICENSE OR PERMIT;**

**(4) TWO OR MORE CONVICTIONS WITHIN 2 YEARS OF AN AGENT OR EMPLOYEE OF A LICENSE HOLDER OR PERMIT HOLDER FOR ON-PREMISES VIOLATIONS OF THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;**

**(5) ON-PREMISES POSSESSION BY A RETAIL DEALER, OTHER THAN A HOLDER OF A CLASS E, CLASS F, OR CLASS G LICENSE, OF AN ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY § 5-102 OF THE TAX – GENERAL ARTICLE HAS NOT BEEN PAID;**

**(6) VIOLATION OF § 2-216 OR § 3-315 OF THIS ARTICLE;**

**(7) WILLFUL FAILURE OF A LICENSE HOLDER OR PERMIT HOLDER TO:**

**(I) KEEP THE RECORDS REQUIRED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**

**(II) ALLOW INSPECTION OF THE RECORDS BY AN AUTHORIZED PERSON;**

**(8) ON-PREMISES POSSESSION OF AN ALCOHOLIC BEVERAGE THAT A LICENSE HOLDER OR PERMIT HOLDER, OTHER THAN A HOLDER OF A CLASS E, CLASS F, OR CLASS G LICENSE, IS NOT LICENSED TO SELL;**

**(9) REVOCATION OR SUSPENSION OF A PERMIT ISSUED TO A LICENSE HOLDER OR PERMIT HOLDER BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU OR FOR CONVICTION OF VIOLATING A FEDERAL LAW RELATING TO ALCOHOLIC BEVERAGES;**

**(10) FAILURE TO FURNISH BOND AS REQUIRED BY THIS ARTICLE WITHIN 15 DAYS AFTER NOTICE FROM THE COMPTROLLER; AND**

**(11) VIOLATION OF § 3-604 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(a)(4) and, as they related to the Comptroller and State-issued licenses and permits, (2) and (3).

In the introductory language of subsection (a) of this section, the reference to the "Comptroller" is substituted for the former reference to the "issuing authority" to reflect that this subtitle applies to licenses or permits issued only by the Comptroller.

In subsection (a)(1) of this section, the reference to any "reason" is substituted for the former reference to any "cause which in the judgment of [the Comptroller] is necessary" for brevity.

Also in subsection (a)(1) of this section, the reference to the “premises” is substituted for the former reference to the “place of business” for consistency with terminology used throughout this article.

Also in subsection (a)(1) of this section, the former reference to the “official” is deleted as included in the reference to the “Comptroller”.

Also in subsection (a)(1) of this section, the former reference to the “court” is deleted as unnecessary, as a court only decides on judicial review whether a suspension or revocation is proper.

In subsection (b)(2)(ii) of this section, the former reference to a “rule” is deleted as included in the reference to a “regulation” and to conform to other similar provisions of the Code.

In subsection (b)(4) of this section, the former reference to “servants” of a license holder is deleted as included in the reference to an “employee” of a license holder. Similarly, the former reference to “clerks” is deleted.

Also in subsection (b)(4) of this section, the former reference to “one or more” agents or employees is deleted as surplusage.

Also in subsection (b)(4) of this section, the former reference to premises “subject to the license or permit” is deleted as surplusage.

In subsection (b)(7)(ii) of this section, the former reference to a “duly” authorized person is deleted as surplusage.

In subsection (b)(9) of this section, the reference to the “federal Alcohol and Tobacco Tax and Trade Bureau” is substituted for the former incorrect reference to the “Federal Bureau of Alcohol, Tobacco and Firearms”.

In subsection (b)(11) of this section, the reference to a “violation of § 3–604 of this subtitle” is added for accuracy.

Former Art. 2B, § 10–401(a)(1), which defined “issuing authority” for former Art. 2B, § 10–401, is deleted as unnecessary because “issuing authority” is not used in this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

**3-604. NUDITY AND SEXUAL DISPLAYS.****(A) REVOCATION REQUIRED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COMPTROLLER SHALL REVOKE A LICENSE OR PERMIT IF, AFTER A HEARING UNDER § 3-602(B) OF THIS SUBTITLE, AN ACTIVITY LISTED IN THIS SECTION IS FOUND TO HAVE OCCURRED ON THE LICENSED PREMISES.**

**(2) THE LICENSE OR PERMIT OF A PERSON MAY NOT BE REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

**(I) THE PERSON OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES; AND**

**(II) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

**(B) PROHIBITED ATTIRE AND CONDUCT.**

**AN INDIVIDUAL MAY NOT:**

**(1) BE EMPLOYED OR USED IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;**

**(2) BE EMPLOYED OR ACT AS A HOSTESS OR ACT IN A SIMILAR CAPACITY TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR INDIVIDUAL ACTING IN A SIMILAR CAPACITY IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**

**(3) ENCOURAGE OR ALLOW AN INDIVIDUAL ON THE LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF ANOTHER INDIVIDUAL; OR**

**(4) ALLOW AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE BREAST, GENITALS, ANUS, OR PUBIC HAIR.**



**(C) PROHIBITED ENTERTAINMENT.**

**WITH RESPECT TO ENTERTAINMENT PROVIDED, A PERSON MAY NOT:**

**(1) ALLOW AN INDIVIDUAL TO PERFORM AN ACT OF OR AN ACT THAT SIMULATES:**

**(I) SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;**

**(II) THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS, ANUS, OR GENITALS; OR**

**(III) THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR GENITALS;**

**(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, ALLOW AN ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER THAN 6 FEET FROM THE NEAREST PATRON; OR**

**(3) ALLOW AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED UNDER ITEM (1) OF THIS SUBSECTION.**

**(D) PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION.**

**A PERSON MAY NOT SHOW A MOTION PICTURE, A STILL PICTURE, AN ELECTRONIC REPRODUCTION, OR ANY OTHER VISUAL REPRODUCTION DEPICTING:**

**(1) AN ACT OR A SIMULATED ACT OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;**

**(2) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST, BUTTOCKS, ANUS, OR GENITALS;**

**(3) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS, OR GENITALS; OR**

**(4) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT DESCRIBED IN THIS SUBSECTION.**

**(E) INDIVIDUALS WHO MUST LEAVE PREMISES.**

**A PERSON MAY NOT ALLOW AN INDIVIDUAL TO REMAIN IN OR ON THE LICENSED PREMISES WHO EXPOSES TO PUBLIC VIEW ANY PORTION OF THE INDIVIDUAL'S GENITALS OR ANUS.**

**(F) EFFECTS OF OTHER STATUTES.**

**THIS SECTION DOES NOT ALLOW ANY CONDUCT OR FORM OF ATTIRE PROHIBITED BY ANY OTHER STATUTE, ORDINANCE, RULE, OR REGULATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–405(b) through (g).

Throughout this section, references to an “individual” are substituted for the former references to a “person” where the context clearly indicates that the provision refers to a human being.

In subsection (a)(1) of this section, the reference to the “Comptroller” is added to state explicitly what was only implied in the former law, that the Comptroller is required to revoke licenses under this subtitle.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to attire and conduct,” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “the restrictions of” paragraph (1) of this subsection is deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to “exhibit[ing]” is deleted as included in the reference to “show[ing]”.

Also in the introductory language of subsection (d) of this section, the former reference to a motion picture “film” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is not entirely clear whether this section was intended to apply to licenses and permits issued by the Comptroller. The Committee, however, revised it here in light of former Art. 2B, § 10–405(b)(1), which stated that the provision applied to “a license issued under the provisions of this article”.

Defined terms: “Alcoholic beverage” § 1–101  
“Comptroller” § 1–101  
“License” § 1–101  
“Person” § 1–101

**3–605. EFFECTS OF REVOCATION.**

**(A) IN GENERAL.**

**AFTER REVOKING A LICENSE OR PERMIT, THE COMPTROLLER:**

**(1) MAY NOT ISSUE ANOTHER LICENSE OR PERMIT TO THE PERSON WHOSE LICENSE OR PERMIT IS REVOKED;**

**(2) MAY NOT ISSUE ANY LICENSE OR PERMIT FOR THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION; AND**

**(3) MAY DECIDE NOT TO ISSUE ANOTHER LICENSE OR PERMIT FOR THE SAME PREMISES.**

**(B) LICENSE OR PERMIT HELD ON BEHALF OF CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION.**

**IF THE LICENSE OR PERMIT WAS HELD ON BEHALF OF A CORPORATION, A PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION, ANOTHER LICENSE OR PERMIT MAY NOT BE OBTAINED ON BEHALF OF THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION TO SELL ALCOHOLIC BEVERAGES ON THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–404(a), except as it related to the local licensing boards.

In the introductory language of subsection (a) of this section, the former reference to a “court” is deleted as misleading. A court does not revoke a license but overturns or upholds the decision of the Comptroller to do so.

Also in the introductory language of subsection (a) of this section, the former reference to the “State Appeal Board” is deleted as obsolete. The State Appeal Board was abolished in 1985.

Also in the introductory language of subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“Comptroller” § 1–101  
“License” § 1–101  
“Person” § 1–101

**3–606. PAYMENT OF MONEY IN LIEU OF SUSPENSION.**

**(A) PETITION TO MAKE PAYMENT OFFER.**

**BEFORE THE EFFECTIVE DATE OF A SUSPENSION OF A LICENSE OR PERMIT, THE LICENSE HOLDER OR PERMIT HOLDER MAY MAKE AN OFFER OF COMPROMISE CONSISTING OF MONEY IN LIEU OF SERVING THE SUSPENSION.**

**(B) MAXIMUM AMOUNT OF OFFER.**

**AN OFFER OF COMPROMISE MAY NOT EXCEED:**

- (1) \$2,000 FOR RETAIL LICENSE HOLDERS; AND**
- (2) \$50,000 FOR OTHER LICENSE HOLDERS AND PERMIT HOLDERS.**

**(C) ACCEPTANCE OF OFFER.**

**THE COMPTROLLER MAY ACCEPT THE OFFER OF COMPROMISE IF:**

- (1) THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED BY ALLOWING THE LICENSE HOLDER OR PERMIT HOLDER TO OPERATE DURING THE PERIOD SET FOR THE SUSPENSION; AND**
- (2) THE PAYMENT OF THE MONEY WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

**(D) DISPOSITION OF MONEY.**

**MONEY IN LIEU OF SUSPENSION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–402(a) through (d).

In subsection (a) of this section, the reference to “mak[ing]” an offer of compromise is substituted for the former reference to “petition[ing] the Comptroller for permission to make” an offer of compromise for brevity.

Also in subsection (a) of this section, the former clause “[w]hensoever any license or permit issued under the provisions of this article is suspended by the Comptroller” is deleted as surplusage.

Former Art. 2B, § 10–402(e), which authorized the Comptroller to adopt rules and regulations necessary to carry out the purposes of that section, is deleted as redundant of § 1–302 of this article.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **SUBTITLE 7. EXPIRATION OF STATE LICENSES.**

### **3–701. EXPIRATION OF LICENSES.**

#### **(A) ON DEATH OF LICENSE HOLDER.**

**A LICENSE EXPIRES ON THE DEATH OF A LICENSE HOLDER, SUBJECT TO SUBTITLE 8 OF THIS TITLE.**

#### **(B) AFTER VACATION OR EVICTION FROM PREMISES.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE ISSUED BY THE COMPTROLLER EXPIRES ON THE 10TH DAY AFTER A LICENSE HOLDER HAS VACATED OR BEEN EVICTED FROM THE LICENSED PREMISES.**

REVISOR’S NOTE: Subsection (a) of this section is new language added as a convenient reference to provisions relating to the expiration of a license on the death of a license holder.

Subsection (b) of this section is new language derived without substantive change from the first clause of the first sentence of former Art. 2B, § 10–504(a), except as it related to Baltimore County.

In subsection (b) of this section, the reference to a license issued by “the Comptroller” is substituted for the former reference to a license issued “under this article” to clarify that this section applies only to licenses that the Comptroller issues and not to licenses the local licensing boards issue.

Defined terms: “Comptroller” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101

**3–702. PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS.**

**SECTION 3–701 OF THIS SUBTITLE DOES NOT APPLY IF AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:**

**(1) A TRANSFER OF A LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE; OR**

**(2) A CERTIFICATE OF PERMISSION, SUBJECT TO § 3–802 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second clause of the first sentence of former Art. 2B, § 10–504(a).

In item (2) of this section, the reference to “a certificate of permission” is added for clarity.

Defined terms: “License” § 1–101  
 “Person” § 1–101

**3–703. LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE.**

**A LICENSE ISSUED BY THE COMPTROLLER FOR A PREMISES ACQUIRED FOR PUBLIC USE SHALL EXPIRE 180 DAYS AFTER ACQUISITION UNLESS AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:**

**(1) A TRANSFER OF THE LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE; OR**

**(2) A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS, SUBJECT TO § 3–802 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(c).

In the introductory language of this section, the reference to a license “issued by the Comptroller” is added for clarity.

Also in the introductory language of this section, the former reference to a license expiring “within” 180 days is deleted as surplusage.

In item (2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

Former Art. 2B, § 10–504(b), which stated that Art. 2B, § 10–504 did not apply to the holder of a license whose premises have been acquired for public use, is deleted as erroneous. Former Art. 2B, § 10–504(c), now revised as this section, contains provisions concerning a license for a premises acquired for public use.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Person” § 1–101

### **3–704. POSTPONEMENT TO AVOID HARDSHIP.**

#### **(A) ADDITIONAL PERIOD ALLOWED.**

**THE COMPTROLLER MAY POSTPONE THE EXPIRATION OF A LICENSE THAT THE COMPTROLLER ISSUES FOR AN ADDITIONAL PERIOD TO AVOID HARDSHIP.**

#### **(B) LIMIT ON ADDITIONAL PERIOD.**

**THE ADDITIONAL PERIOD MAY NOT EXCEED 20 DAYS.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–504(a), except as it related to local licensing boards.

In subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to an “undue” hardship is deleted as surplusage.

In subsection (b) of this section, the former phrase “in any case” is deleted as surplusage.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

### **SUBTITLE 8. DEATH OF LICENSE HOLDER.**

#### **3–801. EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER.**

**SUBJECT TO § 3-802 OF THIS SUBTITLE AND EXCEPT AS PROVIDED IN § 2-408 OF THIS ARTICLE, A LICENSE EXPIRES WHEN THE LICENSE HOLDER DIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the former Art. 2B, § 10-506(a)(1).

The phrase "except as provided in § 2-408 of this article" is substituted for the former phrase "other than Class E, Class F and Class G licenses" to reflect the organization of this revised article.

Defined terms: "License" § 1-101  
"License holder" § 1-101

**3-802. CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN § 2-408 OF THIS ARTICLE, ON APPLICATION TO THE COMPTROLLER AND PAYMENT OF A FEE OF \$1 BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF A DECEASED LICENSE HOLDER, THE COMPTROLLER MAY GRANT A CERTIFICATE OF PERMISSION FOR THE CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER.**

**(B) TERM.**

**(1) THE CERTIFICATE OF PERMISSION MAY BE GRANTED FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION UNLESS THE LICENSE EXPIRES EARLIER.**

**(2) IF THE LICENSE EXPIRES EARLIER THAN 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION, THE COMPTROLLER MAY ISSUE A RENEWAL LICENSE ON APPLICATION BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DEATH OF THE LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(3) and (4) and, as it related to the Comptroller, (2)(i).



In this section and throughout this subtitle, the references to “personal representative” and “special administrator” are substituted for the former references to “executor” and “administrator” to conform to terminology used in the Estates and Trusts Article.

In subsection (a) of this section, the reference to the personal representative or special administrator “of the estate” of a deceased license holder is added for clarity.

In subsection (b)(2) of this section, the reference to the “Comptroller” is added to clarify that the Comptroller issues the replacement license under this subtitle.

Also in subsection (b)(2) of this section, the reference to the license expiring “earlier than 18 months after the date of the granted permission” is substituted for the former reference to the license expiring “earlier” for clarity.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

### **3–803. TRANSFER OR REINSTATEMENT OF LICENSE.**

#### **(A) APPLICATION FOR TRANSFER.**

**THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR TO WHOM A CERTIFICATE OF PERMISSION HAS BEEN GRANTED MAY APPLY TO THE COMPTROLLER FOR THE TRANSFER OF THE LICENSE FOR THE BENEFIT OF THE ESTATE OF THE LICENSE HOLDER.**

#### **(B) REINSTATEMENT OF LICENSE.**

**ON APPROVAL OF THE APPLICATION FOR TRANSFER OF THE LICENSE AND PAYMENT OF THE BALANCE OF ANY LICENSE FEE DUE UNTIL THE EXPIRATION OF THE LICENSE YEAR, THE LICENSE IS REINSTATED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(6).

In subsection (a) of this section, the reference to the authority of a personal representative or special administrator to “apply to the Comptroller” for the transfer of a license is added to state expressly what only was implied in the former law.

Also in subsection (a) of this section, the former reference to “assign[ing]” a license is deleted as included in the reference to “transfer[ring]” a license. Similarly, in subsection (b) of this section, the reference to “assignment” of a license is deleted.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

### **3–804. RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

#### **(A) APPLICABILITY OF RIGHTS TO CERTIFICATE OF PERMISSION AND RENEWAL LICENSE.**

**ON PAYMENT OF A PRO RATA LICENSE FEE FOR THE PERIOD OF CONTINUATION, A CERTIFICATE OF PERMISSION AND A RENEWAL LICENSE ARE SUBJECT TO THE RIGHT OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

#### **(B) RENEWAL LICENSE, PERSONAL REPRESENTATIVE, AND SPECIAL ADMINISTRATOR SUBJECT TO ALCOHOLIC BEVERAGES LAWS.**

**DURING THE PERIOD OF CONTINUATION, THE RENEWAL LICENSE AND THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF THE DECEASED LICENSE HOLDER ARE SUBJECT TO THIS ARTICLE AND THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(5).

In subsection (a) of this section, the reference to the “period of continuation” is substituted for the former reference to “such period” for clarity.

Also in subsection (a) of this section, the former phrase “as in other cases” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

### **3–805. REFUND.**

**THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE DECEASED LICENSE HOLDER MAY APPLY FOR AND OBTAIN ANY REFUND TO WHICH**

**THE DECEASED LICENSE HOLDER WOULD HAVE BEEN ENTITLED IF THE LICENSE HAD BEEN SURRENDERED FOR CANCELLATION ON THE DATE OF THE LICENSE HOLDER'S DEATH IF:**

**(1) THE BUSINESS OF THE LICENSE HOLDER IS NOT CONTINUED UNDER § 3-802 OF THIS SUBTITLE; AND**

**(2) THE LICENSE IS NOT TRANSFERRED UNDER § 3-803 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(7).

In item (2) of this section, the former reference to the license being "assigned" is deleted as included in the reference to the license being "transferred".

Defined terms: "License" § 1-101  
"License holder" § 1-101

## **SUBTITLE 9. JUDICIAL REVIEW.**

### **3-901. JUDICIAL REVIEW OF COMPTROLLER'S FINAL DECISION.**

**A PERSON AGGRIEVED BY A FINAL DECISION OF THE COMPTROLLER IN A CONTESTED CASE UNDER THIS TITLE MAY SEEK JUDICIAL REVIEW IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

REVISOR'S NOTE: This section is new language added to state expressly what only was implied in Title 2 of former Art. 2B, which authorized the Comptroller to grant permits and issue manufacturer's and wholesaler's licenses to persons.

Defined terms: "Comptroller" § 1-101  
"Person" § 1-101

## **TITLE 4. LOCAL LICENSING.**

### **SUBTITLE 1. APPLICATIONS FOR LOCAL LICENSES.**

#### **4-101. SCOPE OF SUBTITLE.**

**SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(a).

The reference to “this subtitle” is substituted for the narrower former reference to “a requirement”, which referred only to those requirements in former Art. 2B, § 10–104, to conform to the organization of this revised article.

#### **4–102. APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD.**

##### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICATION FOR A LICENSE SHALL BE FILED WITH THE LOCAL LICENSING BOARD.**

##### **(B) LICENSE FOR BUSINESS THAT IS IN MORE THAN ONE JURISDICTION.**

**IF AN APPLICATION FOR A LICENSE IS FOR A BUSINESS THAT IS LOCATED IN MORE THAN ONE JURISDICTION:**

**(1) THE BUSINESS SHALL BE CONSIDERED TO BE ENTIRELY IN THE JURISDICTION WHERE THE MAJOR PORTION OF THE BUSINESS IS LOCATED; AND**

**(2) THE ALCOHOLIC BEVERAGE LAWS OF THE JURISDICTION WHERE THE MAJOR PORTION OF THE BUSINESS IS LOCATED GOVERN THE LICENSING, REGULATION, AND OPERATION OF THE ENTIRE BUSINESS.**

**(C) LICENSE FOR BUSINESS THAT IS EQUALLY IN MORE THAN ONE JURISDICTION.**

**(1) IF AN APPLICATION FOR A LICENSE IS FOR A BUSINESS THAT IS LOCATED EQUALLY IN MORE THAN ONE JURISDICTION:**

**(I) THE BUSINESS SHALL BE CONSIDERED TO BE ENTIRELY IN THE JURISDICTION IN WHICH THE LICENSE FEE IS HIGHEST; AND**

**(II) THE ALCOHOLIC BEVERAGE LAWS OF THE JURISDICTION WHERE THE LICENSE FEE IS HIGHEST GOVERN THE LICENSING, REGULATION, AND OPERATION OF THE ENTIRE BUSINESS.**

**(2) THE LOCAL COLLECTING AGENT THAT COLLECTS THE LICENSE FEE SHALL REMIT AN EQUAL PORTION OF THE FEE TO THE LOCAL COLLECTING AGENT IN EACH JURISDICTION WHERE THE BUSINESS IS LOCATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–101(b), (c), and the second sentence of (a).

In this section, the references to a “jurisdiction” are substituted for the former references to a “county” so that the section will apply to the City of Annapolis.

In subsections (b) and (c) of this section, the former references to “a place of” business are deleted as surplusage.

Also in subsections (b) and (c) of this section, the former references to “the City of Baltimore” are deleted as included in the defined term “jurisdiction”.

In subsection (c)(2) of this section, the former phrase “under this subsection” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local collecting agent” § 1–101

“Local licensing board” § 1–101

#### **4–103. APPLICATION ON BEHALF OF PARTNERSHIP.**

##### **(A) APPLICATION TO BE MADE BY ALL PARTNERS.**

**AN APPLICATION FOR A LICENSE FOR THE USE OF A PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO ALL OF THE PARTNERS AS INDIVIDUALS.**

##### **(B) RESIDENCY REQUIREMENT FOR APPLICANTS.**

**EACH OF THE PARTNERS SHALL HAVE RESIDED IN THE COUNTY OR CITY WHERE THE BUSINESS IS LOCATED FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED.**

##### **(C) NAMES AND ADDRESSES TO BE DISCLOSED.**

**THE APPLICATION FOR A LICENSE SHALL STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF EACH APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 9–101(a)(1) and the second sentence of (b)(2), as it related to partnerships.

In subsections (b) and (c) of this section, the word “each” is added for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the requirement that each of the partners shall have been a resident in the county or city where the business is located for 2 years immediately before the filing of the application 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: "County" § 1-101  
 "License" § 1-101

#### **4-104. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

##### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO:**

- (1) A CORPORATION; AND**
- (2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

##### **(B) THREE OFFICERS REQUIRED.**

**(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS INDIVIDUALS.**

##### **(2) AT LEAST ONE OF THE THREE OFFICERS SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE JURISDICTION OR MUNICIPALITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) BE A REGISTERED VOTER AND TAXPAYER OF THE JURISDICTION OR MUNICIPALITY WHEN THE APPLICATION IS FILED.**

##### **(C) CORPORATION WITH FEWER THAN THREE OFFICERS OR DIRECTORS.**

**IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS, ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

**(D) CLOSE CORPORATION.**

**IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER MAY APPLY FOR A LICENSE IF:**

**(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS; AND**

**(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE STOCKHOLDERS.**

**(E) CONTENTS OF APPLICATION.**

**AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL INCLUDE:**

**(1) THE NAME AND ADDRESS OF EACH OFFICER;**

**(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND**

**(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE SHALL BE ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(b)(6) and (7), as it related to a corporation or club, (2), and, except as it related to an application filed with the Comptroller, (1)(i).

In subsections (c) and (d) of this section, the references to “apply[ing] for a license” are substituted for the former references to “mak[ing] the application as provided in this section” for clarity.

In the introductory language of subsection (d) of this section, the reference to one “individual” stockholder is added for clarity.

In subsection (e)(2) of this section, the former reference to “the name and address of the applicant” is deleted as duplicative of subsection (e)(1) of this section.

In subsection (e)(3) of this section, the defined term “club” is substituted for the former reference to an “association” to conform to the terminology used in this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(i) of this section, the requirement that at least one of the three officers shall have been a resident in the State for 2 years immediately before the filing of the application 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: “Club” § 1–101  
 “Jurisdiction” § 1–101  
 “License” § 1–101

#### **4–105. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

##### **(A) IN GENERAL.**

**(1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR AND ISSUED TO, AS INDIVIDUALS:**

**(I) ALL OF THE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED INDIVIDUALS; OR**

**(II) THREE AUTHORIZED INDIVIDUALS, IF THE LIMITED LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED INDIVIDUALS.**

**(2) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE JURISDICTION OR MUNICIPALITY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) BE A REGISTERED VOTER AND TAXPAYER OF THE JURISDICTION OR MUNICIPALITY WHEN THE APPLICATION IS FILED.**

##### **(B) CONTENTS OF APPLICATION.**

**AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL INCLUDE:**

**(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND**



**(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(c)(2), (3)(i), (5)(ii), and, except as it related to an application filed with the Comptroller, (1)(i).

Throughout this section, the references to three authorized “individuals” are substituted for the former references to “persons” to clarify that they are human beings.

In subsection (a) of this section, the reference to a license “applied for” is substituted for the former reference to “make the application as provided in this section” for clarity.

In subsection (b)(2) of this section, the former reference to “the name and address of the applicant” is deleted as duplicative of subsection (b)(1) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(2)(i) of this section, the requirement that at least one of the authorized individuals shall have been a resident in the State for 2 years immediately before the filing of the application 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: “Jurisdiction” § 1–101  
“License” § 1–101

**4–106. PAYMENT OF NOTICE EXPENSES.****(A) TO BE PAID BY APPLICANT.**

**AN APPLICANT FOR A LICENSE SHALL PAY THE EXPENSES TO PROVIDE:**

**(1) PUBLICATION OF THE NOTICE OF APPLICATION; AND**

**(2) NOTICE TO THE APPLICANT AND TO PERSONS THAT OPPOSE THE APPLICATION.**

**(B) MONEY DEPOSITED WITH LOCAL COLLECTING AGENT.**

**THE APPLICANT SHALL DEPOSIT MONEY IN ADVANCE WITH THE LOCAL COLLECTING AGENT TO COVER THE EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–105.

In subsection (b) of this section, the reference to “money” is substituted for the former reference to a “sufficient sum” for brevity.

Defined terms: “License” § 1–101  
 “Local collecting agent” § 1–101  
 “Person” § 1–101

**4–107. CRIMINAL HISTORY RECORDS CHECK.**

**(A) APPLICATION TO CENTRAL REPOSITORY.**

**A LOCAL LICENSING BOARD MAY APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT FOR A LICENSE.**

**(B) ITEMS REQUIRED TO BE SUBMITTED.**

**AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, A LOCAL LICENSING BOARD SHALL SUBMIT TO THE CENTRAL REPOSITORY:**

**(1) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;**

**(2) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO STATE CRIMINAL HISTORY RECORDS; AND**

**(3) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

**(C) RECIPIENTS OF CRIMINAL HISTORY RECORD INFORMATION.**

**IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT FOR A LICENSE AND THE LOCAL LICENSING BOARD THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

**(D) CONFIDENTIALITY OF INFORMATION.**

**INFORMATION OBTAINED BY THE LOCAL LICENSING BOARD FROM THE CENTRAL REPOSITORY UNDER THIS SECTION SHALL BE:**

- (1) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND**
- (2) USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SECTION.**

**(E) PROCEDURE TO CONTEST CONTENTS OF STATEMENT.**

**THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.**

**(F) PROVIDING REVISED CRIMINAL HISTORY RECORD INFORMATION.**

**(1) WHEN CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT OR LICENSE HOLDER IS REPORTED TO THE CENTRAL REPOSITORY AFTER THE INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, THE CENTRAL REPOSITORY SHALL PROVIDE THE LOCAL LICENSING BOARD WITH A REVISED PRINTED STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR LICENSE HOLDER.**

**(2) IF THE LOCAL LICENSING BOARD INFORMS THE CENTRAL REPOSITORY THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE HOLDER, THE CENTRAL REPOSITORY SHALL STOP PROVIDING THE LOCAL LICENSING BOARD WITH REVISED PRINTED STATEMENTS OF THE CRIMINAL RECORD OF THE INDIVIDUAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(a-1)(2) through (8), (b)(9)(v)3 and, as it related to disseminating information to the public, 4, and (13)(ii)2, (iv)1, (v)1, (vi)2A, B, and the first sentence of C, (vii)2, (viii)1, (ix)1, (x)3A, B, and C, (xi)1, as it related to applications, (xii)1 and 3A, (xiii)3 and, as it related to disseminating information to the public, 4, (xiv)1, (xv)2 through 6, (c)(1)(i) through (iii), (d)(3), (4), and (7)(ii), and (e)(3), (5)(i) and (ii), and (7).

This section follows the standard language of the Department of Public Safety and Correctional Services and the Federal Bureau of Investigation to be used for the process of applying for and receiving a State and federal background

check. Provisions in the former law that vary substantively from the standard language are found in the appropriate titles in Division II of this article.

In the introductory language of subsection (d) of this section, the phrase “by the local licensing board” is added for clarity.

Former Art. 2B, § 10–103(a–1)(1), which provided for the application of subsection (f) of this section, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–103(b)(9)(v)1A and B and (13)(xiii)1A and B and (e)(1)(i) and (ii), which contained the standard introductory language for a definition provision and defined “applicant” to mean, in part, an applicant for an alcoholic beverages license, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–103(b)(9)(v)1C, which defined “Board” to mean the Board of License Commissioners of Somerset County, is deleted as included in the defined term “local licensing board”. Similarly, former Art. 2B, § 10–103(b)(13)(xiii)1C, which defined “Board” to mean the Board of Liquor License Commissioners of Talbot County, is deleted. Similarly, former Art. 2B, § 10–103(b)(13)(xv)1, which defined “Board” to mean the Anne Arundel County Board of License Commissioners, is deleted. Similarly, former Art. 2B, § 10–103(d)(1), which defined “Board” to mean the St. Mary’s County Alcoholic Beverage Board, is deleted. Similarly, former Art. 2B, § 10–103(e)(1)(iii), which defined “Board” to mean the Board of License Commissioners of Washington County, is deleted.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a) of this section merely states that a local licensing board may apply for a State and national criminal history records check, but does not require a check to be made. In fact, the Federal Bureau of Investigation does not comply with the request if the check is not required. In Division II of this article, however, several jurisdictions are required to apply for a check. In those cases, the Federal Bureau of Investigation will routinely perform the check.

Defined terms: “Central Repository” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

#### **4–108. APPLICATION FORM REQUIRED BY COMPTROLLER.**

**AN APPLICANT SHALL FILE A SWORN APPLICATION FOR A LICENSE WITH THE APPLICABLE LOCAL LICENSING BOARD ON THE FORM THAT THE COMPTROLLER REQUIRES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of the introductory language of former Art. 2B, § 10-103(b).

The former phrase "[e]xcept as otherwise provided in this subtitle" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Comptroller" § 1-101

"License" § 1-101

"Local licensing board" § 1-101

**4-109. REQUIRED INFORMATION ON APPLICATION — IN GENERAL.**

**(A) STATEMENTS OF APPLICANT.**

**ON A LICENSE APPLICATION, AN APPLICANT SHALL STATE:**

- (1) THE CLASS OF LICENSE FOR WHICH THE APPLICANT IS APPLYING;**
- (2) THE NAME AND ADDRESS OF THE APPLICANT AND HOW LONG THE APPLICANT HAS RESIDED AT THAT ADDRESS;**
- (3) THAT THE APPLICANT IS A CITIZEN OF THE UNITED STATES;**
- (4) THAT FOR THE 2 YEARS IMMEDIATELY BEFORE FILING THE APPLICATION THE APPLICANT HAS BEEN A RESIDENT OF THE JURISDICTION IN WHICH THE APPLICANT PROPOSES TO OPERATE UNDER THE LICENSE FOR WHICH THE APPLICANT IS APPLYING;**
- (5) THE AGE AND SEX OF THE APPLICANT;**
- (6) THE BIRTH PLACE OF THE APPLICANT, AND IF THE APPLICANT IS A NATURALIZED CITIZEN, THE DATE AND PLACE THE APPLICANT WAS NATURALIZED;**
- (7) A DESCRIPTION OF THE PLACE FOR WHICH THE LICENSE IS SOUGHT, INCLUDING:**
  - (I) THE STREET AND NUMBER, IF PRACTICABLE, OR OTHER DESCRIPTION THAT DEFINITELY LOCATES THE PLACE; AND**

**(II) A DESCRIPTION OF THE PORTION OF THE BUILDING IN WHICH THE BUSINESS WILL BE CONDUCTED;**

**(8) THE NAME OF THE OWNER OF THE LOCATION WHERE THE BUSINESS TO BE LICENSED IS TO BE CONDUCTED;**

**(9) THAT THE APPLICANT HAS NEVER BEEN CONVICTED OF A FELONY;**

**(10) WHETHER THE APPLICANT HAS EVER BEEN FOUND GUILTY OF VIOLATING A LAW IN THE STATE GOVERNING THE SALE OF ALCOHOLIC BEVERAGES OR THE PREVENTION OF GAMBLING;**

**(11) THAT THE APPLICANT HAS A FINANCIAL INTEREST IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE;**

**(12) THAT THE APPLICANT HAS NOT HAD A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES REVOKED;**

**(13) THAT THE APPLICANT OR A PERSON ON BEHALF OF WHOM THE APPLICATION IS FILED DOES NOT HAVE A FINANCIAL INTEREST IN THE JURISDICTION IN ANY OTHER PLACE OF BUSINESS IN THE JURISDICTION FOR WHICH AN ALCOHOLIC BEVERAGE LICENSE HAS BEEN APPLIED FOR OR ISSUED;**

**(14) WHETHER THE APPLICANT HAS BEEN FOUND GUILTY OF VIOLATING A STATE OR FEDERAL LAW;**

**(15) WHETHER THE APPLICANT HAS HELD A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES AND, IF SO, THE NAME OF THE STATE AND THE LOCATION WHERE THE LICENSE WAS HELD;**

**(16) THAT DURING THE TERM OF THE LICENSE, A PERSON OTHER THAN THE APPLICANT WILL NOT HAVE A FINANCIAL INTEREST IN THE LICENSE OR IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE;**

**(17) THAT A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER, DIRECTLY OR INDIRECTLY, DOES NOT HAVE A FINANCIAL INTEREST IN THE PREMISES OR BUSINESS OF THE APPLICANT;**

**(18) THAT AFTER RECEIPT OF A LICENSE, THE APPLICANT WILL NOT CONVEY OR GRANT AN INTEREST IN THE LOCATION OR BUSINESS TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER, EXCEPT AS AUTHORIZED UNDER THIS ARTICLE;**

**(19) THAT, EXCEPT FOR THE PURCHASE OF ALCOHOLIC BEVERAGES, WHEN APPLYING FOR THE LICENSE, THE APPLICANT DOES NOT HAVE INDEBTEDNESS OR OTHER FINANCIAL OBLIGATION TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER;**

**(20) THAT AFTER THE LICENSE IS ISSUED, THE APPLICANT WILL NOT INCUR, DIRECTLY OR INDIRECTLY, INDEBTEDNESS OR OTHER FINANCIAL OBLIGATION OTHER THAN FOR THE PURCHASE OF ALCOHOLIC BEVERAGES TO A MANUFACTURER, BREWER, DISTILLER, OR WHOLESALER; AND**

**(21) THAT, IF ISSUED A LICENSE, THE APPLICANT WILL CONFORM TO ALL LAWS AND REGULATIONS RELATING TO THE BUSINESS IN WHICH THE APPLICANT PROPOSES TO ENGAGE.**

**(B) STATEMENTS OF OWNER OF PREMISES.**

**THE APPLICATION SHALL ALSO INCLUDE A STATEMENT EXECUTED AND ACKNOWLEDGED BY THE OWNER OF THE LOCATION WHERE THE BUSINESS IS TO BE CONDUCTED THAT:**

**(1) AGREES TO THE ISSUANCE OF THE LICENSE; AND**

**(2) AUTHORIZES A WARRANTLESS INSPECTION AND SEARCH OF THE PREMISES AT ANY TIME IN ANY PART OF THE BUILDING IN WHICH THE BUSINESS IS TO BE CONDUCTED BY:**

**(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.

In subsection (a)(16) of this section, the reference to the “term” of the license is substituted for the former reference to the “continuance” of the license for clarity.

In subsection (a)(18) of this section, the reference to “location” is substituted for the former reference to “premises” to conform to the terminology used throughout this article.

In subsection (a)(21) of this section, the former reference to “granted” is deleted as redundant of the reference to “issued”.

In subsection (b)(2)(i) of this section, the former reference to the Comptroller’s “duly authorized deputies, inspectors and clerks” is deleted as included in the defined term “Comptroller”.



The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement under subsection (a)(4) of this section may be unconstitutional. The requirement states that for the 2 years immediately before filing a license application the applicant must be a resident of the jurisdiction in which the applicant proposes to operate under the license. This requirement 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 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

“Comptroller” § 1–101

“County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

#### **4–110. REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT.**

**THE APPLICATION SHALL ALSO INCLUDE A PETITION OF SUPPORT SIGNED BY AT LEAST 10 RESIDENTS WHO ARE OWNERS OF REAL ESTATE AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE BUSINESS IS TO BE CONDUCTED STATING:**

**(1) THE LENGTH OF TIME EACH OF THE RESIDENTS HAS BEEN ACQUAINTED WITH THE APPLICANT OR, IF THE APPLICANT IS A CORPORATION, ACQUAINTED WITH THE INDIVIDUALS MAKING THE APPLICATION;**

**(2) THAT THEY HAVE EXAMINED THE APPLICATION, HAVE GOOD REASON TO BELIEVE THAT THE STATEMENTS CONTAINED IN THE APPLICATION ARE TRUE, AND IN THEIR JUDGMENT THE APPLICANT IS A SUITABLE PERSON TO OBTAIN THE LICENSE; AND**

**(3) THAT THEY ARE FAMILIAR WITH THE PREMISES ON WHICH THE PROPOSED BUSINESS IS TO BE CONDUCTED AND THAT THEY BELIEVE THE PREMISES ARE SUITABLE FOR THE CONDUCT OF BUSINESS AS A RETAIL DEALER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(i).

In the introductory language of this section, the reference to a “petition of support” is substituted for the former reference to a “certificate” to conform to terminology used throughout this subtitle.

Also in the introductory language of this section, the reference to “residents” is substituted for the former reference to “citizens” for clarity.

In item (3) of this section, the former reference to a retail dealer “in alcoholic beverages” is deleted as included in the defined term “retail dealer”.

Defined terms: “License” § 1-101  
 “Person” § 1-101  
 “Retail dealer” § 1-101

#### **4-111. PAYMENT OF LICENSE FEES.**

**THE ANNUAL FEE FOR ALL LICENSES SHALL BE PAID TO THE LOCAL COLLECTING AGENT BEFORE THE LICENSE IS ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3-101(a)(2), 3-201(a)(2), 3-301(a)(2), 3-401(a)(2), 5-101(a)(2), 5-201(a)(2), 5-202(b)(2), 5-301(a)(2), 5-401(a)(2), 6-101(a)(2), 6-201(a)(2), 6-301(a)(2), and 6-401(a)(2).

The general reference to “all licenses” is substituted for the former references to each specific license for brevity.

Defined terms: “License” § 1-101  
 “Local collecting agent” § 1-101

#### **4-112. DISPOSITION OF LICENSE FEES.**

**THE LOCAL COLLECTING AGENT SHALL REMIT ALL LICENSE FEES COLLECTED UNDER THIS ARTICLE TO:**

**(1) THE BOARD OF COUNTY COMMISSIONERS OR THE FISCAL OFFICER FOR THE COUNTY; OR**

**(2) THE ANNAPOLIS CITY COUNCIL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(a)(1).

In this section, the reference to “the Annapolis City Council” is added to reflect that the City of Annapolis has authority to regulate alcoholic beverages under this article, just as a county and the City of Baltimore do.

Also in this section, the former obsolete reference to “the Mayor and City Council of Baltimore” is deleted in light of § 12–205 of this article, which requires that revenue from license fees be payable to the Director of Finance.

In the introductory language of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–204(k), which stated that former § 10–204(a) applied in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 1–101

“License” § 1–101

“Local collecting agent” § 1–101

#### **4–113. REFUND OF LICENSE FEES.**

##### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER IS NOT ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE LICENSE FEE.**

##### **(B) INSTANCES WHEN REFUNDS ARE AUTHORIZED.**

**A REFUND SHALL BE ISSUED TO A LICENSE HOLDER ON SURRENDER OF THE LICENSE IF:**

**(1) RECEIVERSHIP OR BANKRUPTCY OF THE BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE WAS ISSUED OCCURS AND A LICENSE TRANSFER IS NOT REQUESTED, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE CREDITORS OF THE LICENSE HOLDER;**

**(2) THE LICENSE HOLDER DIES, WITH THE REFUND ISSUED FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER;**

**(3) THE LICENSE HOLDER VOLUNTEERS FOR OR HAS BEEN CALLED INTO THE ARMED FORCES OF THE UNITED STATES OR THE ORGANIZED STATE MILITIA;**

**(4) THE LICENSE HOLDER SURRENDERS A LICENSE AND OBTAINS A NEW LICENSE OF ANOTHER CLASS CARRYING A HIGHER FEE, WITH THE REFUND DEDUCTED FROM THE HIGHER FEE;**

**(5) A LICENSE HOLDER, AGAINST WHOM CHARGES ARE PENDING WHEN THE LICENSE IS RENEWED, IS FOUND GUILTY AND THE LICENSE IS REVOKED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REVOCATION BECOMES FINAL;**

**(6) THE ISSUANCE OF A LICENSE BY A LOCAL LICENSING BOARD IS REVERSED ON JUDICIAL REVIEW AND THE OPERATION OF THE ESTABLISHMENT IS PROHIBITED, WITH THE REFUND ISSUED TO THE LICENSE HOLDER IN AN AMOUNT BASED ON THE DATE THAT THE REFUSAL TO GRANT THE RENEWAL BECOMES FINAL; OR**

**(7) THE LICENSED PREMISES IS TAKEN BY THE FEDERAL GOVERNMENT, THE STATE, OR A MUNICIPALITY FOR PUBLIC USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-205(a).

In subsection (b)(3) of this section, the reference to the "organized" State militia is substituted for the former obsolete reference to the "regular" State militia to conform to the terminology of § 13-203(b) of the Public Safety Article.

In subsection (b)(4) of this section, the reference to the "higher fee" is substituted for the former reference to the "amount of the fee to be paid for the newly obtained license" for brevity.

In subsection (b)(6) of this section, the reference to the "operation of the establishment" is added for clarity.

Also in subsection (b)(6) of this section, the reference to a "judicial review" is substituted for the former reference to an "appeal" for accuracy.

Also in subsection (b)(6) of this section, the reference to "the date that the refusal to grant the renewal becomes final" is substituted for the former reference to "the date the revocation becomes final" for accuracy.

In subsection (b)(7) of this section, the former reference to a "city" is deleted as included in the reference to a "municipality".

Defined terms: "License" § 1-101

“License holder” § 1–101  
“Local licensing board” § 1–101  
“State” § 1–101

**4–114. FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO TEMPORARY LICENSES.**

**(B) FEE SCHEDULE.**

**THE FEE FOR A LICENSE ISSUED FOR LESS THAN 1 YEAR IS:**

**(1) THE FULL ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FIRST QUARTER OF THE LICENSE YEAR;**

**(2) THREE–FOURTHS OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE SECOND QUARTER OF THE LICENSE YEAR;**

**(3) ONE–HALF OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE THIRD QUARTER OF THE LICENSE YEAR; AND**

**(4) ONE–FOURTH OF THE ANNUAL LICENSE FEE, IF THE LICENSE IS ISSUED DURING THE FOURTH QUARTER OF THE LICENSE YEAR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–207(a).

In subsection (a) of this section, the former reference to “special” licenses is deleted as included in the reference to “temporary” licenses.

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**

**(4) ESTABLISH AREAS IN WHICH A LICENSE MAY NOT BE ISSUED.**

**(E) JUDICIAL REVIEW.**

**AN APPLICANT FOR A LICENSE OR A LICENSE HOLDER WHO IS AGGRIEVED BY A REGULATION ADOPTED UNDER THIS SECTION MAY SEEK JUDICIAL REVIEW AS PROVIDED IN SUBTITLE 9 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–201, 15–112(a)(1), and the first sentence of 9–101(a)(1).

In subsection (d)(1) of this section, the former reference to the authority to “limit” the number of licenses is deleted as included in the reference to the authority to “restrict” the number of licenses.

In subsection (d)(2) of this section, the former reference authorizing a board to “limit” the use of mechanical music boxes is deleted as included in the reference authorizing a board to “regulate” the boxes.

In subsection (d)(3) of this section, the reference to “a municipality” is substituted for the former reference to “the city” to conform to the terminology used throughout this article.

In subsection (e) of this section, the reference to “a regulation adopted under this section” is substituted for the former reference to “any limitation, restriction or prohibition imposed by any board” for clarity.

Also in subsection (e) of this section, the reference to “judicial review” is substituted for the former reference to “appeal” for accuracy. Appeals properly refer only to the process of seeking and obtaining review of a decision by a lower court.

Former Art. 2B, § 15–112(a)(3), which defined “Board” to mean “the Board of License Commissioners, unless otherwise noted”, is deleted as unnecessary in light of the defined term “local licensing board”.

Defined terms: “County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

#### **4–203. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY.**

##### **(A) IN GENERAL.**

**EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, MORE THAN ONE LICENSE MAY NOT BE ISSUED:**

**(1) TO AN INDIVIDUAL; OR**

**(2) FOR THE USE OF A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.**

**(B) ISSUANCE OF MULTIPLE CLASS A, C, OR D LICENSES THROUGHOUT THE STATE.**

**EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE OR TITLE 3, TITLE 4, OR TITLE 5 OF THIS DIVISION, AN INDIVIDUAL MAY NOT BE ISSUED IN THE STATE MORE THAN ONE CLASS A, CLASS C, OR CLASS D LICENSE FOR THE USE OF:**

**(1) THAT INDIVIDUAL; OR**

**(2) A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(a)(1) and 9–107(a), except as they related to license renewals.

In the introductory language of subsections (a) and (b) of this section, the references to “Division II of this article or Title 3, Title 4, or Title 5 of this division” are substituted for the former references to “this section” and “§ 9–102(j)(4) of this subtitle” for accuracy.

In the introductory language of subsection (a) of this section, the former references to “any county or Baltimore City” and “Baltimore City or any county of the State” are deleted as implicit.

Former Art. 2B, § 9–102(a)(3), which exempted certain licenses from the prohibition against holding multiple licenses, is deleted as included in the phrase “[e]xcept as otherwise provided in Division II of this article or Title 3, Title 4, or Title 5 of this division”. The licenses exempted in former § 9–102(a)(3) were Class B–CC licenses, Class B licenses, and Class MEC licenses in Frederick County, Class BH licenses, Class B–DD licenses, Class B–CC licenses, and Class B–AE licenses in Prince George’s County, Class C beer and Class C beer and wine licenses, airport concessionaire licenses, certain restaurant licenses in Prince George’s County, a golf course license in Baltimore City, a beer tasting license in Washington County, certain Class B licenses in Montgomery County, certain Class A licenses in Prince George’s County, and certain Class B, Class C, Class D, and Class H licenses in Anne Arundel County.



Former Art. 2B, § 9–107(b), which stated that former § 9–107 “may not be construed to abrogate or alter any restrictions on the issuance of any class of license otherwise contained in former Art. 2B, § 9–102”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–107(c), which stated that former § 9–107 “may not be construed to prohibit the issuance of any license otherwise expressly permitted under this article”, is deleted because it merely restated the normal rule of statutory interpretation.

Former Art. 2B, § 9–107(d), which stated that former § 9–107 “may not be construed to prohibit the issuance of any license to any individual for that individual or for the use of any partnership, corporation, unincorporated association, or limited liability company if the license is issued for premises which are outdoor amphitheaters, centers for the performing arts, stadiums, or sports arenas”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101

“State” § 1–101

#### **4–204. PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES.**

**EXCEPT AS OTHERWISE PROVIDED IN DIVISION II OF THIS ARTICLE, A LOCAL LICENSING BOARD MAY NOT ISSUE MORE THAN ONE LICENSE FOR USE AT THE SAME PREMISES.**

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

The reference to a “local licensing board” is added for clarity.

The reference to “Division II of this article” is substituted for the former reference to “§§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this article” for brevity.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

#### **4–205. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) AN ESTABLISHMENT THAT ALREADY HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) A LICENSE HOLDER THAT SELLS ALCOHOLIC BEVERAGES AT DISCOUNT PRICES.**

**(B) ISSUANCE PROHIBITED.**

**A LOCAL LICENSING BOARD MAY NOT ISSUE A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF:**

**(1) A CHAIN STORE;**

**(2) A SUPERMARKET; OR**

**(3) A DISCOUNT HOUSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(a–1), except as it related to the transfer or renewal of a license for a chain store, supermarket, or discount house.

In the introductory language of subsection (a) of this section, the former reference to not “affect[ing]” an establishment is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a license holder that sells “alcoholic beverages” is added for clarity.

In subsection (b) of this section, the former reference to the issuance of a license on the premises of “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Also in subsection (b) of this section, the reference to prohibiting “[a] local licensing board” from issuing a license under certain circumstances is added for clarity.

Also in subsection (b) of this section, the former reference to a license “granted” is deleted as included in the reference to a license “issue[d]”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Wine” § 1-101

**4-206. LIMITATIONS ON RETAIL SALES FLOOR SPACE.**

**(A) “FLOOR SPACE” DEFINED.**

**(1) IN THIS SECTION, “FLOOR SPACE” MEANS THE SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION THAT:**

**(I) FOR A LICENSE WITHOUT ON-PREMISES CONSUMPTION PRIVILEGES, IS WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED BUSINESS OPERATES; OR**

**(II) FOR A LICENSE WITH ON-PREMISES CONSUMPTION AND OFF-PREMISES CONSUMPTION PRIVILEGES, IS USED TO SELL, DISPLAY, OR STORE ALCOHOLIC BEVERAGES.**

**(2) “FLOOR SPACE” INCLUDES:**

**(I) A BASEMENT IN A LICENSED PREMISES; AND**

**(II) ANY AREA OFF THE LICENSED PREMISES WHERE THE ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.**

**(B) FLOOR SPACE RESTRICTION.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

**(1) A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS TO BE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION; AND**

**(2) A FOOD STORE ISSUED A LICENSE ON OR BEFORE OCTOBER 1, 1997, MAY NOT EXPAND THE FLOOR SPACE OF ITS ALCOHOLIC BEVERAGES DEPARTMENT BEYOND A TOTAL OF 10,000 SQUARE FEET, WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE BUSINESS PREMISES.**

**(C) APPLICATION FOR MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE.**

**(1) A LOCAL LICENSING BOARD MAY ISSUE A LICENSE FOR USE IN PREMISES IN WHICH MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE IS DEVOTED**

**TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, IF THE LOCAL LICENSING BOARD:**

**(I) HOLDS A PUBLIC HEARING;**

**(II) DETERMINES THAT THE ISSUANCE OF THE LICENSE:**

**1. WOULD SERVE THE PUBLIC NEED; AND**

**2. WOULD NOT ADVERSELY IMPACT EXISTING RETAIL LICENSE HOLDERS IN THE IMMEDIATE VICINITY OF THE PREMISES, INCLUDING THOSE LICENSE HOLDERS THAT MAY BE IN A CONTIGUOUS COUNTY OR CITY; AND**

**(III) OBTAINS FROM THE COMPTROLLER A WRITTEN REPORT IN WHICH THE COMPTROLLER DETERMINES THAT THE ISSUANCE OF THE LICENSE:**

**1. WOULD NOT ADVERSELY AFFECT THE ORDERLY DISTRIBUTION OF ALCOHOLIC BEVERAGES IN THE STATE; AND**

**2. WOULD COMPLY WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE RELATING TO THE ISSUANCE OF MULTIPLE LICENSES.**

**(2) IF THE COMPTROLLER DETERMINES THAT AN APPLICATION SUBMITTED UNDER THIS SUBSECTION DOES NOT MEET THE CRITERIA PROVIDED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION, THE LOCAL LICENSING BOARD MAY NOT ISSUE THE LICENSE.**

**(D) APPLICATION TO EXPAND EXISTING FLOOR SPACE UP TO 10,000 SQUARE FEET.**

**THERE IS NO PRESUMPTION IN FAVOR OF OR WHICH OTHERWISE REQUIRES A LOCAL LICENSING BOARD TO APPROVE A REQUEST BY A LICENSE HOLDER TO EXPAND THE AMOUNT OF SPACE DEVOTED TO THE RETAIL SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION UP TO 10,000 SQUARE FEET, UNLESS THE LOCAL LICENSING BOARD FINDS THAT:**

**(1) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND**

**(2) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET THE CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER CONDITION THAT THE LOCAL LICENSING BOARD IMPOSES.**

**(E) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PROHIBIT THE RENEWAL OR TRANSFER OF OWNERSHIP OR LOCATION OF A LICENSE ISSUED FOR USE BY AN ESTABLISHMENT THAT ON OR BEFORE OCTOBER 1, 1997, HAD MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–108(c) through (g).

In the introductory language of subsection (a)(1) of this section, the word “means” is substituted for the former phrase “shall be considered” to conform to the terminology used in revised articles to introduce a definition.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “[e]xcept as to food stores that had an alcoholic beverages license on or before October 1, 1997” is deleted as unnecessary in light of subsection (e) of this section.

In subsection (a)(1)(ii) of this section, the former reference to space “actually” used is deleted as surplusage.

In the introductory language of subsection (a)(2) of this section, the former phrase “[i]n all cases” is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the former phrase “at any time” is deleted as surplusage.

In subsections (b) through (e) of this section, the references to “the sale of alcoholic beverages for off-premises consumption” are substituted for the former references to “off-sale” for clarity.

In subsections (b) through (d) of this section, the defined term “local licensing board” is substituted for the former reference to a “Board” for clarity.

In subsection (b)(1) of this section, the reference to “an establishment” is substituted for the former reference to “premises” because in this revised article “premises” applies only to an establishment for which a license has already been issued.

Also in subsection (b)(1) of this section, the former reference to floor space “used for the sale, display, or storage of the beverages” is deleted as redundant of the definition of “floor space”. Similarly, in subsection (b)(2) of this section,

the former reference to floor space of an alcoholic beverages department, “including sales, display, and storage areas,” is deleted.

In subsection (b)(2) of this section, the defined term “floor space” is substituted for the former reference to “actual square footage” for clarity.

In subsection (c)(1)(iii) of this section, the reference to a written “report” is substituted for the former reference to a written “review and approval” for brevity.

In subsection (d) of this section, the former reference to a local licensing board that finds “based on the evidence presented to it” that expansion is necessary to accommodate the public is deleted as implicit in the reference to “finds”.

In subsection (e) of this section, the phrase “for use by” is substituted for the former phrase “in conjunction with” to conform to the terminology used throughout this article.

Also in subsection (e) of this section, the reference to “an establishment” is substituted for the former reference to “any business” to conform to the terminology used throughout this article.

Former Art. 2B, § 9–108(b)(1), which was the introductory language to a definition subsection, is deleted as unnecessary because there is no longer a list of defined terms for this revised section.

Former Art. 2B, § 9–108(b)(2), which defined “Board”, is deleted as unnecessary because that term is not used in this revised section.

Former Art. 2B, § 9–108(b)(3), which defined “food stores” to include supermarkets, is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section leaves unclear the answer to the following question: if a license holder with more than 10,000 square feet of floor space before October 1, 1997 – and thus grandfathered under subsection (e) of this section – wishes to expand the licensed premises even further, would the license holder be subject to the hearing and approval procedures under subsection (c) of this section?

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

**4–207. LICENSES ISSUED TO MINORS.**

**(A) PROHIBITED WITHOUT JUDICIAL SPECIAL ORDER.**

**A LOCAL LICENSING BOARD MAY NOT ISSUE A LICENSE TO A MINOR WITHOUT A SPECIAL ORDER GRANTED BY A JUDGE.**

**(B) RECOMMENDATION OF LOCAL RESIDENTS REQUIRED.**

**A JUDGE MAY GRANT A SPECIAL ORDER FOR THE LOCAL LICENSING BOARD TO ISSUE A LICENSE TO A MINOR ONLY ON THE RECOMMENDATION OF AT LEAST 10 RESIDENTS OF THE DISTRICT IN WHICH THE LICENSE WILL BE OPERATIVE.**

**(C) RESPONSIBILITY OF LICENSE HOLDER.**

**IF A LOCAL LICENSING BOARD ISSUES A LICENSE TO A MINOR, THE MINOR:**

**(1) IS RESPONSIBLE FOR EACH CONTRACT MADE IN CONDUCTING BUSINESS UNDER THE LICENSE; AND**

**(2) MAY BE SUED UNDER EACH CONTRACT IN A STATE COURT.**

**(D) RESPONSIBILITY OF PARENT OF LICENSE HOLDER.**

**THE RESPONSIBILITY OF THE MINOR DOES NOT AFFECT THE RESPONSIBILITY OF THE PARENT OF THE MINOR UNDER STATE AND LOCAL LAW.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–106.

In subsection (a) of this section, the defined term “local licensing board” is substituted for the former reference to a “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Also in subsection (a) of this section, the reference to a special order “granted by” a judge is added for clarity.

In subsection (b) of this section, the reference to a special order “for the local licensing board” to issue a license is added for clarity.

Also in subsection (b) of this section, the reference authorizing a judge to “grant” a special order is substituted for the former reference authorizing a judge to “pass” a special order for clarity.

In the introductory language of subsection (c) of this section, the reference to “a local licensing board” issuing a license is added for clarity.

In subsection (d) of this section, the reference to “State and local law” is substituted for the former reference to “existing law” for clarity.

Also in subsection (d) of this section, the former reference to “impair[ing]” responsibility is deleted as included in the reference to “affect[ing]” responsibility.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

#### **4–208. NOTICE OF LICENSE APPLICATION REQUIRED.**

##### **(A) PUBLICATION.**

**BEFORE A LOCAL LICENSING BOARD MAY APPROVE AN APPLICATION FOR A LICENSE, THE LOCAL LICENSING BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS:**

**(1) IN TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE JURISDICTION; OR**

**(2) IF ONLY ONE NEWSPAPER OF GENERAL CIRCULATION EXISTS IN THE JURISDICTION, IN THAT NEWSPAPER.**

##### **(B) CONTENTS.**

**THE NOTICE SHALL STATE:**

**(1) THE NAME OF THE APPLICANT;**

**(2) THE TYPE OF LICENSE FOR WHICH THE APPLICATION IS MADE;**

**(3) THE LOCATION DESCRIBED IN THE APPLICATION; AND**

**(4) THE DATE, TIME, AND PLACE SET BY THE LOCAL LICENSING BOARD FOR A HEARING ON THE APPLICATION.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(1)(iii) and (i)2.

In the introductory language of subsection (a) of this section, the requirement that a local licensing board “publish” a notice of a license application is substituted for the former requirement that a local licensing board “shall cause a notice of the application to be published” for brevity.

In subsection (a)(1) and (2) of this section, the references to the “jurisdiction” are substituted for the former references to “county” for accuracy.

In subsection (a)(1) of this section, the former reference to a county “where two newspapers are published” is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the requirement that the notice “state” certain information is substituted for the former requirement that the notice “specify” certain information for clarity.

In subsection (b)(3) of this section, the reference to the location “described in the application” is substituted for the former reference to the location “of the place of business proposed to be licensed” for consistency with terminology used throughout this article.

In subsection (b)(4) of this section, the reference to the “date” set for a hearing is added for clarity.

Defined terms: “Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

#### **4–209. HEARING.**

##### **(A) TIME.**

**THE HEARING ON THE APPLICATION MAY NOT OCCUR LESS THAN 7 DAYS OR MORE THAN 30 DAYS AFTER THE DATE OF THE LAST PUBLICATION OF THE NOTICE OF THE LICENSE APPLICATION.**

##### **(B) PROCEEDINGS.**

**ANY PERSON MAY ADDRESS ANY RELEVANT ISSUE AT THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(1)(iv) and (v).

In subsection (a) of this section, the reference to a hearing “on the application” is added for clarity. Similarly, in subsection (a) of this section, the reference to the publication “of the notice of the license application” is added.

In subsection (b) of this section, the reference to a person “address[ing] any relevant issue” at a hearing is substituted for the former reference to a person “be[ing] heard on either side of the question” for clarity and brevity.

Also in subsection (b) of this section, the former phrase “[a]t the time fixed by the notice for a hearing on the application or on any postponement of the time” is deleted as surplusage.

Defined terms: “License” § 1–101

“Person” § 1–101

#### **4–210. APPROVAL OR DENIAL OF LICENSE APPLICATION.**

##### **(A) FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.**

**BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION AND ISSUE A LICENSE, A LOCAL LICENSING BOARD SHALL CONSIDER:**

- (1) THE PUBLIC NEED AND DESIRE FOR THE LICENSE;**
- (2) THE NUMBER AND LOCATION OF EXISTING LICENSE HOLDERS;**
- (3) THE POTENTIAL EFFECT ON EXISTING LICENSE HOLDERS OF THE LICENSE FOR WHICH APPLICATION IS MADE;**
- (4) THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE SERVICES AND PRODUCTS TO BE OFFERED BY THE BUSINESS OF THE APPLICANT;**
- (5) THE IMPACT OF THE LICENSE FOR WHICH APPLICATION IS MADE ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC, PARKING, OR CONVENIENCE; AND**
- (6) ANY OTHER FACTOR THAT THE LOCAL LICENSING BOARD CONSIDERS NECESSARY.**

##### **(B) GROUNDS FOR DENIAL OF LICENSE APPLICATION.**

**THE LOCAL LICENSING BOARD SHALL DENY A LICENSE APPLICATION:**

**(1) IF THE LOCAL LICENSING BOARD DETERMINES THAT:**

**(I) THE GRANTING OF THE LICENSE IS NOT NECESSARY TO ACCOMMODATE THE PUBLIC;**

**(II) THE APPLICANT IS NOT A FIT PERSON TO RECEIVE THE LICENSE;**

**(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**(IV) THE APPLICANT HAS ACTED FRAUDULENTLY IN CONNECTION WITH THE APPLICATION; OR**

**(V) IF THE LICENSE IS ISSUED, THE OPERATION AUTHORIZED BY THE LICENSE WOULD UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD OF THE LOCATION DESCRIBED IN THE APPLICATION; OR**

**(2) FOR OTHER REASONS THAT THE LOCAL LICENSING BOARD CONSIDERS SUFFICIENT.**

**(C) APPROVAL OF LICENSE APPLICATION.**

**SUBJECT TO SUBSECTION (A) OF THIS SECTION, IF A LOCAL LICENSING BOARD DOES NOT FIND GROUNDS LISTED UNDER SUBSECTION (B) OF THIS SECTION TO DENY A LICENSE APPLICATION, THE APPLICATION SHALL BE APPROVED AND THE LOCAL LICENSING BOARD SHALL ISSUE THE LICENSE FOR WHICH APPLICATION IS MADE ON PAYMENT OF THE FEE REQUIRED TO THE LOCAL COLLECTING AGENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(2).

In subsection (a)(5) of this section, the former reference to traffic "conditions" is deleted as surplusage.

Also in subsection (a)(5) of this section, the former reference to the "general" health of the community is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to "[t]he local licensing board ... deny[ing] a license application" is substituted for the former reference to "[t]he application [being] disapproved and the license for which application is made [being] refused" for brevity and clarity.

In subsection (b)(1)(ii) of this section, the former reference to the license “for which application is made” is deleted as surplusage.

In subsection (b)(1)(iv) of this section, the reference to “act[ing] fraudulently” is substituted for the former reference to “practic[ing] fraud” for consistency with the terminology used throughout this article.

In subsection (b)(1)(v) of this section, the reference to the neighborhood “of the location described in the application” is substituted for the former reference to the neighborhood “in which the place of business is to be located” for consistency with terminology used throughout this article.

In subsection (b)(2) of this section, the reference to a reason “that the local licensing board considers sufficient” is substituted for the former reference to a reason “in the discretion of the board, why the license should not be issued” for brevity.

In subsection (c) of this section, the reference to “grounds listed under subsection (b) of this section” is substituted for the former reference to “no such findings” for clarity.

Also in subsection (c) of this section, the defined term “local licensing board” is substituted for the former broader term “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Also in subsection (c) of this section, the phrase “[s]ubject to subsection (a) of this section” is substituted for the former phrase “[e]xcept as otherwise provided in this section” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local collecting agent” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

#### **4–211. LICENSE FORMS; EFFECTIVE DATE; EXPIRATION.**

##### **(A) FORMS TO BE PROVIDED BY LOCAL LICENSING BOARD.**

**A LICENSE ISSUED BY A LOCAL LICENSING BOARD SHALL BE ON THE FORM THAT THE LOCAL LICENSING BOARD PROVIDES.**

##### **(B) NUMBERING.**

**A LOCAL LICENSING BOARD SHALL NUMBER EACH LICENSE.**

**(C) EFFECTIVE DATE; EXPIRATION.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE ISSUED BY A LOCAL LICENSING BOARD SHALL BE DATED AS OF THE DATE OF ISSUE AND SHALL EXPIRE ON THE NEXT APRIL 30 AFTER ITS ISSUANCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–102(d) and, as it related to licenses issued by local licensing boards, 10–206(a).

In subsection (a) of this section, the reference to a license issued “by a local licensing board” is substituted for the former broader phrase “under the provisions of this article” because the provisions of this title apply only to licenses issued by local licensing boards.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b) of this section, the reference to a “local licensing board” is substituted for the former reference to the “official issuing the same [license]” for clarity and brevity.

Also in subsection (b) of this section, the former reference to “appropriately” number is deleted as surplusage.

In subsection (c) of this section, the reference to a license issued “by a local licensing board” is substituted for the former reference to a license issued “under the provisions of this article” because this title applies only to licenses issued by local licensing boards.

Also in subsection (c) of this section, the former phrase “except temporary licenses and special licenses, which shall expire as otherwise provided” is deleted as included in the introductory phrase “[e]xcept as otherwise provided in this article”.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

**4–212. LICENSE NOT PROPERTY.**

**A LICENSE ISSUED BY A LOCAL LICENSING BOARD:**

**(1) IS NOT PROPERTY AND DOES NOT CONFER PROPERTY RIGHTS;**

**AND**

**(2) IS SUBJECT TO:**

**(I) SUSPENSION, REVOCATION, AND RESTRICTIONS AUTHORIZED BY LAW; AND**

**(II) REGULATIONS AUTHORIZED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(a).

In the introductory language of this section, the reference to a license issued “by a local licensing board” is substituted for the former reference to a license issued “under provisions of this article” because this title applies only to licenses issued by local licensing boards.

Also in the introductory language of this section, the former phrase “[e]xcept as otherwise provided under this section” is deleted as unnecessary in light of the organization of this revised article.

In item (2)(i) of this section, the reference to suspension, revocation, and restrictions “authorized by law” is added for clarity.

In item (2)(ii) of this section, the reference to regulations “authorized under this article” is substituted for the former reference to regulations “that may be adopted as herein provided” for clarity.

Also in item (2)(ii) of this section, the reference to “rules” is deleted as included in the reference to “regulations”.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

**4–213. REPLACEMENT LICENSES.****(A) ISSUANCE.**

**A LOCAL LICENSING BOARD MAY ISSUE A REPLACEMENT LICENSE TO A LICENSE HOLDER WHOSE LICENSE IS LOST OR DESTROYED ON RECEIVING:**

**(1) AN APPLICATION UNDER OATH; AND**

**(2) PAYMENT OF A \$1 FEE.**

**(B) CONTENTS.**

**ON THE REPLACEMENT LICENSE, THE WORD “REPLACEMENT” SHALL APPEAR WITH ALL OF THE INFORMATION THAT APPEARED ON THE ORIGINAL LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(a).

Throughout this section, the references to a “replacement” license are substituted for the former references to “another” license and a “duplicate” license for clarity.

In subsection (a) of this section, the reference to “a local licensing board” is substituted for the former reference to the “license issuing authority” because only the local licensing board may issue a license under this subtitle.

Also in subsection (a) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this article.

In subsection (b) of this section, the reference to the word “appear[ing]” on the replacement license is substituted for the former reference to “be[ing] endorsed” for clarity.

Defined terms: “License” § 1–101  
 “License holder” § 1–101  
 “Local licensing board” § 1–101

**4–214. WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS.****(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

**(1) IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION MAY NOT BE CONSIDERED FROM THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6 MONTHS AFTER THE DENIAL; AND**

**(2) IF A SUBSEQUENT APPLICATION BY THE SAME APPLICANT OR FOR THE SAME LOCATION IS DENIED WITHIN A 2–YEAR PERIOD IMMEDIATELY AFTER THE FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT APPLICANT OR FOR THAT LOCATION UNTIL THE 2–YEAR PERIOD EXPIRES.**

**(B) EXCEPTIONS.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) AN APPLICANT, IF THE LICENSE WAS DENIED BECAUSE IT WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC OR THE LOCATION WAS NOT SUITABLE FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(2) THE LOCATION, IF THE LICENSE WAS DENIED BECAUSE THE LOCAL LICENSING BOARD DETERMINED THAT THE APPLICANT WAS NOT A PROPER PERSON TO BE ISSUED THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(a)(1) and (2)(i) and the first sentence of (ii).

Throughout this section, the references to the “location” are substituted for the former references to the “premises” for consistency with terminology used throughout this article.

In subsection (a)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “a period of” 6 months is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to “the date of” the first refusal is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to this section “not apply[ing]” is substituted for the former reference to this section “not hold[ing] against” for clarity.

In subsection (b)(1) of this section, the former phrase “under the license applied for” is deleted as surplusage. Similarly, in subsection (b)(2) of this section, the former references to the license “applied for” are deleted.

In subsection (b)(2) of this section, the reference to the “local licensing board” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to the premises “set forth in an application” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the applicant “personally” is deleted as surplusage.



The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (b)(2) of this section to a determination whether the applicant was not fit, *i.e.* having committed an immoral act, or the applicant did not meet technical requirements. The General Assembly may want to clarify the requirements necessary for a determination that an applicant is “not a proper person”.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

**SUBTITLE 3. TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**4–301. SCOPE OF SUBTITLE.**

**SUBJECT TO DIVISION II OF THIS ARTICLE, THIS SUBTITLE APPLIES STATEWIDE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(5).

The reference to “this subtitle applies statewide” is substituted for the former reference to “[t]he provisions of this section apply in every county and in Baltimore City” for brevity.

**4–302. TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER OR A RECEIVER OR TRUSTEE FOR THE BENEFIT OF CREDITORS, MAY:**

**(1) TRANSFER THE LICENSE HOLDER’S PLACE OF BUSINESS TO SOME OTHER LOCATION; OR**

**(2) TRANSFER THE LICENSE AND THE LICENSE HOLDER’S INVENTORY TO ANOTHER PERSON.**

**(B) CONDITIONS OF TRANSFER.**

**A TRANSFER UNDER SUBSECTION (A) OF THIS SECTION MAY BE MADE IF:**

**(1) AN APPLICATION FOR THE TRANSFER HAS BEEN MADE;**

**(2) ALL SALES AND USE, AMUSEMENT, ADMISSION, AND WITHHOLDING TAXES HAVE BEEN PAID TO THE COMPTROLLER;**

**(3) A BULK TRANSFER PERMIT HAS BEEN OBTAINED IF THE INVENTORY OF ALCOHOLIC BEVERAGES IS TO BE TRANSFERRED:**

**(I) IN ANY MANNER, INCLUDING BY SALE, GIFT, INHERITANCE, AND ASSIGNMENT; AND**

**(II) REGARDLESS OF WHETHER CONSIDERATION IS PAID; AND**

**(4) THE LOCAL LICENSING BOARD APPROVES THE NEW LOCATION OR LICENSE HOLDER IN THE SAME WAY THE LOCAL LICENSING BOARD APPROVES THE ISSUANCE OF A LICENSE.**

**(C) TRANSFER OF LOCATION AND OWNERSHIP IN SAME APPLICATION.**

**AN APPLICANT MAY APPLY FOR A TRANSFER OF LOCATION AND TRANSFER OF OWNERSHIP IN THE SAME APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(a)(2) and the second sentence of (3).

In the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to “[a]ny holder of a license under this article” for brevity.

In subsection (a)(2) of this section, the reference to “transfer[ring]” the license is substituted for the former reference to “sell[ing] or assign[ing]” the license for brevity and consistency with terminology and throughout this article. Similarly, in subsection (b)(1) of this section, the former reference to a “sale” is deleted as included in the reference to the “transfer”.

Also in subsection (a)(2) of this section, the reference to “inventory” is substituted for the former reference to “stock in trade” for clarity. Similarly, in subsection (b)(3) of this section, the reference to “inventory” is substituted for the former reference to “stock”.

In subsection (b)(4) of this section, the phrase “in the same way the local licensing board approves the issuance of a license” is substituted for the former phrase “as in the case of an original application for such a license under § 10–202 of this title” for clarity.

Also in subsection (b)(4) of this section, the reference to “license holder” is substituted for the former reference to “assignee” for consistency within this section.

In subsection (c) of this section, the phrase “[a]n applicant may apply for” a transfer is substituted for the former phrase “[t]his section permits the” transfer for clarity.

Also in subsection (c) of this section, the reference to a “transfer of ownership” is substituted for the former reference to an “assignment of license” for consistency.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

#### **4–303. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

**A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE MAY NOT BE TRANSFERRED FOR USE IN CONJUNCTION WITH OR ON THE PREMISES OF A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE UNLESS:**

**(1) THE ESTABLISHMENT ALREADY HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) THE LICENSE IS TRANSFERRED TO A SIMILAR TYPE OF ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 9–102(a–1) and, as it related to the transfer of a license for a chain store, supermarket, or discount house, the first sentence.

The former reference to “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**4-304. COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED.**

**A LOCAL LICENSING BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNTIL THE TRANSFEROR HAS:**

**(1) COMPLIED WITH THE BULK TRANSFERS ACT UNDER TITLE 6 OF THE COMMERCIAL LAW ARTICLE; AND**

**(2) PROVIDED TO THE LOCAL LICENSING BOARD AN AFFIDAVIT THAT CERTIFIES COMPLIANCE WITH THE BULK TRANSFERS ACT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(a)(4).

In the introductory language of this section, the former reference to an "alcoholic beverages" license is deleted in light of the defined term "license".

Also in the introductory language of this section, the defined term "local licensing board" is substituted for the former reference to the "board" for clarity.

Defined terms: "License" § 1-101  
"Local licensing board" § 1-101

**4-305. FILING FEE AND ENDORSEMENT.**

**(A) PAYMENT TO LOCAL LICENSING BOARD.**

**AN APPLICANT SHALL PAY TO THE LOCAL LICENSING BOARD A FEE OF \$20, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE, WHEN FILING AN APPLICATION FOR THE TRANSFER OF A LICENSE.**

**(B) ENDORSEMENT BY LOCAL LICENSING BOARD.**

**THE LOCAL LICENSING BOARD SHALL ENDORSE ON A LICENSE THE TRANSFER OF THE LICENSE IF THE APPLICANT HAS PAID THE FEE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10-503(a)(3).

In subsection (a) of this section, the reference to the "local licensing board" is substituted for the former reference to the "local collecting agent" for clarity.

In subsection (b) of this section, the reference to the “local licensing board” is substituted for the former reference to the “license issuing authority” because only local licensing boards may issue licenses under this subtitle.

Defined terms: “License” § 1–101  
“Local licensing board” § 1–101

**4–306. SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**
- (3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE WITH THE LOCAL LICENSING BOARD AN AFFIDAVIT THAT CONTAINS:**

- (1) THE SUBSTITUTION OF THE OFFICER;**
- (2) AN EXPLANATION FOR THE SUBSTITUTION; AND**
- (3) IN THE CASE OF A CORPORATION, A STATEMENT THAT THE OWNERSHIP OF THE CORPORATION HAS NOT CHANGED.**

**(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT AND AFTER DETERMINING THAT THE APPLICANT QUALIFIES UNDER THIS ARTICLE, THE LOCAL LICENSING BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(2)(ii), (iii), and, as it related to licenses issued by a local licensing board, (i).

In the introductory language of subsection (a) of this section, the reference to "a local licensing board" is substituted for the former reference to "each county and Baltimore City" for brevity and clarity.

Also in the introductory language of subsection (a) of this section, the reference to "the license holder" is substituted for the former reference to "a corporation or club holding an alcoholic beverages license" for brevity. Similarly, in the introductory language of subsection (b) of this section, the reference to "license holder" is substituted for the former reference to the "corporation or club".

Also in the introductory language of subsection (a) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase "notwithstanding any other provision of this article to the contrary" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase ", during the license year," is deleted as surplusage.

In subsection (a) of this section, the reference to an officer who "[h]as been removed from office" is deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsections (b) and (c) of this section, the references to the "local licensing board" are substituted for the former references to "license issuing authority" for clarity.

In subsection (b)(1) of this section, the former reference to "officers" is deleted in light of the reference to "officer" and GP § 1-202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a "corrected license" is substituted for the former reference to a "new license in corrected form" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to a "corporation or club" may be too narrow because a license may be held for the use of other types of business entities, such as limited liability companies. The General Assembly may want

to consider using a term that encompasses all of the types of business entities for the use of which a license may be held.

Defined terms: “Club” § 1–101  
“License” § 1–101  
“License holder” § 1–101  
“Local licensing board” § 1–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 10–503(a)(1), which defined “board” to mean the board of license commissioners or liquor control board of a county or Baltimore City, is deleted as unnecessary in light of the defined term “local licensing board”.

**SUBTITLE 4. RENEWAL OF LOCAL LICENSES.**

**4–401. 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.

**4–402. ELIGIBILITY FOR RENEWAL; PROCESS.**

**(A) ELIGIBILITY.**

**SUBJECT TO §§ 4–406 AND 4–407 OF THIS SUBTITLE, A HOLDER OF AN EXPIRING LICENSE IS ENTITLED TO AN ANNUAL LICENSE RENEWAL:**

- (1) ON THE APPROVAL OF THE LICENSE RENEWAL APPLICATION BY THE LOCAL LICENSING BOARD;**
- (2) ON PAYMENT OF THE ANNUAL LICENSE FEE; AND**
- (3) WITHOUT FILING OR PROVIDING MORE INFORMATION UNLESS SPECIFICALLY REQUESTED BY THE LOCAL LICENSING BOARD.**

**(B) PROCESS.**

**EXCEPT AS PROVIDED IN §§ 4-407(A) AND 4-408(C) OF THIS SUBTITLE, A LOCAL LICENSING BOARD SHALL CONSIDER AN APPLICATION FOR LICENSE RENEWAL IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(ii)4 and the third sentence of (b).

In the introductory language of subsection (a) of this section, the phrase “[s]ubject to §§ 4-406 and 4-407 of this subtitle” is added for clarity.

Also in the introductory language of subsection (a) of this section, the reference to an “annual license renewal” is substituted for the former reference to a “new license for another year” for clarity and brevity.

In subsection (a)(1) of this section, the reference to the “approval of the license renewal application by the local licensing board” is substituted for the former misleading reference to the “filing of the renewal application” for clarity.

In subsection (a)(2) of this section, the reference to an annual “license” fee is added for clarity.

In subsection (a)(3) of this section, the reference to the “local licensing board” is substituted for the former reference to the “official authorized to approve the license” for clarity and brevity.

In subsection (b) of this section, the reference to “license” renewal is added for clarity.

Also in subsection (b) of this section, the requirement that the local licensing board “consider an application ... in the same manner” as for an original application is substituted for the former requirement that an application “be treated” as an original application for clarity and consistency within this subtitle.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in §§ 4-407(a) and 4-408(c) of this subtitle” is substituted for the former reference to a renewal application “received otherwise than as herein stated” for clarity.

Defined terms: “License” § 1-101

“Local licensing board” § 1-101

#### **4-403. RENEWAL APPLICATION.**



**TO RENEW A LICENSE OTHER THAN A TEMPORARY LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE A WRITTEN APPLICATION, UNDER OATH, WITH THE LOCAL LICENSING BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(i), except as it related to the filing period for a renewal application.

The word “annually” is substituted for the former reference to “each and every year” for brevity.

The reference to “the license holder” is substituted for the former reference to “the holder of any expiring license” for brevity.

The reference to an application “under” oath is substituted for the former reference to an application “duly verified by” oath for clarity and brevity.

The reference to the “local licensing board” is substituted for the former reference to the “official authorized to approve the [license]” for clarity and brevity.

The former phrase “[e]xcept in Prince George’s County” is deleted as unnecessary. The exception applying to Prince George’s County is revised in Title 26, Subtitle 18 of this article.

The former reference to special licenses “issued under the provisions of this article” is deleted as unnecessary.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

**4–404. FILING PERIOD FOR RENEWAL APPLICATION.**

**AN APPLICATION TO RENEW AN ANNUAL LICENSE SHALL BE FILED BETWEEN MARCH 2 AND APRIL 1, INCLUSIVE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(i), as it related to the filing period for a renewal application.

The reference to a license renewal period being “between March 2 and April 1, inclusive” is substituted for the former reference to a license renewal period of “not less than 30 nor more than 60 days before the first day of May” for clarity and brevity.

The reference to an “annual” license is substituted for the former reference to “each and every year” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to the time period that is “not less than 30 nor more than 60 days before the first day of May” is the period “between March 2 and April 1, inclusive”. It is not clear whether the intent was to begin this period on March 1 instead of March 2.

Defined term: “License” § 1–101

#### **4–405. CONTENTS OF RENEWAL APPLICATION.**

##### **(A) REQUIRED.**

**TO BE APPROVED, A LICENSE RENEWAL APPLICATION SHALL:**

**(1) STATE WHETHER THE FACTS IN THE ORIGINAL APPLICATION HAVE CHANGED AND, IF SO, THE MANNER IN WHICH THE FACTS HAVE CHANGED; AND**

**(2) BE ACCOMPANIED BY A STATEMENT SIGNED BY THE OWNER OF THE LICENSED PREMISES CONSENTING TO:**

**(I) RENEWAL OF THE LICENSE; AND**

**(II) SEARCH AND SEIZURE IN THE SAME MANNER AS FOR AN ORIGINAL APPLICATION.**

##### **(B) CONSENT STATEMENT; EXCEPTION.**

**A LOCAL LICENSING BOARD MAY NOT REQUIRE THE CONSENT STATEMENT UNDER SUBSECTION (A)(2) OF THIS SECTION FOR A RETAIL DEALER APPLYING FOR RENEWAL IF:**

**(1) THE OWNER SIGNED A COMPARABLE CONSENT STATEMENT IN CONNECTION WITH AN ORIGINAL OR PREVIOUS LICENSE RENEWAL APPLICATION;**

**(2) THE CONSENT STATEMENT UNDER ITEM (1) OF THIS SUBSECTION IS IN EFFECT FOR THE TERM OF THE OWNER’S LEASE WITH THE APPLICANT; AND**

**(3) THE LEASE DOES NOT EXPIRE DURING THE TERM OF THE LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(ii)1, 2, and 3.

Throughout this section, the references to a “license” renewal application are added for clarity.

In the introductory language of subsection (a) of this section, the phrase “[t]o be approved” is added for clarity.

In the introductory language of subsection (a)(2) of this section, the reference to the owner of the “licensed” premises is added for clarity.

In subsection (a)(2)(ii) of this section, the reference to search and seizure “in the same manner as for” an original application is substituted for the former reference to search and seizure “as in the case of” an original application for clarity.

In the introductory language of subsection (b) of this section, the reference to a consent statement “under subsection (a)(2) of this section” is substituted for the former reference to a consent statement “by the owner of the premises” for clarity.

Also in the introductory language of subsection (b) of this section, the reference to a “local licensing board” is added to state expressly what was only implicit in the former law, that the local licensing board is the entity that may not require a consent statement under the circumstances stated in this subsection.

In subsection (b)(1) of this section, the reference to “a comparable consent” statement is substituted for the former reference to “such a” statement for clarity.

Also in subsection (b)(1) of this section, the former reference to a “previously” signed consent statement is deleted as unnecessary.

In subsection (b)(2) of this section, the requirement that a previous consent statement be “in effect” for the term of the owner’s lease with the applicant is substituted for the former requirement that the previous consent statement “giv[e] consent” for the term of the lease for clarity.

In subsection (b)(3) of this section, the former reference to a lease “renewal” is deleted as included in the reference to the “lease”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1) of this section, the reference to the requirement that a license renewal application “state whether the facts

in the original application have changed and, if so, the manner in which the facts have changed” has been substituted for the former reference to the requirement that a license renewal application “state that the facts in the original application are unchanged”. The Committee believes this substitution reflects the intent of the General Assembly.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that in the introductory language of subsection (b) of this section, the reference to a “retail dealer” may be too restrictive. There may be other types of license holders to which this subsection should apply.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

“Retail dealer” § 1–101

#### **4–406. PROTESTS.**

##### **(A) AUTHORIZED.**

##### **A PROTEST AGAINST A LICENSE RENEWAL MAY BE MADE BY:**

##### **(1) AT LEAST 10 SIGNATORIES WHO ARE:**

**(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND**

**(II) LOCATED IN THE IMMEDIATE VICINITY OF THE LICENSED PREMISES; OR**

##### **(2) THE LOCAL LICENSING BOARD ON ITS OWN INITIATIVE.**

##### **(B) HEARING REQUIRED.**

**(1) IF A PROTEST AGAINST RENEWING A LICENSE IS FILED AT LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE LOCAL LICENSING BOARD MAY NOT APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.**

**(2) THE LOCAL LICENSING BOARD SHALL HEAR AND DETERMINE THE PROTEST IN THE SAME MANNER AS IT HEARS AND DETERMINES AN ORIGINAL APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(iv), (iii)1, as it related to the

statewide governance of protests of license renewals, and the first clause of (v).

In subsection (a) of this section, the reference to a protest being “made by at least 10 signatories who are residents” is substituted for the former reference to a protest being “[s]igned by not less than ten residents” for clarity.

In subsection (a)(1)(i) of this section, the former reference to a license “issued under this article” is deleted as included in the defined term “license”.

In subsection (a)(1)(ii) of this section, the reference to the licensed “premises” is substituted for the former reference to a licensed “place of business” for clarity and consistency within this article.

In subsection (b)(1) of this section, the reference to “renewing a license” is substituted for the former reference to the “granting of the new license” for brevity.

Also in subsection (b)(1) of this section, the reference to “the renewal” is substituted for the former reference to a “license by way of renewal” for brevity.

Also in subsection (b)(1) of this section, the former reference to the license “for which renewal is sought” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to license renewal “in the same manner as [the local licensing board] hears and determines” an original application is substituted for the former reference to license renewal “as in the case of” an original application for clarity and consistency within this subtitle.

Also in subsection (b)(2) of this section, the former reference to a protest “[that] has been filed” is deleted as surplusage.

Defined terms: “License” § 1–101

“Local licensing board” § 1–101

#### **4–407. DENIAL OF RENEWAL APPLICATION.**

##### **(A) DISQUALIFICATION.**

##### **A LOCAL LICENSING BOARD:**

**(1) MAY NOT RENEW A LICENSE IF THE BOARD DETERMINES THAT THE LICENSE HOLDER IS NOT QUALIFIED TO OBTAIN A LICENSE RENEWAL; BUT**

**(2) SHALL ISSUE TO THE LICENSE HOLDER BY WAY OF RENEWAL THE CLASS OR TYPE OF LICENSE FOR WHICH THE BOARD DETERMINES THE LICENSE HOLDER IS QUALIFIED.**

**(B) CONVICTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL LICENSING BOARD SHALL DENY A LICENSE RENEWAL APPLICATION IF DURING THE LICENSE YEAR THE LICENSE HOLDER WAS CONVICTED OF A STATE OR FEDERAL OFFENSE THAT, IN THE JUDGMENT OF THE BOARD, RENDERS THE LICENSE HOLDER UNFIT OR UNQUALIFIED TO OBTAIN A RENEWED LICENSE.**

**(2) A LOCAL LICENSING BOARD:**

**(I) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE OFFENSE AT THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(c) and the first sentence of (b).

Throughout this section, the references to a local licensing "board" are substituted for the former references to the local licensing "official[s]" for clarity and consistency within this article.

In subsection (a)(1) of this section, the former reference to qualifications to obtain renewal of an "expiring" license is deleted as unnecessary.

In subsection (b)(1) of this section, the requirement that "a local licensing board shall deny" a license renewal is substituted for the former reference stating that "no [license renewal] shall be granted" for clarity and brevity.

Also in subsection (b)(1) of this section, the references to a "license holder" are substituted for the former references to a "person" for clarity and consistency within this article.

Also in subsection (b)(1) of this section, the reference to a "State or federal offense" is substituted for the former reference to an "offense against the laws of the State or of the United States" for brevity.

Also in subsection (b)(1) of this section, the former reference to an offense that is “of such a nature as to” render the offender unfit for license renewal is deleted as unnecessary.

In subsection (b)(2)(i) of this section, the reference to license renewal “under the circumstances described in paragraph (1) of this subsection” is substituted for the former reference to license renewal “in such a case” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

#### **4–408. ISSUANCE OF RENEWED LICENSES.**

##### **(A) ISSUANCE.**

**A LOCAL LICENSING BOARD MAY ISSUE RENEWED LICENSES FOR THE FOLLOWING LICENSE YEAR BETWEEN APRIL 15 AND MAY 1, INCLUSIVE.**

##### **(B) EFFECTIVE DATE.**

**ALL RENEWED LICENSES SHALL BE DATED MAY 1.**

##### **(C) LICENSE SUBJECT TO RESTRICTION OR SUSPENSION.**

**IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR SUSPENSION, THE LOCAL LICENSING BOARD SHALL ISSUE THE CORRESPONDING LICENSE RENEWAL SUBJECT TO THE SAME ORDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(d)(1) and the second sentence of (b).

In subsection (a) of this section, the reference to between April 15 and May 1 “, inclusive” is added for clarity.

Also in subsection (a) of this section, the reference to a “local licensing board” is substituted for the former reference to a “license issuing authority” for clarity.

Also in subsection (a) of this section, the reference to “renewed” licenses is substituted for the former reference to “such new” licenses for clarity.

Also in subsection (a) of this section, the reference to the “following license” year is substituted for the former reference to the “ensuing” year for clarity.

Also in subsection (a) of this section, the former reference to the issuance of renewed licenses between April 15 and May 1 “of each and every year” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “as hereinabove provided” is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to license renewal “at any time” between specific dates is deleted as unnecessary.

In subsection (c) of this section, the reference to the “corresponding license renewal” is substituted for the former reference to the “new license” for clarity.

Also in subsection (c) of this section, the reference to license renewal subject to “the same” order is substituted for the former reference to license renewal subject to “said” order for clarity.

Defined terms: “License” § 1–101  
 “Local licensing board” § 1–101

#### **4–409. MULTIPLE LICENSES.**

##### **A PERSON WHO HOLDS MULTIPLE LICENSES MAY RENEW THE LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(a)(1) and the introductory language of § 9–107(a), as they related to the renewal of licenses.

Defined terms: “License” § 1–101  
 “Person” § 1–101

#### **4–410. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

**NOTWITHSTANDING § 4–205 OF THIS TITLE, A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE THAT HOLDS A CLASS A, CLASS B, OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE MAY RENEW THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9–102(a–1), as it related to the renewal of a license for a chain store, supermarket, or discount house.

The phrase “[n]otwithstanding § 4–205 of this title,” is added to clarify that this section is an exception to § 4–205.



The former reference to the issuance of a license on the premises of “any business establishment of the type commonly known as” a chain store, supermarket, or discount house is deleted as unnecessary.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**SUBTITLE 5. CONDUCT OF LOCAL LICENSE HOLDERS.**

**4–501. 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.

**4–502. STORAGE OF ALCOHOLIC BEVERAGES.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A PERSON THAT:**

**(1) HOLDS A FESTIVAL LICENSE ISSUED BY A LOCAL LICENSING BOARD; AND**

**(2) HAS ENTERED INTO AN AGREEMENT AUTHORIZED UNDER SUBTITLE 13 OF THE VARIOUS TITLES IN DIVISION II OF THIS ARTICLE THAT PROVIDES FOR THE DELIVERY OF BEER AND WINE BEFORE THE EFFECTIVE DATE OF THE LICENSE AND ACCEPTANCE OF RETURNS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(B) AUTHORIZED LOCATIONS.**

**A LICENSE HOLDER MAY STORE OR KEEP ALCOHOLIC BEVERAGES ONLY:**

**(1) ON THE PREMISES COVERED BY THE LICENSE; OR**

**(2) AT A PUBLIC WAREHOUSE, GOVERNMENT–CONTROLLED WAREHOUSE, OR INDIVIDUAL WAREHOUSE FOR WHICH A PERMIT HAS BEEN ISSUED UNDER THIS ARTICLE.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to clarify the applicability of this section.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 12-105.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"License" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

"Person" § 1-101

"Wine" § 1-101

#### **4-503. SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES.**

##### **(A) IN GENERAL.**

**A RETAIL DEALER MAY NOT EMPLOY A SOLICITOR OR SALESPERSON OUTSIDE OF THE LICENSED PLACE OF BUSINESS TO SOLICIT ORDERS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE STATE.**

##### **(B) SALE OUTSIDE OF LICENSED PREMISES PROHIBITED.**

**THE SALE OF ALCOHOLIC BEVERAGES MAY NOT OCCUR OUTSIDE OF 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 subsection (a) of this section, the reference to a "salesperson" is substituted for the former reference to a "salesman" to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to a licensed “premises” is substituted for the former reference to a licensed “place of business” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to “occur” is substituted for the former reference to “be consummated” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Retail dealer” § 1–101

“State” § 1–101

#### **4–504. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

##### **(A) EMPLOYMENT OF INDIVIDUAL UNDER AGE OF 18 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES.**

##### **(B) EMPLOYMENT OF INDIVIDUAL BETWEEN AGES OF 18 AND 21 YEARS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS MAY BE EMPLOYED IN THE SALE OF BEER AND LIGHT WINE.**

**(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED BY A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE IN THE SALE OF ALCOHOLIC BEVERAGES.**

##### **(C) EMPLOYMENT OF INDIVIDUAL AT LEAST 18 YEARS OLD.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED BY A HOLDER OF A CLASS A LICENSE TO OPERATE A LOTTERY TICKET TERMINAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(a).

Throughout this section, the references to an “individual” are substituted for the former, broader references to a “person” for accuracy, as all of the references are to human beings.

In subsection (a) of this section, the former phrase “[u]nless provision is made elsewhere, the following provisions apply statewide” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former reference to “licensed establishments” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Wine” § 1-101

#### **4-505. ALCOHOL AWARENESS PROGRAM.**

##### **(A) “ALCOHOL AWARENESS PROGRAM” DEFINED.**

**IN THIS SECTION, “ALCOHOL AWARENESS PROGRAM” MEANS A PROGRAM THAT:**

**(1) INCLUDES INSTRUCTION ON HOW ALCOHOL AFFECTS AN INDIVIDUAL’S BEHAVIOR AND BODY;**

**(2) PROVIDES EDUCATION ON THE DANGERS OF DRINKING AND DRIVING; AND**

**(3) DEFINES EFFECTIVE METHODS TO:**

**(I) DETERMINE WHETHER A CUSTOMER IS UNDER THE LEGAL DRINKING AGE;**

**(II) SERVE CUSTOMERS TO MINIMIZE THE CHANCE OF INTOXICATION; AND**

**(III) STOP SERVICE BEFORE A CUSTOMER BECOMES INTOXICATED.**

##### **(B) SCOPE OF SECTION.**

**(1) THIS SECTION APPLIES TO:**

**(I) A LICENSED PREMISES THAT SELLS ALCOHOLIC BEVERAGES TO A CUSTOMER FROM A BAR OR SERVICE BAR ON THE PREMISES;**

**(II) A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION; AND**

**(III) AN UNLICENSED ESTABLISHMENT IN A JURISDICTION THAT REQUIRES A WORKER, A SUPERVISOR, OR AN OWNER OF AN UNLICENSED ESTABLISHMENT TO RECEIVE ALCOHOL AWARENESS TRAINING.**

**(2) THIS SECTION DOES NOT APPLY TO:**

**(I) A TEMPORARY LICENSE;**

**(II) A CLASS E (ON-SALE) WATER VESSEL LICENSE;**

**(III) A CLASS F (ON-SALE) RAILROAD LICENSE; OR**

**(IV) A CLASS G (ON-SALE) AIRPLANE LICENSE.**

**(C) PROGRAM CERTIFICATION.**

**THE COMPTROLLER:**

**(1) SHALL APPROVE, CERTIFY, AND ISSUE AN ALCOHOL AWARENESS PROGRAM PERMIT TO EACH ALCOHOL AWARENESS PROGRAM THAT COMPLIES WITH THIS SECTION; AND**

**(2) MAY REQUIRE RECERTIFICATION OF THE APPROVED ALCOHOL AWARENESS PROGRAM TO ENSURE COMPLIANCE WITH CHANGES IN THE PROGRAM.**

**(D) ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**BEFORE AN INDIVIDUAL MAY TEACH AN ALCOHOL AWARENESS PROGRAM, THE INDIVIDUAL SHALL OBTAIN AN ALCOHOL AWARENESS INSTRUCTOR'S PERMIT.**

**(E) TRAINING REQUIRED.**

**A HOLDER OF ANY RETAIL ALCOHOLIC BEVERAGES LICENSE OR AN EMPLOYEE DESIGNATED BY THE HOLDER SHALL COMPLETE TRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM.**

**(F) CERTIFICATE OF COMPLETION; NOTIFICATION OF LOCAL LICENSING BOARD.**

**(1) (I) FOR EACH COMPLETION OF A CERTIFIED ALCOHOL AWARENESS PROGRAM, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL ISSUE A CERTIFICATE OF COMPLETION THAT IS VALID FOR 4 YEARS FROM THE DATE OF ISSUANCE.**

**(II) THE HOLDER OR EMPLOYEE SHALL COMPLETE RETRAINING IN AN APPROVED ALCOHOL AWARENESS PROGRAM FOR EACH SUCCESSIVE 4-YEAR PERIOD.**

**(III) ON REQUEST, A VALID CERTIFICATE SHALL BE PRESENTED TO THE PROPER AUTHORITY.**

**(2) WITHIN 5 DAYS AFTER A LICENSE HOLDER, AN OWNER OF AN UNLICENSED ESTABLISHMENT, OR AN EMPLOYEE OF A LICENSE HOLDER OR OWNER OF AN UNLICENSED ESTABLISHMENT IS SENT A CERTIFICATE OF COMPLETION, THE ALCOHOL AWARENESS PROGRAM PROVIDER SHALL INFORM THE APPROPRIATE LOCAL LICENSING BOARD OF:**

**(I) THE INDIVIDUAL'S NAME, ADDRESS, AND CERTIFICATION DATE; AND**

**(II) THE NAME AND ADDRESS OF THE LICENSED ESTABLISHMENT OR UNLICENSED ESTABLISHMENT.**

**(G) DECERTIFICATION.**

**THE COMPTROLLER MAY DECERTIFY THE ALCOHOL AWARENESS PROGRAM OF AN ALCOHOL AWARENESS PROGRAM PROVIDER WHO VIOLATES SUBSECTION (C), (D), OR (F) OF THIS SECTION.**

**(H) ENFORCEMENT AND PENALTIES.**

**(1) EACH LOCAL LICENSING BOARD SHALL ENFORCE THIS SECTION.**

**(2) A LICENSE HOLDER WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS SUBJECT TO:**

**(I) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

**(II) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT TO EXCEED \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

**(I) EFFECT OF SECTION.**

**(1) THIS SECTION DOES NOT CREATE OR ENLARGE A CIVIL CAUSE OF ACTION OR CRIMINAL PROCEEDING AGAINST A LICENSE HOLDER.**

**(2) EVIDENCE OF A VIOLATION OF THIS SECTION:**

**(I) MAY ONLY BE USED AS EVIDENCE BEFORE THE LOCAL LICENSING BOARD IN AN ACTION BROUGHT BEFORE THE LOCAL LICENSING BOARD FOR A VIOLATION OF THIS SECTION; AND**

**(II) MAY NOT BE INTRODUCED IN A CIVIL OR CRIMINAL PROCEEDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(a), (d) through (f), (b)(1)(i) and (ii) and (2), and (c)(1).

In subsection (a)(3)(iii) of this section, the reference to “stop” is substituted for the former reference to “ceasing” for clarity.

In subsection (b)(1)(i) of this section, the reference to a licensed premises that “sells” is substituted for the former reference to licensed premises that “are operated by selling” for brevity.

In subsection (b)(1)(iii) of this section, the reference to “an unlicensed establishment in a jurisdiction that requires a worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol awareness training” is added for clarity in light of the applicable establishments in certain jurisdictions. *See*, for example, § 12–2503 (Baltimore City) and § 23–2501 (Howard County).

In subsection (b)(2)(ii) of this section, the reference to “water vessel” is substituted for the former obsolete reference to “steamboat”. Similarly, in subsection (b)(2)(iv) of this section, the reference to “airplane” is substituted for the former obsolete reference to “aircraft”.

In subsection (d) of this section, the reference to “may” is substituted for the former reference to “who is authorized or employed to” for brevity.

In subsection (e) of this section, the former reference to “class of” retail alcoholic beverage license is deleted as surplusage.

In subsection (f)(1)(i) of this section, the phrase “the alcohol awareness program provider shall issue” is substituted for the former phrase “[a] certificate of completion shall be issued for each completion of” for clarity.

In subsection (f)(1)(iii) of this section, the former reference to “up-to-date” is deleted as included in the reference to “valid”.

In subsection (f)(2) of this section, the references to an “unlicensed establishment” are substituted for the former obsolete references to a “bottle club” for clarity.

In subsection (h)(1) of this section, the reference to each local licensing board “shall enforce” is substituted for the former reference to “is responsible for enforcing” for brevity.

Also in subsection (h)(1) of this section, the former phrase “including the penalty provision” is deleted as unnecessary.

Former Art. 2B, § 13–101(g), which stated that the Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format, and any other course related activities the Comptroller may require, is deleted as unnecessary in light of the requirement under § 1–302 of this article for the Comptroller to adopt regulations to discharge the duties of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“On-sale” § 1–101

#### **4–506. EVIDENCE OF PURCHASER’S AGE.**

##### **(A) LICENSE HOLDER MAY KEEP RECORD OF EVIDENCE OF AGE.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY REQUIRE AN INDIVIDUAL TO SIGN A BOOK THAT THE LICENSE HOLDER KEEPS IF:**

**(1) THE INDIVIDUAL HAS SHOWN DOCUMENTARY EVIDENCE THAT SUBSTANTIATES THE INDIVIDUAL’S AGE TO ALLOW THE PURCHASE OF ALCOHOLIC BEVERAGES; AND**

**(2) THE AGE OF THE INDIVIDUAL REMAINS IN QUESTION.**

##### **(B) REQUIRED FORM.**

**(1) THE BOOK AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION SHALL CONTAIN COPIES OF THE FOLLOWING FORM:**

**DATE..... 20....**



**TO BE FILLED IN BY SELLER**

**IDENTIFICATION (CHECK ALL SHOWN)**

- DRIVER'S LICENSE .....  ARMY I.D. CARD.....
- BIRTH CERTIFICATE.....  COAST GUARD I.D. CARD.....
- SERVICE DISCHARGE .....  MARINE I.D. CARD.....
- DRAFT CARD .....  NAVY I.D. CARD .....
- AIR FORCE I.D. CARD .....
- OTHER (SPECIFY) .....

**DESCRIPTION OF PURCHASER**

HEIGHT..... WEIGHT.....  
 COLOR OF EYES ..... COLOR OF HAIR .....  
 OUTSTANDING FEATURES.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 SELLER'S SIGNATURE.....

**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.**

PRINT FULL NAME .....  
 STREET ADDRESS.....  
 CITY ..... STATE.....  
 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 consideration by 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

#### **4-507. RETAIL DELIVERY OF ALCOHOLIC BEVERAGES.**

##### **(A) SCOPE OF SECTION.**

##### **THIS SECTION DOES NOT APPLY TO:**

**(1) THE DELIVERY OF WINE FROM A DIRECT WINE SHIPPER TO A CONSUMER USING A COMMON CARRIER IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE; OR**

**(2) THE HOLDER OF A COMMON CARRIER PERMIT IN THE COURSE OF DELIVERING DIRECTLY SHIPPED WINE IN ACCORDANCE WITH TITLE 2, SUBTITLE 1, PART V OF THIS ARTICLE.**

##### **(B) PROHIBITED UNLESS AUTHORIZED BY LOCAL LICENSING BOARD.**

**RETAIL DELIVERY TO A PURCHASER OF ALCOHOLIC BEVERAGES IS PROHIBITED UNLESS:**

**(1) A RETAIL LICENSE HOLDER OBTAINS A LETTER OF AUTHORIZATION FROM THE LOCAL LICENSING BOARD TO MAKE DELIVERIES; AND**

**(2) THE DELIVERY IS MADE FROM THE LICENSED PREMISES BY THE RETAIL LICENSE HOLDER OR AN EMPLOYEE OF THE RETAIL LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(b) and (f).

In subsection (b)(1) of this section, the former requirement that a retail license holder “compl[y] with any regulations promulgated by the local licensing authority pertaining to those deliveries” is deleted as unnecessary because a retail license holder would be expected in any case to comply with regulations adopted by the local licensing board.

In subsection (b)(2) of this section, the former reference to an employee “authorized to sell and distribute alcoholic beverages by the local licensing authority in the jurisdiction where the delivery is made” is deleted as unnecessary in light of subsection (b)(1) of this section, which requires the retail license holder to obtain a letter of authorization from the local licensing board to make deliveries.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Wine” § 1–101

#### **4–508. DISPLAY OF LICENSE.**

**A LICENSE HOLDER SHALL FRAME THE LICENSE UNDER GLASS AND DISPLAY THE LICENSE CONSPICUOUSLY IN THE LICENSED PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–505, except as it related to Class F licenses.

The defined term “license holder” is substituted for the former reference to “[e]very person receiving a license under the provisions of this article” for brevity.

The reference to “the licensed premises” is substituted for the former reference to “his place of business” to conform to the terminology used throughout this article.

The former phrase “at all times” is deleted as surplusage.

The former phrase “easily read” is deleted as implicit in the word “conspicuously”.

Defined terms: “License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 6. REVOCATION AND SUSPENSION OF LOCAL LICENSES.**

#### **4–601. 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.

**4-602. POWER OF LOCAL LICENSING BOARD.**

**A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE IN ACCORDANCE WITH THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(a)(1), as it related to the general authority of local licensing boards to revoke or suspend a license.

The reference to the authority of a local licensing board to revoke or suspend a license "in accordance with this subtitle" is added for clarity.

The defined term "local licensing board" is substituted for the former reference to "the Board of License Commissioners for any county or Baltimore City" for brevity.

The former phrase "as the case may be" is deleted as surplusage.

Defined terms: "License" § 1-101

"Local licensing board" § 1-101

**4-603. REVOCATION AND SUSPENSION PROCEDURES.**

**(A) BY COMPLAINT OR ON BOARD'S INITIATIVE.**

**REVOCATION OR SUSPENSION PROCEDURES MAY BE STARTED:**

**(1) BY A LOCAL LICENSING BOARD, AT THE LOCAL LICENSING BOARD'S INITIATIVE;**

**(2) ON THE COMPLAINT OF A PEACE OFFICER;**

**(3) IF THE LICENSE HOLDER IS LOCATED IN A MUNICIPALITY THAT IS WITHIN A COUNTY, ON THE COMPLAINT OF THE MAYOR AND COUNCIL OF THE MUNICIPALITY; OR**

**(4) ON THE WRITTEN COMPLAINT OF AT LEAST 10 RESIDENTS, REAL ESTATE OWNERS, OR VOTERS OF THE PRECINCT IN WHICH THE LICENSED PREMISES ARE LOCATED.**

**(B) HEARING.**

**A LICENSE HOLDER AGAINST WHOM PROCEEDINGS UNDER THIS SECTION ARE BROUGHT SHALL:**

**(1) BE ENTITLED TO A HEARING ON THE CHARGES IN THE COMPLAINT; AND**

**(2) RECEIVE NOTICE OF THE HEARING AT LEAST 10 DAYS BEFORE THE HEARING DATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(a)(1), as it related to a local licensing board.

In subsection (a)(3) of this section, the former reference to "the corporate limits" of a municipality is deleted as surplusage.

In subsection (a)(4) of this section, the reference to licensed "premises" is substituted for the former reference to licensed "place of business" for consistency with terminology used throughout this article.

Also in subsection (a)(4) of this section, the former reference to "citizens" is deleted as included in the reference to "residents".

In the introductory language of subsection (b) of this section, the reference to a license holder "against whom proceedings under this section are brought" is added for clarity.

In subsection (b)(1) of this section, the reference to charges "in the complaint" is substituted for the former reference to charges "to be framed by the officer or Board, or upon the complaint" for brevity.

Defined terms: "County" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

**4-604. GROUNDS FOR REVOCATION OR SUSPENSION.**

**(A) DISCRETIONARY GROUNDS.**

**A LOCAL LICENSING BOARD MAY REVOKE OR SUSPEND A LICENSE:**

- (1) FOR ANY REASON TO PROMOTE THE PEACE OR SAFETY OF THE COMMUNITY IN WHICH THE PREMISES ARE LOCATED; OR**
  - (2) FOR OFFENSES AS PROVIDED IN THIS ARTICLE.**
- (B) MANDATORY GROUNDS.**

**A LOCAL LICENSING BOARD SHALL REVOKE OR SUSPEND A LICENSE FOR:**

- (1) CONVICTION OF THE LICENSE HOLDER FOR VIOLATION OF THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX;**
- (2) WILLFUL FAILURE OR REFUSAL OF THE LICENSE HOLDER TO COMPLY WITH:**
  - (I) THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**
  - (II) A REGULATION THAT MAY BE ADOPTED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;**
- (3) MAKING A MATERIAL FALSE STATEMENT IN AN APPLICATION FOR A LICENSE;**
- (4) TWO OR MORE CONVICTIONS WITHIN 2 YEARS OF AN AGENT OR EMPLOYEE OF A LICENSE HOLDER FOR ON-PREMISES VIOLATIONS OF THIS ARTICLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX;**
- (5) ON-PREMISES POSSESSION BY A RETAIL DEALER OF AN ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY § 5-102 OF THE TAX – GENERAL ARTICLE HAS NOT BEEN PAID;**
- (6) VIOLATION OF § 2-216 OR § 2-315 OF THIS ARTICLE;**
- (7) WILLFUL FAILURE OF A LICENSE HOLDER TO:**

**(I) KEEP THE RECORDS REQUIRED UNDER THIS ARTICLE OR UNDER PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX; OR**

**(II) ALLOW INSPECTION OF THE RECORDS BY AN AUTHORIZED PERSON;**

**(8) ON-PREMISES POSSESSION OF AN ALCOHOLIC BEVERAGE THAT A LICENSE HOLDER IS NOT LICENSED TO SELL;**

**(9) REVOCATION OR SUSPENSION OF A PERMIT ISSUED TO A LICENSE HOLDER BY THE FEDERAL ALCOHOL AND TOBACCO TAX AND TRADE BUREAU OR FOR CONVICTION OF VIOLATING A FEDERAL LAW RELATING TO ALCOHOLIC BEVERAGES;**

**(10) FAILURE TO FURNISH BOND AS REQUIRED BY THIS ARTICLE WITHIN 15 DAYS AFTER NOTICE FROM THE COMPTROLLER; OR**

**(11) VIOLATION OF § 4-605 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(a)(4) and, except as they related to State-issued licenses and permits, (2) and (3).

In the introductory language of subsection (a) of this section, the reference to the "local licensing board" is substituted for the former reference to the "issuing authority" to reflect that this subtitle applies to licenses issued only by a local licensing board.

In subsection (a)(1) of this section, the reference to any "reason" is substituted for the former reference to any "cause which in the judgment of the ... board is necessary" for brevity.

Also in subsection (a)(1) of this section, the reference to the "premises" is substituted for the former reference to the "place of business" for consistency with terminology used throughout this article.

Also in subsection (a)(1) of this section, the former reference to the "official" is deleted as included in the reference to a local licensing board.

Also in subsection (a)(1) of this section, the former reference to the "court" is deleted as unnecessary, as a court only decides on judicial review whether a suspension or revocation is proper.

In the introductory language of subsection (b) of this section, the former reference to “§ 15–112(c)(6) or (p) of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2)(ii) of this section, the former reference to a “rule” is deleted as included in the reference to a “regulation” and to conform to other similar provisions of the Code.

In subsection (b)(4) of this section, the former reference to “servants” of a license holder is deleted as included in the reference to an “employee” of a license holder. Similarly, the former reference to “clerks” is deleted.

Also in subsection (b)(4) of this section, the former reference to “one or more” agents or employees is deleted as surplusage.

Also in subsection (b)(4) of this section, the former reference to premises “subject to the license” is deleted as surplusage.

In subsection (b)(7)(ii) of this section, the former reference to a “duly” authorized person is deleted as surplusage.

In subsection (b)(9) of this section, the reference to the “federal Alcohol and Tobacco Tax and Trade Bureau” is substituted for the former incorrect reference to the “Federal Bureau of Alcohol, Tobacco and Firearms”.

In subsection (b)(11) of this section, the reference to a “violation of § 4–605 of this subtitle” is added for accuracy.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

#### **4–605. NUDITY AND SEXUAL DISPLAYS.**

##### **(A) REVOCATION REQUIRED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LOCAL LICENSING BOARD SHALL REVOKE A LICENSE IF, AFTER A HEARING UNDER § 4–603(B) OF THIS SUBTITLE, AN ACTIVITY LISTED IN THIS SECTION IS FOUND TO HAVE OCCURRED ON THE LICENSED PREMISES.**



**(2) THE LICENSE OF A PERSON MAY NOT BE REVOKED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:**

**(I) THE PERSON OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES; AND**

**(II) THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

**(B) PROHIBITED ATTIRE AND CONDUCT.**

**AN INDIVIDUAL MAY NOT:**

**(1) BE EMPLOYED OR USED IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;**

**(2) BE EMPLOYED OR ACT AS A HOSTESS OR ACT IN A SIMILAR CAPACITY TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR INDIVIDUAL ACTING IN A SIMILAR CAPACITY IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**

**(3) ENCOURAGE OR ALLOW AN INDIVIDUAL ON THE LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF ANOTHER INDIVIDUAL; OR**

**(4) ALLOW AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE BREAST, GENITALS, ANUS, OR PUBIC HAIR.**

**(C) PROHIBITED ENTERTAINMENT.**

**WITH RESPECT TO ENTERTAINMENT PROVIDED, A PERSON MAY NOT:**

**(1) ALLOW AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT THAT SIMULATES:**

**(I) SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;**

**(II) THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS, ANUS, OR GENITALS; OR**

**(III) THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR GENITALS;**

**(2) SUBJECT TO ITEM (1) OF THIS SUBSECTION, ALLOW AN ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER THAN 6 FEET FROM THE NEAREST PATRON; OR**

**(3) ALLOW AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED UNDER ITEM (1) OF THIS SUBSECTION.**

**(D) PROHIBITED MOTION PICTURES, STILL PICTURES, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION.**

**A PERSON MAY NOT SHOW A MOTION PICTURE, A STILL PICTURE, AN ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:**

**(1) AN ACT OR A SIMULATED ACT OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;**

**(2) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST, BUTTOCKS, ANUS, OR GENITALS;**

**(3) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS, OR GENITALS; OR**

**(4) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT DESCRIBED IN THIS SUBSECTION.**

**(E) INDIVIDUALS WHO MUST LEAVE PREMISES.**

**A PERSON MAY NOT ALLOW AN INDIVIDUAL TO REMAIN IN OR ON THE LICENSED PREMISES WHO EXPOSES TO PUBLIC VIEW ANY PORTION OF THE INDIVIDUAL'S GENITALS OR ANUS.**

**(F) EFFECTS OF OTHER STATUTES.**

**THIS SECTION DOES NOT ALLOW ANY CONDUCT OR FORM OF ATTIRE PROHIBITED BY ANY OTHER STATUTE, ORDINANCE, RULE, OR REGULATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–405(b) through (g).

Throughout this section, references to an “individual” are substituted for the former references to a “person” where the context clearly indicates that the provision refers to a human being.

In subsection (a)(1) of this section, the reference to a “local licensing board” is added to state explicitly what was only implied in the former law, that a local licensing board is required to revoke licenses under this subtitle.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to attire and conduct,” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “the restrictions of” paragraph (1) of this subsection is deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to “exhibit[ing]” is deleted as included in the reference to “show[ing]”.

Also in the introductory language of subsection (d) of this section, the former reference to a motion picture “film” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “License” § 1–101  
 “Local licensing board” § 1–101  
 “Person” § 1–101

**4–606. EFFECTS OF REVOCATION.**

**(A) IN GENERAL.**

**AFTER REVOKING A LICENSE, A LOCAL LICENSING BOARD:**

**(1) MAY NOT ISSUE ANOTHER LICENSE TO THE PERSON WHOSE LICENSE IS REVOKED;**

**(2) MAY NOT ISSUE ANY LICENSE FOR THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION; AND**

**(3) MAY DECIDE NOT TO ISSUE ANOTHER LICENSE FOR THE SAME PREMISES.**

**(B) LICENSE HELD ON BEHALF OF CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION.**

**IF THE LICENSE WAS HELD ON BEHALF OF A CORPORATION, A PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION, ANOTHER LICENSE MAY NOT BE OBTAINED ON BEHALF OF THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION TO SELL ALCOHOLIC BEVERAGES ON THE SAME PREMISES FOR 6 MONTHS AFTER THE REVOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-404(a), except as it related to the Comptroller.

In the introductory language of subsection (a) of this section, the former reference to a "court" is deleted as misleading. A court does not revoke a license, but overturns or upholds the decision of the Comptroller to do so.

Also in the introductory language of subsection (a) of this section, the former reference to the "State Appeal Board" is deleted as obsolete. The State Appeal Board was abolished in 1985.

Also in the introductory language of subsection (a) of this section, the former phrase "as the case may be" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Local licensing board" § 1-101

"Person" § 1-101

## **SUBTITLE 7. EXPIRATION OF LOCAL LICENSES.**

### **4-701. 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.

### **4-702. EXPIRATION OF LICENSES.**

**(A) ON DEATH OF LICENSE HOLDER.**

**A LICENSE EXPIRES ON THE DEATH OF THE LICENSE HOLDER, SUBJECT TO SUBTITLE 8 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.**

**(B) AFTER VACATION OF OR EVICTION FROM PREMISES.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A LICENSE ISSUED BY A LOCAL LICENSING BOARD EXPIRES ON THE 10TH DAY AFTER A LICENSE HOLDER HAS VACATED OR BEEN EVICTED FROM THE LICENSED PREMISES.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as a convenient reference to provisions relating to the expiration of a license on the death of the license holder.

Subsection (b) of this section is new language derived without substantive change from the first clause of the first sentence of former Art. 2B, § 10-504(a), except as it related to Baltimore County.

In subsection (b) of this section, the reference to a license issued by "a local licensing board" is substituted for the former reference to a license issued "under this article" to clarify that this section applies only to licenses that a local licensing board issues and not to licenses that the Comptroller issues.

Defined terms: "License" § 1-101  
"License holder" § 1-101  
"Local licensing board" § 1-101

**4-703. PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS.**

**SECTION 4-702 OF THIS SUBTITLE DOES NOT APPLY IF AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:**

**(1) A TRANSFER OF A LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE; OR**

**(2) A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS, SUBJECT TO § 4-803 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of the first sentence of former Art. 2B, § 10-504(a).

In item (2) of this section, the reference to “a certificate of permission or a renewal license for continuation of business” is added for clarity.

Defined terms: “License” § 1-101

“Person” § 1-101

#### **4-704. LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE.**

**A LICENSE ISSUED BY A LOCAL LICENSING BOARD FOR A PREMISES ACQUIRED FOR PUBLIC USE SHALL EXPIRE 180 DAYS AFTER ACQUISITION UNLESS AN APPLICATION IS PENDING OR HAS BEEN APPROVED FOR:**

**(1) A TRANSFER OF THE LICENSE TO ANOTHER LOCATION OR ANOTHER PERSON, SUBJECT TO SUBTITLE 3 OF THIS TITLE AND SUBTITLE 17 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE; OR**

**(2) A CERTIFICATE OF PERMISSION, SUBJECT TO § 4-803 OF THIS TITLE AND SUBTITLE 23 OF THE VARIOUS TITLES OF DIVISION II OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(c).

In the introductory language of this section, the reference to a license “issued by a local licensing board” is added for clarity.

Also in the introductory language of this section, the former reference to a license expiring “within” 180 days is deleted as surplusage.

In item (2) of this section, the reference to “a certificate of permission” is added for clarity.

Former Art. 2B, § 10-504(b), which stated that Art. 2B, § 10-504 did not apply to the holder of a license whose premises have been acquired for public use, is deleted as erroneous. Former Art. 2B, § 10-504(c), now revised as this section, contains provisions concerning a license for a premises acquired for public use.

Defined terms: “License” § 1-101

“Local licensing board” § 1-101

“Person” § 1-101

#### **4-705. POSTPONEMENT TO AVOID HARDSHIP.**

**(A) ADDITIONAL PERIOD ALLOWED.**

**A LOCAL LICENSING BOARD MAY POSTPONE THE EXPIRATION OF A LICENSE THAT THE LOCAL LICENSING BOARD ISSUES FOR AN ADDITIONAL PERIOD TO AVOID HARDSHIP.**

**(B) LIMIT ON ADDITIONAL PERIOD.**

**THE ADDITIONAL PERIOD MAY NOT EXCEED 20 DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10-504(a), except as it related to the Comptroller.

In subsection (a) of this section, the former phrase "as the case may be" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to "undue" hardship is deleted as redundant.

In subsection (b) of this section, the former phrase "in any case" is deleted as surplusage.

Defined terms: "License" § 1-101  
"Local licensing board" § 1-101

**SUBTITLE 8. DEATH OF LICENSE HOLDER.**

**4-801. 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.

**4-802. EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER.**

**SUBJECT TO § 4-803 OF THIS SUBTITLE, A LICENSE EXPIRES WHEN THE LICENSE HOLDER DIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(1), except for the reference to Class E, Class F, and Class G licenses.

Defined terms: "License" § 1-101  
 "License holder" § 1-101

**4-803. CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS.**

**(A) IN GENERAL.**

**ON APPLICATION TO THE LOCAL LICENSING BOARD AND PAYMENT OF A FEE OF \$1 BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF A DECEASED LICENSE HOLDER TO THE LOCAL COLLECTING AGENT, THE LOCAL LICENSING BOARD MAY GRANT A CERTIFICATE OF PERMISSION FOR THE CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER.**

**(B) TERM.**

**(1) THE CERTIFICATE OF PERMISSION MAY BE GRANTED FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION UNLESS THE LICENSE EXPIRES EARLIER.**

**(2) IF THE LICENSE EXPIRES EARLIER THAN 18 MONTHS AFTER THE DATE OF THE GRANTED PERMISSION, THE LOCAL LICENSING BOARD MAY ISSUE A RENEWAL LICENSE ON APPLICATION BY THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR A PERIOD NOT EXCEEDING 18 MONTHS AFTER THE DEATH OF THE LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(3) and (4) and, as it related to local licensing boards, (2)(i).

In this section and throughout this subtitle, the references to "personal representative" and "special administrator" are substituted for the former references to "executor" and "administrator" to conform to terminology used in the Estates and Trusts Article.

In subsection (a) of this section, the reference to the personal representative or special administrator "of the estate" of a deceased license holder is added for clarity.



Also in subsection (a) of this section, the former phrase “[e]xcept as provided in subparagraph (ii) of this paragraph” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the local licensing board “that granted the license” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the “local licensing board” is added to clarify that the local licensing board issues the replacement license under this subtitle.

Also in subsection (b)(2) of this section, the reference to the license expiring “earlier than 18 months after the date of the granted permission” is substituted for the former reference to the license expiring “earlier” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local collecting agent” § 1–101

“Local licensing board” § 1–101

#### **4–804. TRANSFER OR REINSTATEMENT OF LICENSE.**

##### **(A) APPLICATION FOR TRANSFER.**

**THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR TO WHOM A CERTIFICATE OF PERMISSION HAS BEEN GRANTED MAY APPLY TO THE LOCAL LICENSING BOARD FOR THE TRANSFER OF THE LICENSE FOR THE BENEFIT OF THE ESTATE OF THE LICENSE HOLDER.**

##### **(B) REINSTATEMENT OF LICENSE.**

**ON APPROVAL OF THE APPLICATION FOR TRANSFER OF THE LICENSE AND PAYMENT OF THE BALANCE OF ANY LICENSE FEE DUE UNTIL THE EXPIRATION OF THE LICENSE YEAR, THE LICENSE IS REINSTATED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(6).

In subsection (a) of this section, the reference to the authority of a personal representative or special administrator to “apply to the local licensing board”

for the transfer of a license is added to state expressly what was only implied in the former law.

Also in subsection (a) of this section, the former reference to “assign[ing]” a license is deleted as included in the reference to “transfer[ring]” a license. Similarly, in subsection (b) of this section, the reference to “assignment” of a license is deleted.

Defined terms: “License” § 1–101  
 “License holder” § 1–101  
 “Local licensing board” § 1–101

#### **4–805. RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

##### **(A) APPLICABILITY OF RIGHTS TO CERTIFICATE OF PERMISSION AND RENEWAL LICENSE.**

**ON PAYMENT OF A PRO RATA LICENSE FEE FOR THE PERIOD OF CONTINUATION, A CERTIFICATE OF PERMISSION AND A RENEWAL LICENSE ARE SUBJECT TO THE RIGHT OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION.**

##### **(B) RENEWAL LICENSE, PERSONAL REPRESENTATIVE, AND SPECIAL ADMINISTRATOR SUBJECT TO ALCOHOLIC BEVERAGES LAWS.**

**DURING THE PERIOD OF CONTINUATION, THE RENEWAL LICENSE AND THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE OF THE DECEASED LICENSE HOLDER ARE SUBJECT TO THIS ARTICLE AND THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(5).

In subsection (a) of this section, the reference to the “period of continuation” is substituted for the former reference to “such period” for clarity.

Also in subsection (a) of this section, the former phrase “as in other cases” is deleted as surplusage.

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

#### **4–806. REFUND.**

**THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE DECEASED LICENSE HOLDER MAY APPLY FOR AND OBTAIN ANY REFUND TO WHICH THE DECEASED LICENSE HOLDER WOULD HAVE BEEN ENTITLED IF THE LICENSE HAD BEEN SURRENDERED FOR CANCELLATION ON THE DATE OF THE LICENSE HOLDER'S DEATH IF:**

**(1) THE BUSINESS OF A LICENSE HOLDER IS NOT CONTINUED UNDER § 4-803 OF THIS SUBTITLE; AND**

**(2) THE LICENSE IS NOT TRANSFERRED UNDER § 4-804 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(a)(7).

In item (2) of this section, the former reference to the license being "assigned" is deleted as included in the reference to the license being "transferred".

Defined terms: "License" § 1-101  
"License holder" § 1-101

## **SUBTITLE 9. JUDICIAL REVIEW.**

### **4-901. 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.

### **4-902. JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD.**

**THE FOLLOWING DECISIONS OF A LOCAL LICENSING BOARD ARE SUBJECT TO JUDICIAL REVIEW AS PROVIDED IN THIS SUBTITLE:**

**(1) A LIMITATION, RESTRICTION, OR PROHIBITION IMPOSED ON AN AGGRIEVED APPLICANT FOR A LICENSE OR AGGRIEVED LICENSE HOLDER; OR**

**(2) AN APPROVAL, A SUSPENSION, A REVOCATION, OR A RESTRICTION, OR A REFUSAL TO APPROVE, SUSPEND, REVOKE, OR RESTRICT, A LICENSE OR A LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–201(b) and 16–101(a).

In this section and throughout this subtitle, the references to “judicial review” are substituted for the former incorrect references to “appeal”. Only a decision by a court is subject to appeal. A decision by an administrative agency, like a board of license commissioners, is subject to judicial review.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

#### **4–903. PETITIONERS.**

##### **(A) WHO MAY SEEK JUDICIAL REVIEW.**

**THE FOLLOWING PERSONS MAY PETITION FOR JUDICIAL REVIEW OF A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT OF THE COUNTY WHERE THE LOCAL LICENSING BOARD SITS ON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING BEFORE THE LOCAL LICENSING BOARD:**

- (1) A HOLDER OF A LICENSE ISSUED BY THE LOCAL LICENSING BOARD;**
- (2) ANY APPLICANT FOR A LICENSE; AND**
- (3) A GROUP OF NOT FEWER THAN 10 PERSONS WHO ARE RESIDENTS OR REAL ESTATE OWNERS IN THE PRECINCT OR VOTING DISTRICT WHERE THE LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED.**

##### **(B) QUALIFICATIONS OF PETITIONER.**

**TO SEEK JUDICIAL REVIEW OF A DECISION OF A LOCAL LICENSING BOARD UNDER SUBSECTION (A) OF THIS SECTION, A LICENSE HOLDER, AN APPLICANT FOR A LICENSE, OR A GROUP SHALL HAVE:**

- (1) BEEN AGGRIEVED BY THE DECISION OF THE LOCAL LICENSING BOARD; AND**
- (2) APPEARED AT THE HEARING OF THE LOCAL LICENSING BOARD IN PERSON, BY REPRESENTATION, OR BY SUBMITTING A WRITTEN DOCUMENT THAT WAS INTRODUCED AT THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(b)(1) and (3).

In this section and throughout this subtitle, the references to “petition” are substituted for the former incorrect references to “appeal” to reflect that this subtitle concerns the judicial review of an administrative agency – a board of license commissioners – and not a court.

In the introductory language of subsection (a) of this section, the reference to the circuit court of the county “where the local licensing board sits” is added for clarity.

In subsection (a)(2) of this section, the former reference to the license “that is the subject of the decision by the local licensing board” is deleted for consistency with § 4–902 of this subtitle.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“Person” § 1–101

#### **4–904. STAY OF LOCAL BOARD’S PETITION.**

**WHEN A PETITION IS FILED UNDER THIS SUBTITLE, A LOCAL LICENSING BOARD MAY STAY ITS ORDER THAT IS THE SUBJECT OF THE PETITION UNTIL THE FINAL DETERMINATION OF THE PETITION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(c)(1).

The phrase “under this subtitle” is added for clarity.

The reference to the order “that is the subject of the petition” is added for clarity.

The phrase “of the petition” is substituted for the former word “thereof” for clarity.

The former phrase “[s]ubject to paragraph (2) of this subsection” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Local licensing board” § 1–101

#### **4–905. SCOPE OF JUDICIAL REVIEW.**

**(A) PRESUMPTION.**

**ON THE HEARING OF A PETITION UNDER THIS SUBTITLE, THE COURT SHALL PRESUME THAT THE ACTION OF THE LOCAL LICENSING BOARD WAS PROPER AND BEST SERVED THE PUBLIC INTEREST.**

**(B) BURDEN OF PROOF.**

**A PETITIONER HAS THE BURDEN OF PROOF TO SHOW THAT THE DECISION OF THE LOCAL LICENSING BOARD BEING REVIEWED WAS:**

- (1) AGAINST THE PUBLIC INTEREST; AND**
- (2) (I) NOT HONESTLY AND FAIRLY ARRIVED AT;**
  - (II) ARBITRARY;**
  - (III) PROCURED BY FRAUD;**
  - (IV) UNSUPPORTED BY SUBSTANTIAL EVIDENCE;**
  - (V) UNREASONABLE;**
  - (VI) BEYOND THE POWERS OF THE BOARD; OR**
  - (VII) ILLEGAL.**

**(C) NO JURY.**

**A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD UNDER THIS SUBTITLE SHALL BE HEARD BY THE COURT WITHOUT A JURY.**

**(D) ADDITIONAL TESTIMONY.**

**THE COURT MAY HEAR ADDITIONAL TESTIMONY TO THE EXTENT AND IN THE MANNER THAT IS NECESSARY IF, IN THE OPINION OF THE COURT:**

- (1) IT IS IMPRACTICABLE TO DETERMINE THE QUESTION PRESENTED TO THE COURT WITHOUT THE HEARING OF ADDITIONAL EVIDENCE;**
- (2) A QUALIFIED LITIGANT HAS BEEN DEPRIVED OF THE OPPORTUNITY TO OFFER EVIDENCE; OR**

**(3) THE INTERESTS OF JUSTICE REQUIRE THAT FURTHER EVIDENCE SHOULD BE TAKEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(1)(i).

In subsection (a) of this section, the phrase “[o]n the hearing of a petition under this subtitle” is substituted for the former phrase “[u]pon the hearing of such appeal” for clarity.

In the introductory language of subsection (b) of this section, the reference to the decision “being reviewed” is substituted for the former reference to the decision “complained of” for clarity and consistency within this subtitle.

In subsection (b)(2)(i) of this section, the phrase “not honestly and fairly arrived at” is substituted for the former phrase “that the local licensing board’s discretion in rendering its decision was not honestly and fairly exercised” for brevity and clarity.

In subsection (c) of this section, the reference to “[a] review of a decision of a local licensing board under this subtitle” is substituted for the former reference to “[t]he case” for clarity.

Also in subsection (c) of this section, the former reference to “the intervention of” a jury is deleted as surplusage.

In the introductory language to subsection (d) of this section, the former phrase “in the case on appeal” is deleted as surplusage.

In subsection (d)(3) of this section, the word “otherwise” is deleted as surplusage.

Defined term: “Local licensing board” § 1–101

**4–906. REPRESENTATION OF LOCAL LICENSING BOARD.**

**IN A PETITION FOR JUDICIAL REVIEW UNDER THIS SUBTITLE, A LOCAL LICENSING BOARD MAY BE REPRESENTED BY A QUALIFIED ATTORNEY DESIGNATED BY THE LOCAL LICENSING BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(2).

The phrase “[i]n a petition for judicial review under this subtitle” is substituted for the former phrase “[i]n such actions of appeal” for clarity.

The former phrase “for such service” is deleted as surplusage.

Defined term: “Local licensing board” § 1–101

#### **4–907. AFFIRMATIONS, MODIFICATIONS, AND REVERSALS.**

##### **(A) IN GENERAL.**

**(1) THE COURT MAY AFFIRM, MODIFY, OR REVERSE A DECISION OF THE LOCAL LICENSING BOARD.**

**(2) IF THE COURT REVERSES A DECISION, THE COURT SHALL FILE WITH THE RECORD A WRITTEN STATEMENT OF THE REASONS FOR THE REVERSAL.**

##### **(B) COSTS.**

**COSTS FOR A JUDICIAL REVIEW UNDER THIS SUBTITLE SHALL BE AWARDED AS IN OTHER CIVIL CASES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(i).

In subsection (a) of this section, the references to a “decision” of a local licensing board are substituted for the former references to an “action” of a local licensing board to conform to the terminology used throughout this subtitle.

In subsection (a)(2) of this section, the phrase “for the reversal” is added for clarity.

Also in subsection (a)(2) of this section, the reference to the “record” is substituted for the former reference to the “papers” for clarity.

In subsection (b) of this section, the phrase “for a judicial review under this subtitle” is added for clarity.

Defined term: “Local licensing board” § 1–101

#### **4–908. APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS.**

##### **(A) APPEAL BY PARTY OF RECORD.**



**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PARTY OF RECORD TO A REVIEW OF A DECISION OF A LOCAL LICENSING BOARD TO THE CIRCUIT COURT MAY APPEAL THE DECISION OF THE COURT:**

**(1) TO THE COURT OF SPECIAL APPEALS; OR**

**(2) BY CERTIORARI, TO THE COURT OF APPEALS.**

**(B) NO STAY OF SANCTIONS.**

**THE COURT OF SPECIAL APPEALS OR THE COURT OF APPEALS MAY NOT STAY A DECISION BY A LOCAL LICENSING BOARD TO IMPOSE SANCTIONS ON A LICENSE HOLDER IF:**

**(1) AN APPEAL OF THE DECISION OF THE CIRCUIT COURT IS MADE UNDER THIS SUBTITLE; AND**

**(2) THE DECISION OF THE CIRCUIT COURT AFFIRMED THE DECISION OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(f).

In subsection (b)(2) of this section, the reference to the decision “of the circuit court” is substituted for the former reference to the decision “being appealed” for clarity.

Defined terms: “License holder” § 1–101

“Local licensing board” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**4–1001. CONFERENCE CENTER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BWL (H–C) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**A LOCAL LICENSING BOARD MAY ISSUE THE LICENSE TO THE MANAGEMENT COMPANY OF THE CONFERENCE CENTER FACILITY IF THE FACILITY:**

**(1) IS JOINTLY OWNED, OPERATED, OR FINANCED BY THE MARYLAND STADIUM AUTHORITY AND THE POLITICAL SUBDIVISION OR AN INSTRUMENTALITY OF THAT POLITICAL SUBDIVISION THAT IS PHYSICALLY CONNECTED TO A HOTEL; AND**

**(2) PROVIDES FOOD AND BEVERAGE SERVICE TO REGISTERED GUESTS AT THE HOTEL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE PREMISES OF THE FACILITY AND THE ADJACENT HOTEL, INCLUDING THE ROOMS OF REGISTERED GUESTS.**

**(D) INAPPLICABLE RESTRICTIONS.**

**THE LICENSE IS EXEMPT FROM RESTRICTIONS AGAINST HOLDING MULTIPLE LICENSES OR HAVING FINANCIAL INTERESTS IN MULTIPLE LICENSES.**

**(E) FOOD-TO-ALCOHOLIC BEVERAGE RATIO.**

**IN A JURISDICTION WITH A FOOD-TO-ALCOHOLIC BEVERAGES RATIO REQUIREMENT FOR A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE, THE LAWS AND REGULATIONS CONCERNING THE RATIO REQUIREMENT APPLY TO THE CLASS B-BWL (H-C) LICENSE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-601.

In the introductory language of subsection (b) of this section, the defined term "local licensing board" is substituted for the former reference to "the board of license commissioners in the jurisdiction in which the facility is located" for brevity.

In subsection (b)(1) of this section, the former reference to an "adjacent" hotel is deleted as included in the phrase "physically connected to" a hotel.

In subsection (c) of this section, the reference to the authority of the “license holder to sell beer, wine, and liquor for consumption on the premises” is substituted for the former reference to “only on-sale privileges” for clarity.

In subsection (d) of this section, the reference to “restrictions against holding multiple licenses or having financial interests in multiple licenses” is substituted for the former reference to “[t]he provisions of §§ 9–102 and 10–103(b)(12) and (15) of this article” for clarity.

In subsection (e) of this section, the former reference to laws and regulations concerning the ratio requirement “in that jurisdiction” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Hotel” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **4–1101. 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.

### **4–1102. CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES.**

#### **(A) INDIVIDUALS WHO MAY CONSUME WINE.**

**(1) AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS B OR CLASS C LICENSE ALLOWING THE SALE OF WINE IS ISSUED MAY CONSUME WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER ONLY IF:**

**(I) THE WINE IS CONSUMED WITH A MEAL DURING THE HOURS OF SALE SPECIFIED BY THE LICENSE;**

**(II) THE INDIVIDUAL OBTAINS THE APPROVAL OF THE LICENSE HOLDER;**

**(III) THE WINE IS NOT AVAILABLE FOR SALE ON THE LICENSE HOLDER'S WINE LIST; AND**

**(IV) THE LICENSE HOLDER OBTAINS A PERMIT FROM THE LOCAL LICENSING BOARD BEFORE ALLOWING AN INDIVIDUAL THE PRIVILEGE OF CONSUMING WINE NOT PURCHASED FROM OR PROVIDED BY THE LICENSE HOLDER.**

**(2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS OR WHO IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE THE PRIVILEGE OF CONSUMING THE WINE.**

**(B) PERMIT TO BE ISSUED TO EACH LICENSE HOLDER.**

**(1) A LOCAL LICENSING BOARD SHALL ISSUE A PERMIT AT NO CHARGE TO EACH LICENSE HOLDER WHO SEEKS TO ALLOW AN INDIVIDUAL TO CONSUME WINE UNDER THE CONDITIONS SET OUT IN SUBSECTION (A)(1) OF THIS SECTION.**

**(2) A LICENSE HOLDER THAT OBTAINS THE PERMIT MAY DETERMINE AND CHARGE THE INDIVIDUAL A FEE FOR THE PRIVILEGE, ON WHICH A SALES TAX APPLICABLE TO ALCOHOLIC BEVERAGES SHALL BE IMPOSED.**

**(C) REMOVAL OF WINE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL DISPOSE OF THE WINE THAT REMAINS AFTER THE MEAL IS FINISHED.**

**(2) AN INDIVIDUAL MAY REMOVE FROM THE LICENSED PREMISES A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE MEAL, IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.**

**(3) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER PARAGRAPH (2) OF THIS SUBSECTION IS AN "OPEN CONTAINER" FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(10)(ii) through (viii) and (i)1.

In subsection (b)(2) of this section, the reference to a sales tax “applicable to alcoholic beverages” is added for clarity.

Also in subsection (b)(2) of this section, the reference to a license holder that “obtains the permit” is substituted for the former reference to a license holder that “allows an individual the privilege of consuming wine described under subparagraph (ii) of this paragraph” for clarity and brevity.

In subsection (c)(2) of this section, the former reference to the contents of a bottle of wine being “only” partially consumed is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“Hotel” § 1–101

“License Holder” § 1–101

“Local licensing board” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**4–1103. REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES.**

**(A) IN GENERAL.**

**AN INDIVIDUAL WHO, AT A LICENSED PREMISES, PURCHASES A MEAL AND A BOTTLE OF WINE, THE CONTENTS OF WHICH ARE PARTIALLY CONSUMED WITH THE MEAL, MAY REMOVE THE BOTTLE AND ITS CONTENTS FROM THE LICENSED PREMISES IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN OR PLACES A CAP ON THE BOTTLE.**

**(B) BOTTLE AS OPEN CONTAINER.**

**A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER SUBSECTION (A) OF THIS SECTION IS AN “OPEN CONTAINER” FOR PURPOSES OF § 10–125 OF THE CRIMINAL LAW ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–107.1.

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License holder” § 1–101

“Wine” § 1-101

**4-1104. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) ESTABLISHED.**

**THERE IS A REFILLABLE CONTAINER PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

**(1) SELL DRAFT BEER FOR OFF-PREMISES CONSUMPTION IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION; AND**

**(2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.**

**(C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.**

**(1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS THAT OF THE UNDERLYING LICENSE.**

**(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**

**(3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.**

**(D) CONTAINER STANDARDS.**

**(1) TO BE USED AS A REFILLABLE CONTAINER FOR BEER UNDER THE AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:**

**(I) HAVE A CAPACITY OF NOT LESS THAN 32 OUNCES AND NOT MORE THAN 128 OUNCES;**

**(II) BE SEALABLE;**

**(III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE CONTAINER;**

**(IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**

**(V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;**  
**AND**

**(VI) BEAR A LABEL STATING THAT:**

**1. CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER; AND**

**2. THE CONTENTS OF THE CONTAINER ARE PERISHABLE AND SHOULD BE REFRIGERATED IMMEDIATELY AND CONSUMED WITHIN 48 HOURS AFTER PURCHASE.**

**(2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR BEER, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.**

**(3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (b), (d), and (e), as they related to refillable containers for beer.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the former word “only” is deleted as unnecessary.

In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise specifically provided,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“License” § 1–101

“Off-sale” § 1–101

“State” § 1–101

#### **4–1105. REFILLABLE CONTAINER PERMIT — WINE.**

##### **(A) ESTABLISHED.**

**THERE IS A REFILLABLE CONTAINER PERMIT.**

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

**A REFILLABLE CONTAINER PERMIT AUTHORIZES THE PERMIT HOLDER TO:**

**(1) SELL WINE FOR OFF-PREMISES CONSUMPTION IN A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION; AND**

**(2) SELL AND REFILL A REFILLABLE CONTAINER THAT MEETS THE STANDARDS SET OUT IN SUBSECTION (D) OF THIS SECTION.**

##### **(C) PERMIT TERM; HOURS OF SALE; NOTICE AND HEARING REQUIREMENTS.**

**(1) THE TERM OF A REFILLABLE CONTAINER PERMIT IS THE SAME AS THAT OF THE UNDERLYING LICENSE.**

**(2) THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT ARE THE SAME AS THOSE FOR THE UNDERLYING LICENSE.**

**(3) AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE SHALL MEET THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR THE UNDERLYING LICENSE.**

##### **(D) CONTAINER STANDARDS.**



**(1) TO BE USED AS A REFILLABLE CONTAINER FOR WINE UNDER THE AUTHORITY OF A REFILLABLE CONTAINER PERMIT, A CONTAINER SHALL:**

**(I) HAVE A CAPACITY OF NOT LESS THAN 17 OUNCES AND NOT MORE THAN 34 OUNCES;**

**(II) BE SEALABLE;**

**(III) BE BRANDED WITH AN IDENTIFYING MARK OF THE SELLER OF THE CONTAINER;**

**(IV) BEAR THE FEDERAL HEALTH WARNING STATEMENT REQUIRED FOR CONTAINERS OF ALCOHOLIC BEVERAGES UNDER 27 C.F.R. 16.21;**

**(V) DISPLAY INSTRUCTIONS FOR CLEANING THE CONTAINER;**  
**AND**

**(VI) BEAR A LABEL STATING THAT CLEANING THE CONTAINER IS THE RESPONSIBILITY OF THE CONSUMER.**

**(2) THE COMPTROLLER MAY ADOPT STANDARDS REGARDING CONTAINERS THAT QUALIFY FOR USE AS REFILLABLE CONTAINERS FOR WINE, INCLUDING CONTAINERS ORIGINATING FROM OUTSIDE THE STATE.**

**(3) THE HOLDER OF A REFILLABLE CONTAINER PERMIT MAY REFILL A REFILLABLE CONTAINER ORIGINATING FROM INSIDE OR OUTSIDE THE STATE THAT MEETS THE STANDARDS ADOPTED BY THE COMPTROLLER UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–103(b) through (g) and 21–107(a), (c), (d), and (e), as they related to refillable containers for wine.

In the introductory language of subsection (b) of this section, the former phrase “[w]ith respect to the alcoholic beverages authorized for the local jurisdiction under subsection (a) of this section,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the former word “only” is deleted as unnecessary.

In subsection (c)(2) of this section, the former phrase “[e]xcept as otherwise specifically provided,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Consumer” § 1–101

“License” § 1–101

“Off–sale” § 1–101

“State” § 1–101

“Wine” § 1–101

## **SUBTITLE 12. TEMPORARY LICENSES.**

### **4–1201. 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 this subtitle contains provisions of statewide applicability that may be superseded by local provisions stated in Division II of this article.

### **4–1202. PER DIEM LICENSES.**

#### **(A) LICENSE APPLICATION.**

**A LOCAL LICENSING BOARD MAY ISSUE A PER DIEM LICENSE FOR THE PERIODS AND AT THE FEES SPECIFIED IN THIS SUBTITLE OR BY THE LOCAL LICENSING BOARD.**

#### **(B) APPLICATION REQUIREMENTS.**

**AN APPLICATION FOR A PER DIEM LICENSE SHALL BE:**

**(1) ON THE FORM THAT THE COMPTROLLER REQUIRES; AND**

**(2) SIGNED AND SWORN TO BY THE APPLICANT.**

#### **(C) RESTRICTIONS.**

**A PER DIEM LICENSE MAY BE ISSUED ONLY IF THE ISSUANCE OF A REGULAR LICENSE OF THE SAME CLASS IS AUTHORIZED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(a)(1) and, except as it related to statewide licenses, (g).

In subsection (a) of this section and throughout this subtitle, the references to a “per diem” license are substituted for the former references to a “special” license to conform to the terminology used throughout this article.

In subsection (a) of this section, the phrase “or by the local licensing board” is added to reflect that a local licensing board may impose a fee that is different from those specified in this subtitle.

Also in subsection (a) of this section, the defined term “local licensing board” is substituted for the former reference to the “board of license commissioners for that jurisdiction” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the reference to an application being signed and sworn to “by the applicant” is added for clarity.

In subsection (c) of this section, the former reference to a license “provided for in this section” is deleted as surplusage.

Also in subsection (c) of this section, the former prohibition against the issuance of a license “in any county or in Baltimore City” is deleted as surplusage.

Also in subsection (c) of this section, the former reference to a license not authorized “by this article” is deleted as implied in the defined term “license”.

Defined terms: “Comptroller” § 1–101

“License” § 1–101

“Local licensing board” § 1–101

**4–1203. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**(A) SCOPE OF AUTHORIZATION.**

**A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE RESPECTIVE CLASS OF LICENSE:**

**(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT THAT IS CONDUCTED BY A CLUB;**

**(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND**

**(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

**(B) AGREEMENTS FOR DELIVERY AND RETURNS FOR 1-DAY LICENSES.**

**(1) A HOLDER OF A WHOLESALER'S LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A 1-DAY CLASS C PER DIEM BEER LICENSE OR A 1-DAY CLASS C PER DIEM BEER AND WINE LICENSE TO:**

**(I) DELIVER BEER OR WINE ALLOWED UNDER THE LICENSE STARTING 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(II) ACCEPT RETURNS NOT MORE THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(2) DELIVERY OF BEER OR WINE ORDERED IN ACCORDANCE WITH AN AGREEMENT MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE ONLY IF THE HOLDER OF THE 1-DAY PER DIEM LICENSE POSSESSES THE LICENSE AT THE TIME OF DELIVERY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(c) and (b)(1)(i).

In subsection (a)(1) of this section, the former reference to "bona fide" entertainment is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to 7 consecutive days "from the effective date thereof" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the reference to the beer or wine "allowed under the license" is added for clarity.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"License holder" § 1-101

"Person" § 1-101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

**4–1204. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) SCOPE OF AUTHORIZATION.**

**A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THIS CLASS OF LICENSE:**

**(1) FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT THAT IS CONDUCTED BY A CLUB;**

**(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND**

**(3) FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

**(B) ALCOHOLIC BEVERAGES TO BE PURCHASED FROM RETAIL DEALER.**

**ALCOHOLIC BEVERAGES SOLD UNDER A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE SHALL BE PURCHASED BY THE LICENSE HOLDER FROM A RETAIL DEALER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(1)(i), except as it related to the license fee, and the second sentence of (ii).

In subsection (a)(1) of this section, the former reference to “bona fide” entertainment is deleted as surplusage.

The first sentence of former Art. 2B, § 7–101(d)(1)(ii), which provided that the provisions of former Art. 2B, § 11–517 did not apply to the holder of a Class C per diem beer, wine, and liquor license, is deleted as redundant of § 23–503 of this article, which expressly allows a holder of a wholesale license to enter into an agreement with the holder of a per diem license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

**4-1205. FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$5 PER DAY.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$15 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(1)(ii) and, as it related to the license fee, (d)(1)(i).

Defined terms: "Beer" § 1-101  
 "Wine" § 1-101

**4-1206. LICENSE TO DISPOSE OF STOCK.**

**(A) SCOPE OF AUTHORIZATION.**

**A LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO DISPOSE OF STOCK FOR A PERIOD NOT EXCEEDING 10 CONSECUTIVE DAYS.**

**(B) CANCELED, REVOKED, OR SUSPENDED LICENSE OR LICENSE NOT RENEWED.**

**(1) A LICENSE HOLDER MAY DISPOSE OF THE LICENSE HOLDER'S STOCK OF ALCOHOLIC BEVERAGES IF:**

**(I) THE LICENSE HAS BEEN CANCELED, REVOKED, OR SUSPENDED;**

**(II) RENEWAL HAS BEEN DENIED BY THE LOCAL LICENSING BOARD; OR**

**(III) A RENEWAL LICENSE HAS BEEN GRANTED BY THE LOCAL LICENSING BOARD AND A COURT ON JUDICIAL REVIEW HAS REVERSED THE LOCAL LICENSING BOARD'S DECISION.**

**(2) A LICENSE HOLDER THAT DISPOSES OF STOCK MAY SELL THE STOCK AT RETAIL OR TO A LICENSED WHOLESALER.**

**(3) A LICENSE DOES NOT AUTHORIZE THE LICENSE HOLDER TO PURCHASE ALCOHOLIC BEVERAGES FOR RESALE.**

**(C) FEE.**

**THE FEE FOR A LICENSE UNDER THIS SECTION IS \$5 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(e).

In subsection (a) of this section, the former reference to a license "of any class" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "[a] license holder that disposes of stock may" is substituted for the former phrase "[t]he special license shall carry with it the privilege of" for clarity.

Also in subsection (b)(2) of this section, the former reference to "one or more" licensed wholesalers is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"License holder" § 1-101

"Local licensing board" § 1-101

"Wholesaler" § 1-101

**4-1207. TEMPORARY MOVE OF LICENSED PREMISES.**

**(A) IN GENERAL.**

**WHEN A LICENSED PREMISES MUST BE MOVED DUE TO FIRE OR OTHER CATASTROPHE, THE LOCAL LICENSING BOARD MAY ISSUE A LICENSE TO A HOLDER TO MOVE THE LICENSED PREMISES FROM ONE LOCATION TO ANOTHER WHILE THE PREMISES IS BEING RESTORED FOR:**

**(1) A PERIOD THAT THE LOCAL LICENSING BOARD DETERMINES; BUT**

**(2) NOT MORE THAN 6 MONTHS.**

**(B) BOARD MAY NOT CHARGE AN ADDITIONAL FEE TO APPROVE LOCATION CHANGE.**

**THE LOCAL LICENSING BOARD:**

**(1) MAY APPROVE THE NEW LOCATION TO WHICH THE LICENSE HOLDER HAS TEMPORARILY MOVED; BUT**

**(2) MAY NOT CHARGE A FEE FOR THE APPROVAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(f), except as it related to the Comptroller.

In the introductory language of subsection (a) of this section, the former reference to a license “of any class” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to a period that the local licensing board “determines” is substituted for the former reference to a period “in the discretion of” the local licensing board for brevity.

Also in subsection (a)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “as in the case of the original application” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a fee for “the approval” is substituted for the former reference to a fee for “this special license” for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

**4–1208. HOURS AND DAYS OF SALE.**

**FOR THE EXERCISE OF THE PRIVILEGES OF THE LICENSE, A TEMPORARY LICENSE IS A REGULAR LICENSE OF THE CORRESPONDING CLASS FOR DETERMINING THE HOURS AND DAYS OF OPERATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–203.

The former reference to a “special” license is deleted as surplusage.

The former phrase “issued under this article” is deleted as included in the defined term “license”.



Defined term: "License" § 1-101

**4-1209. WINE PERMIT FOR FUND-RAISING EVENT.**

**(A) AUTHORIZED.**

**A NONPROFIT ORGANIZATION MAY RECEIVE A WINE PERMIT FOR A FUND-RAISING EVENT BY APPLYING TO THE LOCAL LICENSING BOARD FOR THE JURISDICTION IN WHICH THE EVENT IS TO BE HELD.**

**(B) SCOPE OF AUTHORIZATION.**

**A PERMIT AUTHORIZES THE HOLDER TO:**

**(1) HOLD A FUND-RAISING EVENT ON THE FEDERALLY BONDED PREMISES OF A WINERY, PROVIDED THE WINERY IS OPERATED UNDER A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE AND HOLDS A CLASS A LIGHT WINE LICENSE; AND**

**(2) PURCHASE WINE IN SEALED CONTAINERS FROM THE WINERY AND SELL THE WINE AT THE EVENT IN OPEN CONTAINERS AT RETAIL FOR CONSUMPTION ON THE PERMIT PREMISES.**

**(C) COSIGNATURE BY HOST WINERY.**

**THE WINERY HOSTING THE EVENT SHALL COSIGN THE PERMIT.**

**(D) ANNUAL LIMIT ON NUMBER OF EVENTS.**

**A WINERY MAY NOT HOST MORE THAN SIX EVENTS UNDER THIS SECTION PER CALENDAR YEAR.**

**(E) FEE.**

**THE PERMIT FEE IS \$15.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-401.

In subsection (a) of this section, the former reference to a "bona fide" nonprofit organization is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a “Class 3 winery license or Class 4 limited winery license” is substituted for the former reference to a “Class 3 or Class 4 manufacturer’s license” for clarity.

Defined terms: “Jurisdiction” § 1–101

“Local licensing board” § 1–101

“Wine” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 7–101(a)(2), which stated that the Comptroller may grant an application for a statewide special (per diem) license, is deleted as unnecessary because the Comptroller does not issue per diem licenses. Consequently, references to “the Comptroller” in former Art. 2B, § 7–101(f) and references to “statewide license[s]” in former Art. 2B, § 7–101(g) are deleted.

### **TITLE 5. GENERAL BEER REGULATION.**

#### **SUBTITLE 1. BEER FRANCHISE FAIR DEALING ACT.**

##### **5–101. DEFINITIONS.**

###### **(A) IN GENERAL.**

**IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**REVISOR’S NOTE:** This subsection is new language derived without substantive change from the introductory language of former Art. 2B, § 17–101(b). It is restated as the standard introductory language to a definition section.

The former phrase “unless otherwise required by the context” is deleted as unnecessary because it merely repeats a standard rule of statutory construction.

###### **(B) BEER DISTRIBUTOR.**

**“BEER DISTRIBUTOR” MEANS A PERSON THAT IMPORTS OR CAUSES TO BE IMPORTED INTO THE STATE, OR PURCHASES OR CAUSES TO BE PURCHASED IN THE STATE, BEER FOR SALE OR RESALE TO A RETAIL DEALER LICENSED UNDER THIS ARTICLE WITHOUT REGARD TO WHETHER THE BUSINESS OF THE PERSON IS CONDUCTED UNDER A BEER FRANCHISE AGREEMENT OR ANOTHER FORM OF AGREEMENT WITH A BEER MANUFACTURER.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17-101(b)(4).

The former reference to "the terms of" a beer franchise is deleted as surplusage.

- Defined terms: "Beer" § 1-101  
"Beer franchise agreement" § 5-101  
"Beer manufacturer" § 5-101  
"Person" § 1-101  
"Retail dealer" § 1-101  
"State" § 1-101

**(C) BEER FRANCHISE AGREEMENT.**

**"BEER FRANCHISE AGREEMENT" MEANS:**

**(1) A COMMERCIAL RELATIONSHIP BETWEEN A BEER DISTRIBUTOR AND BEER MANUFACTURER THAT:**

- (I) IS OF A DEFINITE OR INDEFINITE DURATION; AND**
- (II) IS NOT REQUIRED TO BE IN WRITING;**

**(2) A RELATIONSHIP IN WHICH A BEER MANUFACTURER GRANTS A BEER DISTRIBUTOR THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED BY THE BEER MANUFACTURER;**

**(3) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR, AS AN INDEPENDENT BUSINESS, CONSTITUTES A COMPONENT OF A BEER MANUFACTURER'S DISTRIBUTION SYSTEM;**

**(4) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR'S BUSINESS IS SUBSTANTIALLY ASSOCIATED WITH A BEER MANUFACTURER'S BRAND, ADVERTISING, OR ANOTHER COMMERCIAL SYMBOL THAT DESIGNATES THE BEER MANUFACTURER;**

**(5) A RELATIONSHIP IN WHICH A BEER DISTRIBUTOR'S BUSINESS RELIES SUBSTANTIALLY ON A BEER MANUFACTURER FOR THE CONTINUED SUPPLY OF BEER; OR**

**(6) A WRITTEN OR ORAL ARRANGEMENT OF DEFINITE OR INDEFINITE DURATION IN WHICH:**

**(I) A BEER MANUFACTURER GRANTS TO A BEER DISTRIBUTOR THE RIGHT TO USE A TRADE NAME, TRADEMARK, SERVICE MARK, OR RELATED CHARACTERISTIC; AND**

**(II) THERE IS A COMMUNITY OF INTEREST IN THE MARKETING OF GOODS OR SERVICES AT WHOLESALE OR RETAIL, BY LEASE, OR BY ANOTHER METHOD.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17-101(b)(1).

The defined term "beer franchise agreement" is substituted for the former defined terms "franchise" and "agreement" to use only one defined term for purposes of this subtitle and to be more descriptive when describing the type of agreement to which this subtitle applies.

In item (2) of this subsection, the reference to "a beer manufacturer grant[ing] a beer distributor" the right to offer and sell brands of beer is substituted for the former reference to "the beer distributor [being] granted" the right to clarify that this right is granted by the beer manufacturer and to use the active voice.

In subsection (c)(6)(i) of this section, the reference to granting a "right" is substituted for the former reference to granting a "license" for clarity.

Defined terms: "Beer" § 1-101  
 "Beer distributor" § 5-101  
 "Beer manufacturer" § 5-101

**(D) BEER MANUFACTURER.**

**"BEER MANUFACTURER" MEANS:**

**(1) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR PACKAGER OF BEER LOCATED IN OR OUTSIDE THE STATE; OR**

**(2) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT ENTERS INTO A BEER FRANCHISE AGREEMENT WITH A BEER DISTRIBUTOR DOING BUSINESS IN THE STATE.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17-101(b)(5).

Defined terms: "Beer" § 1-101  
 "Beer distributor" § 5-101

“Beer franchise agreement” § 5–101

“Person” § 1–101

“State” § 1–101

**(E) FRANCHISEE.**

**“FRANCHISEE” MEANS:**

**(1) A BEER DISTRIBUTOR TO WHOM A BEER FRANCHISE AGREEMENT IS GRANTED OR OFFERED; OR**

**(2) A BEER DISTRIBUTOR THAT IS A PARTY TO A BEER FRANCHISE AGREEMENT.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(2).

The former phrase “as defined herein” is deleted as surplusage.

Defined terms: “Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

**(F) FRANCHISOR.**

**“FRANCHISOR” MEANS A BEER MANUFACTURER THAT:**

**(1) ENTERS INTO A BEER FRANCHISE AGREEMENT WITH A BEER DISTRIBUTOR; OR**

**(2) IS A PARTY TO A BEER FRANCHISE AGREEMENT.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(3).

In item (2) of this subsection, the former phrase “as defined herein” is deleted as surplusage.

Defined terms: “Beer distributor” § 5–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

**(G) SALES TERRITORY.**

**“SALES TERRITORY” MEANS THE AREA OF SALES RESPONSIBILITY DESIGNATED BY A BEER FRANCHISE AGREEMENT FOR THE BRAND OR BRANDS OF BEER OF A BEER MANUFACTURER.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 17–101(b)(7).

The former defined term “territory” is deleted as included in the more descriptive and specific defined term “sales territory”.

The former phrase “between any franchisee or franchisor” is deleted as included in the defined term “beer franchise agreement”. Similarly, the former reference to “any franchisor” is deleted as included in the reference to a “beer manufacturer”.

Defined terms: “Beer” § 1–101

“Beer franchise agreement” § 5–101

“Beer manufacturer” § 5–101

#### **5–102. SCOPE OF SUBTITLE.**

**THIS SUBTITLE APPLIES TO CORPORATIONS, PARTNERSHIPS, TRUSTS, AGENCIES, AND OTHER ENTITIES AND TO PERSONS WHO ARE OFFICERS, DIRECTORS, AND OTHER INDIVIDUALS IN ACTIVE CONTROL OF THE ACTIVITIES OF A CORPORATION, A PARTNERSHIP, A TRUST, AN AGENCY, OR ANY OTHER ENTITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–101(b)(6). Because “person” already appears as a defined term in § 1–101 of this article, former Art. 2B, § 17–101(b)(6) is revised here as a scope of subtitle provision for clarity.

Defined term: “Person” § 1–101

#### **5–103. LEGISLATIVE POLICY.**

##### **(A) IN GENERAL.**

**IT IS THE POLICY OF THE STATE THAT:**

**(1) IT IS NECESSARY TO REGULATE AND CONTROL BEER FRANCHISE AGREEMENTS AND RELATIONSHIPS BETWEEN BEER MANUFACTURERS AND BEER DISTRIBUTORS:**

**(I) TO FOSTER AND PROMOTE TEMPERANCE IN THE CONSUMPTION OF BEER; AND**

**(II) TO PROMOTE RESPECT FOR AND OBEDIENCE TO THE LAWS THAT CONTROL THE DISTRIBUTION AND SALE OF BEER; AND**

**(2) TEMPERANCE AND OBEDIENCE TO THE LAWS THAT CONTROL THE DISTRIBUTION AND ULTIMATE SALE OF BEER IS PROMOTED BY LEGISLATION THAT ENCOURAGES BEER DISTRIBUTORS TO MAKE INVESTMENTS IN THEIR FACILITIES TO SERVE RETAIL LICENSE HOLDERS BY PROTECTING THEM AGAINST THE TERMINATION OF BEER DISTRIBUTORSHIPS, OR OTHER ACTS DESCRIBED IN THIS SUBTITLE, WITHOUT GOOD CAUSE FOR THE TERMINATION OR OTHER ACTS.**

**(B) ACCOMPLISHMENT OF POLICY.**

**IT IS NECESSARY TO ACCOMPLISH THIS POLICY TO ELIMINATE THE UNDUE STIMULATION OF SALES OF BEER IN THE STATE BY BEER MANUFACTURERS THAT INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, BEER DISTRIBUTORS TO ACT DETRIMENTALLY TO THE ORDERLY AND LAWFUL DISTRIBUTION OF BEER BY:**

**(1) THREATENED OR ACTUAL TERMINATION OF THE BEER MANUFACTURER AND BEER DISTRIBUTOR RELATIONSHIP, DIRECTLY OR INDIRECTLY;**

**(2) THE ESTABLISHMENT OF DUAL BEER DISTRIBUTORS OF A BRAND OR BRANDS OF BEER IN A SALES TERRITORY PRESENTLY SERVED BY A BEER DISTRIBUTOR; OR**

**(3) THE SALE OF THE SAME BRAND OR BRANDS OF BEER IN ONE SALES TERRITORY BY MORE THAN ONE FRANCHISEE.**

**(C) RECOGNITION OF NATURE OF BEER DISTRIBUTION.**

**THE GENERAL ASSEMBLY FURTHER RECOGNIZES THE DISTINCTION BETWEEN THE NATURE OF THE DISTRIBUTION OF BEER AND OTHER ALCOHOLIC BEVERAGES IN THAT DISTRIBUTORS OF ALCOHOLIC BEVERAGES OTHER THAN BEER ARE FRANCHISED BY MANUFACTURERS TO DISTRIBUTE MANY BRANDS OF VARIOUS KINDS OF ALCOHOLIC BEVERAGES AND ARE NOT AS VULNERABLE TO THE ECONOMIC PRESSURES OF THE MANUFACTURERS AS ARE BEER DISTRIBUTORS, WHICH TRADITIONALLY HANDLE MAINLY ONE, TWO, OR THREE BRANDS OF BEER IN THEIR DISTRIBUTORSHIPS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17-101(a).

In subsection (c) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "alcoholic liquors" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Beer distributor" § 5-101

"Beer franchise agreement" § 5-101

"Beer manufacturer" § 5-101

"Franchisee" § 5-101

"License holder" § 1-101

"State" § 1-101

"Sales territory" § 5-101

**5-104. PROHIBITED INDUCEMENTS BY BEER MANUFACTURER; FAILURE TO DELIVER BEER.**

**A BEER MANUFACTURER MAY NOT:**

**(1) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER DISTRIBUTOR TO ACCEPT DELIVERY OF AN ALCOHOLIC BEVERAGE, ANY FORM OF ADVERTISEMENT, OR ANOTHER COMMODITY THAT THE BEER DISTRIBUTOR DID NOT ORDER;**

**(2) INDUCE OR COERCE, OR ATTEMPT TO INDUCE OR COERCE, A BEER DISTRIBUTOR TO DO AN ILLEGAL ACT OR THING, OR TO DO AN ACT UNFAIR TO THE BEER DISTRIBUTOR, BY THREATENING TO CANCEL, TERMINATE, OR REFUSE TO RENEW A BEER FRANCHISE AGREEMENT THAT EXISTS BETWEEN THE BEER MANUFACTURER, OR ITS REPRESENTATIVE, AND THE BEER DISTRIBUTOR; OR**

**(3) FAIL OR REFUSE TO DELIVER TO A BEER DISTRIBUTOR WITH A BEER FRANCHISE AGREEMENT ANY BEER THAT THE BEER MANUFACTURER OR ITS AGENTS ADVERTISED PUBLICLY FOR IMMEDIATE SALE PROMPTLY AFTER THE BEER MANUFACTURER RECEIVED AN ORDER FROM THE BEER DISTRIBUTOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17-102.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Beer distributor" § 5-101

"Beer franchise agreement" § 5-101



“Beer manufacturer” § 5–101

**5–105. MULTIPLE FRANCHISEES IN SAME TERRITORY PROHIBITED.**

**IF A FRANCHISOR DESIGNATES A SALES TERRITORY FOR WHICH A FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH A FRANCHISEE IS REQUIRED TO CONCENTRATE ITS EFFORTS, THE FRANCHISOR MAY NOT ENTER INTO A BEER FRANCHISE AGREEMENT WITH ANOTHER BEER DISTRIBUTOR TO ESTABLISH AN ADDITIONAL FRANCHISEE FOR ITS BRAND OR BRANDS OF BEER IN THAT SALES TERRITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–105.

Defined terms: “Beer” § 1–101  
“Beer distributor” § 5–101  
“Beer franchise agreement” § 5–101  
“Franchisee” § 5–101  
“Franchisor” § 5–101  
“Sales territory” § 5–101

**5–106. SALE OR DELIVERY BY FRANCHISEE PROHIBITED OUTSIDE OF TERRITORY.**

**IF A FRANCHISEE IS GRANTED A SALES TERRITORY FOR WHICH THE FRANCHISEE IS PRIMARILY RESPONSIBLE OR IN WHICH THE FRANCHISEE IS REQUIRED TO CONCENTRATE ITS EFFORTS, THE FRANCHISEE MAY NOT SELL OR DELIVER BEER TO A RETAIL DEALER WHOSE PLACE OF BUSINESS IS NOT WITHIN THE SALES TERRITORY GRANTED TO THE FRANCHISEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–106.

Defined terms: “Beer” § 1–101  
“Franchisee” § 5–101  
“Retail dealer” § 1–101  
“Sales territory” § 5–101

**5–107. NOTICE OF INTENT TO TERMINATE OR REFUSE TO RENEW BEER FRANCHISE AGREEMENT.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT UNDER § 2-209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER FESTIVAL.**

**(B) NOTICE REQUIRED.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AT LEAST 180 DAYS BEFORE A BEER MANUFACTURER INTENDS TO TERMINATE OR REFUSE TO RENEW A BEER FRANCHISE AGREEMENT, THE BEER MANUFACTURER SHALL NOTIFY THE FRANCHISEE IN WRITING OF ITS INTENT.**

**(2) THE NOTICE SHALL STATE ALL THE REASONS FOR THE INTENDED TERMINATION OR NONRENEWAL.**

**(C) RECTIFYING DEFICIENCY.**

**(1) IF A DEFICIENCY IS CLAIMED IN THE NOTICE PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, THE FRANCHISEE HAS 180 DAYS TO RECTIFY THE DEFICIENCY.**

**(2) IF THE FRANCHISEE RECTIFIES THE DEFICIENCY WITHIN 180 DAYS AFTER THE NOTICE IS RECEIVED, THE INTENDED TERMINATION OR NONRENEWAL OF THE BEER FRANCHISE AGREEMENT IS VOID.**

**(D) EXCEPTION.**

**THE NOTICE REQUIREMENT OF SUBSECTION (B) OF THIS SECTION DOES NOT APPLY IF THE REASON FOR THE INTENDED TERMINATION OR NONRENEWAL IS INSOLVENCY, THE OCCURRENCE OF AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS, OR BANKRUPTCY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17-104.

In subsection (b)(1) of this section, the former reference to "cancel" is deleted as included in the reference to "terminate". Similarly, in subsections (b)(2), (c)(2), and (d) of this section, the former references to "cancellation" are deleted as included in the references to "termination".

In subsection (c)(2) of this section, the reference to 180 days "after the notice is received" is substituted for the former reference to 180 days "of notice" for clarity.

Also in subsection (c)(2) of this section, the former reference to “null” is deleted as included in the reference to “void”.

Also in subsection (c)(2) of this section, the former phrase “without legal effect” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Beer franchise agreement” § 5–101  
 “Beer manufacturer” § 5–101  
 “Franchisee” § 5–101  
 “Wine” § 1–101

**5–108. TERMINATION OF OR REFUSAL TO RENEW BEER FRANCHISE AGREEMENT WITHOUT GOOD CAUSE PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A TEMPORARY DELIVERY AGREEMENT UNDER § 2–209(C) OF THIS ARTICLE FOR A BEER FESTIVAL OR A WINE AND BEER FESTIVAL.**

**(B) IN GENERAL.**

**(1) NOTWITHSTANDING THE TERMS OF A BEER FRANCHISE AGREEMENT, A FRANCHISOR MAY NOT TERMINATE OR REFUSE TO CONTINUE OR RENEW A BEER FRANCHISE AGREEMENT, OR CAUSE A FRANCHISEE TO RESIGN FROM A BEER FRANCHISE AGREEMENT, WITHOUT GOOD CAUSE.**

**(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, GOOD CAUSE INCLUDES THE REVOCATION OF A FRANCHISEE’S LICENSE TO DO BUSINESS IN THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–103.

In subsection (b)(1) of this section, the phrase “without good cause” is substituted for the former phrase “unless good cause exists for termination, cancellation, nonrenewal, noncontinuation or causing a resignation” for brevity.

Also in subsection (b)(1) of this section, the former reference to “provisions or conditions” is deleted as included in the reference to “terms”.

Also in subsection (b)(1) of this section, the former reference to “cancel” is deleted as included in the reference to “terminate”.

In subsection (b)(2) of this section, the former reference to a license revoked “under any provisions of this article” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Beer franchise agreement” § 5–101  
 “Franchisee” § 5–101  
 “Franchisor” § 5–101  
 “License” § 1–101  
 “State” § 1–101  
 “Wine” § 1–101

### **5–109. ACTION FOR VIOLATION OF SUBTITLE.**

#### **(A) IN GENERAL.**

**(1) A BEER DISTRIBUTOR OR FRANCHISEE MAY BRING AN ACTION IN A COURT OF GENERAL JURISDICTION TO RECOVER DAMAGES AGAINST A BEER MANUFACTURER, FRANCHISOR, OR FRANCHISEE FOR VIOLATION OF THIS SUBTITLE.**

**(2) IF APPROPRIATE, THE BEER DISTRIBUTOR OR FRANCHISEE IS ENTITLED TO INJUNCTIVE RELIEF.**

#### **(B) COSTS OF ACTION.**

**IN AN ACTION FOR VIOLATION OF THIS SUBTITLE, THE PREVAILING BEER DISTRIBUTOR OR FRANCHISEE IS ENTITLED TO THE COSTS OF THE ACTION INCLUDING REASONABLE ATTORNEY’S FEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 17–107.

In subsection (a)(1) of this section, the former phrase “in the State of Maryland” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to damages “sustained by reason of any violation of this subtitle” is deleted as redundant of the phrase “for violation of this subtitle”.

In subsection (b) of this section, the former reference to including “but not limited to” reasonable attorney’s fees is deleted as unnecessary because it merely repeats a standard rule of statutory construction.

Defined terms: “Beer distributor” § 5–101  
 “Beer manufacturer” § 5–101

“Franchisee” § 5-101

“Franchisor” § 5-101

**SUBTITLE 2. SUCCESSOR MANUFACTURERS.**

**5-201. OBLIGATION OF SUCCESSOR MANUFACTURER.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “AGREEMENT” MEANS ORAL OR WRITTEN EVIDENCE BETWEEN A BEER MANUFACTURER AND A BEER WHOLESALER GRANTING THE BEER WHOLESALER THE RIGHT TO OFFER AND SELL THE BRANDS OF BEER OFFERED BY THE BEER MANUFACTURER.**

**(3) “BEER MANUFACTURER” MEANS:**

**(I) A BREWER, FERMENTER, PROCESSOR, BOTTLER, OR PACKAGER OF BEER LOCATED IN OR OUTSIDE THE STATE; OR**

**(II) A PERSON LOCATED IN OR OUTSIDE THE STATE THAT ENTERS INTO AN AGREEMENT WITH A BEER WHOLESALER DOING BUSINESS IN THE STATE.**

**(4) “FAIR MARKET VALUE” MEANS THE PRICE AT WHICH AN ASSET WOULD CHANGE HANDS BETWEEN A WILLING SELLER AND A WILLING BUYER WHEN NEITHER IS ACTING UNDER ANY COMPULSION AND WHEN BOTH HAVE KNOWLEDGE OF ALL OF THE RELEVANT FACTS.**

**(5) “SUCCESSOR BEER MANUFACTURER” INCLUDES A PERSON OR LICENSE HOLDER WHO REPLACES A BEER MANUFACTURER WITH THE RIGHT TO SELL, DISTRIBUTE, OR IMPORT A BRAND OF BEER.**

**(B) OBLIGATION OF SUCCESSOR BEER MANUFACTURER.**

**EXCEPT FOR THE DISCONTINUANCE OF A BRAND OF BEER OR FOR GOOD CAUSE SHOWN AS PROVIDED UNDER § 5-108 OF THIS TITLE, A SUCCESSOR BEER MANUFACTURER THAT CONTINUES IN THE BUSINESS IS OBLIGATED UNDER ALL THE TERMS AND CONDITIONS OF THE AGREEMENT MADE BETWEEN THE PREVIOUS BEER MANUFACTURER AND THE EXISTING BEER WHOLESALER THAT WERE IN EFFECT ON THE DATE OF CHANGE OF BEER MANUFACTURERS.**

**(C) TERMINATION OF AGREEMENT PROVISIONS.**

**A SUCCESSOR BEER MANUFACTURER THAT TERMINATES ANY AGREEMENT PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION SHALL REMUNERATE THE BEER WHOLESALER A SUM EQUAL TO THE FAIR MARKET VALUE FOR THE SALE OF THE SUBJECT BRAND OR BRANDS OF BEER CALCULATED FROM THE DATE OF TERMINATION.**

**(D) NOTICE OF TERMINATION.**

**(1) BEFORE A SUCCESSOR BEER MANUFACTURER MAY TERMINATE ANY AGREEMENT PROVISION REQUIRED TO BE CONTINUED UNDER SUBSECTION (B) OF THIS SECTION AND DESIGNATE ANOTHER BEER WHOLESALER TO REPLACE THE EXISTING BEER WHOLESALER, THE SUCCESSOR BEER MANUFACTURER SHALL GIVE NOTICE OF TERMINATION TO THE BEER WHOLESALER TO BE REPLACED.**

**(2) ON RECEIPT OF THE NOTICE, THE BEER WHOLESALER TO BE REPLACED AND THE DESIGNATED BEER WHOLESALER SHALL NEGOTIATE IN GOOD FAITH TO DETERMINE THE FAIR MARKET VALUE OF THE AFFECTED DISTRIBUTION RIGHTS.**

**(3) IF AN AGREEMENT IS REACHED, THE DESIGNATED BEER WHOLESALER PROMPTLY SHALL PAY THE FAIR MARKET VALUE AS COMPENSATION TO THE BEER WHOLESALER TO BE REPLACED.**

**(4) IF AN AGREEMENT IS NOT REACHED WITHIN 30 DAYS AFTER THE BEER WHOLESALER TO BE REPLACED RECEIVES NOTICE, THE DESIGNATED BEER WHOLESALER AND THE BEER WHOLESALER TO BE REPLACED SHALL ENTER INTO NONBINDING MEDIATION WITH A MEDIATOR IN THE STATE WHO PRACTICES IN ACCORDANCE WITH TITLE 17 OF THE MARYLAND RULES.**

**(5) IF AN AGREEMENT IS NOT REACHED WITHIN 45 DAYS AFTER MEDIATION BEGINS, THE BEER WHOLESALER TO BE REPLACED SHALL WITHIN 90 DAYS BRING AN ACTION IN A COURT OF GENERAL JURISDICTION AGAINST A SUCCESSOR BEER MANUFACTURER TO DETERMINE AND AWARD FAIR MARKET VALUE OF THE TERMINATED BRAND OR BRANDS.**

**(E) SUPPORT AND DISTRIBUTION OF BRAND.**

**UNTIL RESOLUTION REGARDING FAIR MARKET VALUE IS REACHED UNDER SUBSECTION (D) OF THIS SECTION AND THE BEER WHOLESALER TO BE REPLACED**

**HAS RECEIVED PAYMENT IN ACCORDANCE WITH THE DETERMINATION OF FAIR MARKET VALUE:**

**(1) THE BEER WHOLESALER TO BE REPLACED AND THE SUCCESSOR BEER MANUFACTURER SHALL SUPPORT THE BRAND TO AT LEAST THE SAME EXTENT THAT THE BRAND HAD BEEN PREVIOUSLY SUPPORTED IMMEDIATELY BEFORE THE SUCCESSOR BEER MANUFACTURER ACQUIRED RIGHTS TO THE BRAND; AND**

**(2) THE BEER WHOLESALER TO BE REPLACED SHALL CONTINUE TO DISTRIBUTE THE BRAND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–103.

Throughout this section, the references to a “wholesaler” are substituted for the former references to a “distributor” for clarity.

In subsection (b) of this section, the reference to the “existing beer wholesaler” is substituted for the former reference to the “surviving beer distributor” for clarity.

In subsection (d) of this section, the references to the “beer wholesaler to be replaced” are substituted for the former references to the “surviving beer distributor” for clarity.

In subsection (d)(1) of this section, the phrase “to replace the existing beer wholesaler” is added for clarity.

In subsection (d)(4) of this section, the reference to a mediator “in the State” is substituted for the former reference to “a Maryland mediator” for clarity.

In subsection (d)(5) of this section, the former phrase “in the State” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“License holder” § 1–101  
“Person” § 1–101  
“State” § 1–101  
“Wholesaler” § 1–101

**SUBTITLE 3. OTHER BEER REGULATION.**

**5–301. INFORMATION ON ALCOHOL CONTENT REQUIRED.**

**(A) INFORMATION PROVIDED TO WHOLESALER.**

**A PERSON WHO SUPPLIES OR SELLS BEER TO A WHOLESALER FOR RESALE TO RETAIL DEALERS SHALL PROVIDE TO THE WHOLESALER WRITTEN INFORMATION STATING THE APPROXIMATE PERCENTAGE OF ALCOHOL CONTENT BY VOLUME PER SEALED PACKAGE OR SEALED CONTAINER FOR EACH BRAND OF BEER SUPPLIED OR SOLD TO THE WHOLESALER.**

**(B) INFORMATION PROVIDED TO RETAIL DEALER.**

**A BEER WHOLESALER SHALL PROVIDE TO EACH BEER RETAIL DEALER WITH WHOM IT DOES BUSINESS THE WRITTEN INFORMATION IT RECEIVES UNDER SUBSECTION (A) OF THIS SECTION REGARDING THE BEER SUPPLIED TO THE RETAIL DEALER.**

**(C) PENALTY.**

**THE PENALTY PROVISIONS OF § 6-402 OF THIS ARTICLE DO NOT APPLY TO A VIOLATION OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21-104.

In subsection (c) of this section, the former reference to "§ 16-507" of the former article is deleted for accuracy.

Defined terms: "Beer" § 1-101  
 "Person" § 1-101  
 "Retail dealer" § 1-101  
 "Wholesaler" § 1-101

**5-302. SIZE OF CONTAINERS.**

**A PERSON MAY NOT BE PROHIBITED FROM SELLING OR DELIVERING TO WHOLESALERS OR RETAIL DEALERS WITHIN THE STATE BEER IN THE FOLLOWING CONTAINER SIZES:**

- (1) 6.33, 7, 8, 10, 11, 11.39, 11.5, 12, 16, 24, 25, 32, OR 40 OUNCES;**
- (2) 740 MILLILITERS;**
- (3) 1, 2.25, 3.875, 5.167, 7.75, 13.209, 13.5, 15, OR 15.5 GALLONS; AND**
- (4) 5, 50, OR 51 LITERS.**



REVISOR'S NOTE: This section formerly was Art. 2B, § 21-101.

No changes are made.

Defined terms: "Beer" § 1-101

"Person" § 1-101

"Retail dealer" § 1-101

"State" § 1-101

"Wholesaler" § 1-101

**5-303. KEG REGISTRATION.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "KEG" MEANS A CONTAINER OF BEER WITH A CAPACITY OF AT LEAST 4 GALLONS, WHICH IS DESIGNED TO DISPENSE BEER DIRECTLY FROM THE CONTAINER.**

**(3) "KEG LICENSE HOLDER" MEANS A PERSON WHO HOLDS A LICENSE THAT AUTHORIZES THE PERSON TO SELL BEER IN KEGS AT RETAIL.**

**(B) SALE OR TRANSFER OF KEG.**

**A KEG LICENSE HOLDER MAY NOT SELL OR OTHERWISE TRANSFER, OR OFFER TO SELL OR OTHERWISE TRANSFER, THE CONTENTS OF A KEG FOR OFF-PREMISES CONSUMPTION UNLESS:**

**(1) THE KEG LICENSE HOLDER PROVIDES TO THE PURCHASER A KEG REGISTRATION FORM APPROVED AND DISTRIBUTED BY THE COMPTROLLER THAT IS DESIGNED TO BE AFFIXED TO THE KEG AND THAT INDICATES THE NAME AND ADDRESS OF THE LICENSED ESTABLISHMENT AND A REGISTRATION NUMBER;**

**(2) EXCEPT AS PROVIDED IN § 26-103 OF THIS ARTICLE, THE PURCHASER PROVIDES IDENTIFICATION AND COMPLETES AND SIGNS A REGISTRATION FORM WITH THE FOLLOWING INFORMATION:**

**(I) THE PURCHASER'S NAME AND ADDRESS AS SHOWN ON THE IDENTIFICATION PRODUCED; AND**

**(II) THE DATE OF PURCHASE; AND**

**(3) THE KEG LICENSE HOLDER AFFIXES THE COMPLETED REGISTRATION FORM TO THE KEG AND RETAINS A COPY OF THE FORM FOR 30 DAYS ON THE LICENSED PREMISES.**

**(C) RETURN OF KEG.**

**(1) ON RETURN OF A REGISTERED KEG FROM THE PURCHASER, THE KEG LICENSE HOLDER SHALL REMOVE OR OBLITERATE THE KEG REGISTRATION FORM AFFIXED TO THE KEG AND NOTE THE REMOVAL AND THE DATE OF THE REMOVAL ON THE COPY OF THE KEG REGISTRATION FORM RETAINED BY THE KEG LICENSE HOLDER AT THE LICENSED PREMISES.**

**(2) (I) IF A KEG IS MADE OF DISPOSABLE PACKAGING THAT DOES NOT HAVE TO BE RETURNED TO THE KEG LICENSE HOLDER, THE KEG LICENSE HOLDER SHALL INDICATE ON THE KEG REGISTRATION FORM THAT THE KEG IS DISPOSABLE.**

**(II) DISPOSAL OF EMPTY KEGS MADE OF DISPOSABLE PACKAGING DOES NOT CONSTITUTE OBLITERATION OF THE KEG REGISTRATION FORM.**

**(D) REGULATIONS.**

**EACH LOCAL LICENSING BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEE.**

**A KEG LICENSE HOLDER MAY CHARGE A KEG REGISTRATION FEE TO A PURCHASER.**

**(F) PENALTIES.**

**(1) A KEG LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR A SUSPENSION OR REVOCATION OF THE LICENSE, OR BOTH A FINE AND SUSPENSION OR REVOCATION.**

**(2) THE EXISTENCE OF A COMPLETED REGISTRATION FORM SIGNED BY THE PURCHASER CREATES A PRESUMPTION THAT THE KEG LICENSE HOLDER HAS COMPLIED WITH THE REQUIREMENTS OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21-106(a), (b), (d), (e), (f), and (g).

In subsection (d) of this section, the defined term "local licensing board" is substituted for the former reference to the "board of license commissioners or, if there is no board of license commissioners in that county, the liquor control board" for brevity.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"License" § 1-101

"Local licensing board" § 1-101

"Person" § 1-101

**TITLE 6. FORFEITURES; ENFORCEMENT; PROHIBITED ACTS; PENALTIES.**

**SUBTITLE 1. FORFEITURES.**

**6-101. SEIZURE OF CONTRABAND.**

**(A) IN GENERAL.**

**ALCOHOLIC BEVERAGES AND OTHER CONTRABAND KEPT, POSSESSED, USED, SOLD, MANUFACTURED, STORED, OR TRANSPORTED IN VIOLATION OF THIS ARTICLE:**

**(1) ARE SUBJECT TO SEIZURE AND FORFEITURE; AND**

**(2) WHEN SEIZED, MAY BE RECOVERED OR DISPOSED OF ONLY AS PROVIDED IN THIS SUBTITLE.**

**(B) FORFEITURE.**

**PROPERTY IS FORFEITED IF IT:**

**(1) WAS SEIZED AS CONTRABAND IN THE POSSESSION OR CONTROL OF A DEFENDANT WHO IS FOUND GUILTY OF VIOLATING THIS ARTICLE; OR**

**(2) IS OTHERWISE FOUND TO BE CONTRABAND OR IN VIOLATION OF THIS ARTICLE.**

**(C) UNCLAIMED CONTRABAND.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, PROPERTY IS FORFEITED IF IT:**

**(I) IS SEIZED AS CONTRABAND AND REMAINS UNCLAIMED FOR 30 DAYS AFTER SEIZURE; AND**

**(II) HAS NOT BEEN DESTROYED IN ACCORDANCE WITH THIS SUBTITLE.**

**(2) (I) A VEHICLE, A VESSEL, OR AN AIRCRAFT THAT IS SEIZED AS CONTRABAND IS FORFEITED UNLESS A PROTEST IS FILED WITHIN 30 DAYS AFTER THE PUBLICATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**(II) THE COMPTROLLER:**

**1. IF POSSIBLE, SHALL NOTIFY THE REGISTERED OWNER OF THE PROPERTY OF THE SEIZURE; AND**

**2. SHALL PUBLISH A NOTICE:**

**A. IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY WHERE THE VEHICLE, VESSEL, OR AIRCRAFT WAS SEIZED; AND**

**B. INFORMING INTERESTED PERSONS OF THE SEIZURE AND THE RIGHT TO FILE A PROTEST.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-201(f)(1), (2), and (3).

In the introductory language of subsection (a) of this section, the phrase "in violation of" is substituted for the former phrase "contrary to" to conform to the terminology used throughout this article.

In subsections (a)(2) and (c)(1)(ii) of this section, the references to "subtitle" are substituted for the former references to "subsection" and "section", respectively, to reflect the organization of this revised article.

In subsection (b) of this section, the references to "found" are substituted for the former references to "adjudged" for clarity.

In the introductory language of subsection (b) of this section, the former reference to "immediately" forfeited is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a “protest” is substituted for the former reference to a “claim” to conform to the terminology used throughout this subtitle. Similarly, in subsection (c)(2)(ii)2B of this section, the reference to a “protest” is substituted for the former reference to a “claim protesting the confiscation of the vehicle, vessel or aircraft” for brevity.

In subsection (c)(2)(ii)1 of this section, the reference to notifying the registered owner “of the property of the seizure” is added for clarity.

In subsection (c)(2)(ii)2A of this section, the former reference to “Baltimore City” is deleted as included in the defined term “county”.

Also in subsection (c)(2)(ii)2A of this section, the former reference to a vehicle, vessel, or aircraft “confiscated under this article” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“Person” § 1–101

## **6–102. EQUIPMENT FOR UNLAWFUL MANUFACTURE AS CONTRABAND.**

**APPARATUS, MATERIALS, EQUIPMENT, IMPLEMENTS, DEVICES, AND OTHER PERSONAL PROPERTY DESIGNED, USED, OR INTENDED TO BE USED TO VIOLATE A PROVISION OF THIS ARTICLE RELATING TO THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES:**

**(1) ARE CONTRABAND; AND**

**(2) MAY BE SEIZED AND FORFEITED IN ACCORDANCE WITH THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 1–201(a)(4).

In the introductory language of this section, the phrase “designed, used, or intended to be used to violate a provision of this article relating to the unlawful manufacture of alcoholic beverages” is added for clarity and consistency with other similar provisions of this subtitle.

In item (2) of this section, the reference to this “subtitle” is substituted for the former reference to this “article” to reflect the organization of this revised article.

Defined term: “Alcoholic beverage” § 1–101

**6-103. VEHICLES, VESSELS, AND AIRCRAFT AS CONTRABAND.**

**A VEHICLE, A VESSEL, OR AN AIRCRAFT USED WITH THE EXPRESS OR IMPLIED KNOWLEDGE OR CONSENT OF ITS OWNER TO VIOLATE A PROVISION OF THIS ARTICLE RELATING TO THE UNLAWFUL MANUFACTURE OF ALCOHOLIC BEVERAGES OR TO TRANSPORT, STORE, OR HIDE UNLAWFUL ALCOHOLIC BEVERAGES:**

**(1) IS CONTRABAND; AND**

**(2) MAY BE SEIZED BY THE COMPTROLLER OR THE COMPTROLLER'S AUTHORIZED ENFORCEMENT OFFICERS AND FORFEITED IN ACCORDANCE WITH THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-201(a)(5).

In the introductory language of this section, the former reference to "permission" is deleted in light of the reference to "consent".

Also in the introductory language of this section, the former reference to "lawful" owner is deleted as surplusage.

In item (2) of this section, the reference to this "subtitle" is substituted for the former reference to this "article" to reflect the organization of this revised article.

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

**6-104. PROTEST OF SEIZURE.**

**A LIENHOLDER, OR OTHER PERSON SHOWING A LEGAL RIGHT, TITLE, OR INTEREST IN SEIZED PROPERTY NOT DESTROYED IN ACCORDANCE WITH THIS SUBTITLE, MAY FILE A PROTEST WITH THE COMPTROLLER:**

**(1) WITHIN 30 DAYS AFTER SEIZURE OF THE PROPERTY; OR**

**(2) IF THE SEIZED PROPERTY IS A VEHICLE, A VESSEL, OR AN AIRCRAFT, WITHIN 30 DAYS AFTER THE PUBLICATION OF NOTICE REQUIRED UNDER § 6-101(C) OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 1-201(f)(4).

In the introductory language of this section, the reference to this “subtitle” is substituted for the former reference to this “section” to reflect the organization of this revised article.

Also in the introductory language of this section, the reference to a “protest” is substituted for the former reference to a “claim protesting the seizure” for brevity.

Also in the introductory language of this section, the former reference to “lawful” lienholder is deleted as surplusage.

In item (2) of this section, the reference to notice “required under § 6–101(c) of this subtitle” is added for clarity.

Defined terms: “Comptroller” § 1–101  
 “Person” § 1–101

#### **6–105. DETERMINATION OF FORFEITURE WHEN PROTEST IS FILED.**

##### **(A) IN REM PROCEEDING.**

**WHEN A PROTEST IS FILED, THE CIRCUIT COURT FOR THE COUNTY IN WHICH THE PROPERTY WAS SEIZED SHALL CONDUCT AN IN REM PROCEEDING TO DETERMINE WHETHER THE PROPERTY IS SUBJECT TO FORFEITURE.**

##### **(B) KNOWLEDGE OF LIENHOLDERS.**

**(1) IF THE COURT DETERMINES THAT THE PROPERTY IS SUBJECT TO FORFEITURE, THE COURT SHALL DETERMINE WHETHER ANY LIENHOLDER FILING A TIMELY PROTEST HAD KNOWLEDGE OF THE INTENDED UNLAWFUL USE.**

**(2) IF THE COURT DETERMINES THAT A LIENHOLDER HAD KNOWLEDGE, THE LIENHOLDER’S RIGHT, TITLE, AND INTEREST TO THE PROPERTY IS FORFEITED.**

**(3) IF THE COURT DOES NOT DETERMINE THAT A LIENHOLDER HAD KNOWLEDGE, BUT THE PROPERTY IS OTHERWISE SUBJECT TO FORFEITURE:**

**(I) THE PROPERTY SHALL BE FORFEITED; AND**

**(II) THE COMPTROLLER, AS THE COMPTROLLER CONSIDERS IN THE BEST INTEREST OF THE STATE, MAY:**

- 1. PAY THE OUTSTANDING INDEBTEDNESS SECURED BY THE LIEN AND KEEP THE PROPERTY; OR**
- 2. DELIVER THE PROPERTY TO THE LIENHOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(f)(5) and the second sentence of (4).

In subsections (a) and (b)(1) of this section, the former references to a “claim” are deleted as included in the references to a “protest”.

In subsection (a) of this section, the requirement that the court determine “whether the property is subject to forfeiture” is substituted for the former requirement that the court determine “the question of forfeiture” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former requirement that the court “hear” a question is deleted as included in the reference to “determine”.

In subsection (b)(1) of this section, the former reference to a “lawful” lienholder is deleted as surplusage. Similarly, in subsection (b)(3)(i)1, the former reference to a “lawful” lien is deleted.

Defined terms: “Comptroller” § 1–101  
 “County” § 1–101  
 “State” § 1–101

## **6–106. OWNERSHIP AND DISPOSAL OF SEIZED AND FORFEITED PROPERTY.**

### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, PROPERTY SEIZED AND FORFEITED UNDER THIS SUBTITLE OR PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO THE ALCOHOLIC BEVERAGE TAX BECOMES THE PROPERTY OF THE COUNTY IN WHICH IT WAS SEIZED.**

### **(B) PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED.**

**PROPERTY SEIZED BY STATE OFFICERS AND FORFEITED BECOMES STATE PROPERTY.**

### **(C) FORFEITED ALCOHOLIC BEVERAGES PROPERTY OF LIQUOR CONTROL BOARD.**



**(1) LAWFULLY MANUFACTURED ALCOHOLIC BEVERAGES FORFEITED TO A COUNTY IN WHICH THERE IS A LIQUOR CONTROL BOARD THAT OPERATES DISPENSARIES:**

**(I) BECOME THE PROPERTY OF THE LIQUOR CONTROL BOARD;**  
AND

**(II) SHALL BE SOLD BY THE DISPENSARIES OF THE LIQUOR CONTROL BOARD.**

**(2) PROCEEDS FROM THE SALES SHALL BE TREATED IN THE SAME WAY AS PROCEEDS FROM ORDINARY SALES MADE BY THE DISPENSARIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, third, and fourth sentences of former Art. 2B, § 1-201(f)(6).

In subsection (a) of this section, the reference to this "subtitle" is substituted for the former reference to this "article" to reflect the organization of this revised article.

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

In subsection (b) of this section, the reference to property being "forfeited" is added for clarity and to conform to the terminology used in subsection (a) of this section.

In the introductory language of subsection (c)(1) of this section, the reference to a liquor control board "that operates dispensaries" is added for clarity.

In subsection (c)(1)(ii) of this section, the reference to dispensaries "of the liquor control board" is substituted for the former reference to dispensaries "in those counties" for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether subsection (a) of this section, which provides that seized and forfeited property becomes the property of the "county" in which it was seized and forfeited, applies to the City of Annapolis. Like counties, the City of Annapolis enjoys independent authority to regulate alcoholic beverages within its borders, as the Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City. See §§ 10-201 and 10-202 of this article. Similarly, it is unclear how § 6-107 of this subtitle relating to retention or disposal of seized and forfeited property applies to the

City. The General Assembly may wish to clarify whether the City of Annapolis should be considered a county for purposes of these sections.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“State” § 1–101

## **6–107. DISPOSAL OF FORFEITED PROPERTY.**

### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, FORFEITED PROPERTY SHALL BE RETAINED FOR OFFICIAL USE, SOLD, OR OTHERWISE DISPOSED OF BY:**

**(1) THE COMPTROLLER, IF THE PROPERTY WAS SEIZED BY STATE OFFICERS; OR**

**(2) IF THE PROPERTY WAS NOT SEIZED BY STATE OFFICERS:**

**(i) THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY; OR**

**(ii) THE BOARD OF COUNTY COMMISSIONERS OR THE COUNTY COUNCIL OF THE COUNTY IN WHICH THE PROPERTY WAS SEIZED.**

### **(B) RETENTION OR DISPOSAL OF PROPERTY IN BEST PUBLIC INTEREST.**

**THE COMPTROLLER, THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY, OR THE BOARD OF COUNTY COMMISSIONERS OR COUNTY COUNCIL IN THE COUNTY WHERE THE PROPERTY WAS SEIZED SHALL RETAIN OR DISPOSE OF THE PROPERTY IN THE WAY IT CONSIDERS TO BE IN THE BEST PUBLIC INTEREST.**

### **(C) ILLICIT ALCOHOLIC BEVERAGES TO BE DESTROYED.**

**ILLICIT ALCOHOLIC BEVERAGES SHALL BE DESTROYED AND MAY NOT BE RETURNED OR GIVEN TO ANY PERSON OR DISPOSED OF IN ANY OTHER MANNER.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second and fifth sentences of former Art. 2B, § 1–201(f)(6).

In subsection (a)(1) of this section, the phrase “if the property was seized by State officers” is added for clarity. Similarly, in the introductory language of

subsection (a)(2) of this section, the phrase “if the property was not seized by State officers” is added.

In subsections (a)(2)(i) and (b) of this subsection, the references to the Mayor “and City Council” of Baltimore City are added for accuracy.

In subsection (a)(2)(ii) of this section, the reference to the “county in which the property was seized” is substituted for the former reference to the “respective counties” for clarity.

Defined terms: “Comptroller” § 1–101

“County” § 1–101

“Illicit alcoholic beverage” § 1–101

“Person” § 1–101

“State” § 1–101

## **6–108. UNLAWFUL DISTILLERIES.**

### **(A) SEIZED ITEMS TO BE DESTROYED.**

**AN OFFICER SEIZING THE FOLLOWING ITEMS SHALL, ONLY TO THE EXTENT NECESSARY, IMMEDIATELY MAKE THEM UNFIT FOR UNLAWFUL USE:**

**(1) AN UNLICENSED DISTILLERY OR UNLAWFUL DISTILLERY MATERIALS, EQUIPMENT, OR DEVICES THAT ARE SEIZED IN A MANNER THAT RENDERS THEM IMPRACTICAL OR IMPOSSIBLE TO MOVE TO A SAFE PLACE OF CUSTODY AND STORAGE; AND**

**(2) ILLICIT ALCOHOLIC BEVERAGES OTHER THAN THOSE SEIZED FOR EVIDENCE OR FORFEITURE.**

### **(B) REPORT TO FIELD ENFORCEMENT DIVISION.**

**THE OFFICER SHALL REPORT THE SEIZURE AND DESTRUCTION CONDUCTED UNDER THIS SECTION TO THE FIELD ENFORCEMENT DIVISION OF THE COMPTROLLER’S OFFICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(f)(7).

In the introductory language of subsection (a) of this section, the requirement that the officer seizing items shall “immediately make them unfit for unlawful use” is substituted for the former requirement that the officer shall “forthwith destroy them ... to render them unfit for further unlawful use” for brevity.

In subsection (b) of this section, the reference to the “Field Enforcement Division” is substituted for the former obsolete reference to the “Alcohol and Tobacco Tax Bureau”.

Defined terms: “Comptroller” § 1–101  
 “Illicit alcoholic beverage” § 1–101

## GENERAL REVISOR’S NOTE TO SUBTITLE

Under former Art. 2B, § 1–201, “confiscate” and “seize” (and their variants) appear to mean the same thing. Consequently, in this subtitle, the word “seize” (and its variants) is substituted for the former word “confiscate” (and its variants).

### **SUBTITLE 2. ENFORCEMENT.**

#### **6–201. 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 this subtitle prevails unless it conflicts with other provisions in Division II of this article.

#### **6–202. INSPECTIONS.**

##### **(A) IN GENERAL.**

**A BUILDING, VEHICLE, OR PREMISES WHERE ALCOHOLIC BEVERAGES ARE AUTHORIZED TO BE KEPT, TRANSPORTED, MANUFACTURED, OR SOLD UNDER A LICENSE OR PERMIT MAY BE INSPECTED AND SEARCHED, WITHOUT A WARRANT, BY:**

**(1) THE COMPTROLLER OR AN AUTHORIZED DEPUTY, INSPECTOR, OR CLERK OF THE COMPTROLLER;**

**(2) THE LOCAL LICENSING BOARD OF THE COUNTY OR CITY WHERE THE PLACE OF BUSINESS IS LOCATED OR AN AUTHORIZED AGENT OR EMPLOYEE OF THE LOCAL LICENSING BOARD; AND**

**(3) A PEACE OFFICER OF THE COUNTY OR CITY WHERE THE PLACE OF BUSINESS IS LOCATED.**

##### **(B) ADMISSIBILITY OF EVIDENCE.**

**EVIDENCE DISCOVERED DURING AN INSPECTION OR SEARCH IS ADMISSIBLE IN A PROSECUTION FOR THE VIOLATION OF A PUBLIC GENERAL OR PUBLIC LOCAL LAW AND IN A HEARING FOR THE REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE OR PERMIT.**

**(c) RETURN OF ALCOHOLIC BEVERAGES.**

**(1) IF THE LICENSE HOLDER OR PERMIT HOLDER IS FOUND NOT GUILTY, ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE RETURNED TO THE LICENSE HOLDER OR PERMIT HOLDER.**

**(2) IF A LICENSE OR PERMIT HOLDER IS FOUND GUILTY, ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE:**

**(I) SOLD TO OTHER LICENSE HOLDERS;**

**(II) TURNED OVER TO STATE INSTITUTIONS FOR MEDICINAL USE; OR**

**(III) DESTROYED.**

**(3) PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES TAKEN AS EVIDENCE SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE OR JURISDICTION, AS APPROPRIATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–405.

In subsection (a) of this section and throughout this subtitle, the defined term “local licensing board” is substituted for the former references to “board of license commissioners” to conform with the terminology used in this article.

Also in subsection (a) of this section, the former phrase “at all hours” is deleted as surplusage.

In subsection (b) of this section, the reference to a “search” is added for clarity.

Also in subsection (b) of this section, the reference to a “public general or public local law” is substituted for the former reference to “this or any other article” for clarity.

In subsection (c)(1) of this section, the reference to “found” is substituted for the former reference to “adjudged” for clarity.

In subsection (c)(3) of this section, the reference to “[p]roceeds” is substituted for the former reference to “[r]eceipts” to conform to the terminology used throughout this title.

Also in subsection (c)(3) of this section, the reference to a “jurisdiction” is substituted for the former reference to a “county or Baltimore City as the case may be” to clarify that the subsection applies to all jurisdictions, including the City of Annapolis.

Also in subsection (c)(3) of this section, the former reference to the general fund “account” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a) of this section, which authorizes searches, without a warrant, of premises where alcoholic beverages are authorized to be kept, may violate the Fourth Amendment of the United States Constitution because it lacks adequate standards for a warrantless search. *See Colonnade v. U.S.*, 397 U.S. 72 (1970).

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 1–101

“Jurisdiction” § 1–101

“License” § 1–101

“License holder” § 1–101

“Local licensing board” § 1–101

“State” § 1–101

### **6–203. USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES.**

**TO PREVENT AND DETECT FRAUD BY MANUFACTURERS, WHOLESALERS, AND RETAIL DEALERS, THE COMPTROLLER, THE LOCAL LICENSING BOARD, AND AN AUTHORIZED DEPUTY OR INSPECTOR OF THE COMPTROLLER OR THE LOCAL LICENSING BOARD:**

**(1) MAY USE HYDROMETERS, SACCHAROMETERS, WEIGHING AND GAUGING INSTRUMENTS, OR OTHER MEANS, RECORDS, OR DEVICES TO ASCERTAIN THE QUANTITY OR QUALITY OF ALCOHOL IN AN ALCOHOLIC BEVERAGE AS THEY CONSIDER NECESSARY; AND**

**(2) MAY ADOPT RULES AND REGULATIONS TO ESTABLISH A UNIFORM SYSTEM OF INSPECTION, MARKING, AND GAUGING OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-113(a).

In item (2) of this section, the former reference to a "correct" system of inspection is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"Local licensing board" § 1-101

"Retail dealer" § 1-101

"Wholesaler" § 1-101

#### **6-204. POWER TO SUMMON WITNESSES.**

##### **(A) AUTHORIZED.**

**FOR A HEARING OR INQUIRY THAT THE COMPTROLLER OR A LOCAL LICENSING BOARD MAY HOLD OR MAKE, THE COMPTROLLER OR A LOCAL LICENSING BOARD MAY ISSUE SUMMONSES FOR WITNESSES AND ADMINISTER OATHS OR AFFIRMATIONS TO THE WITNESSES.**

##### **(B) SUMMONS SERVED BY SHERIFF.**

**A SUMMONS SHALL BE SERVED BY THE SHERIFF.**

##### **(C) FAILURE TO OBEY SUMMONS.**

**(1) THE OFFICIAL ISSUING A SUMMONS MAY PETITION THE CIRCUIT COURT IF A WITNESS SUMMONED NEGLECTS OR REFUSES TO ATTEND A HEARING OR INQUIRY FOR WHICH THE WITNESS WAS SUMMONED OR REFUSES TO TESTIFY.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE WITNESS HAD BEEN SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT AND HAD NEGLECTED OR REFUSED TO DO SO.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(a)(2) and (b)(1), (2)(ii), and, as it related to summonses being served by the sheriff, the introductory language of (2)(i).

In subsection (a) of this section, the references to "the Comptroller or a local licensing board" are substituted for former references to the defined term "Board" for clarity.

In subsection (c)(1) of this section, the phrase "may petition" is substituted for the former phrase "shall report the facts" for clarity.

In subsection (c)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Former Art. 2B, § 16–410(a)(1), which was the standard introduction to a definition section, is deleted because no terms are defined in this section.

Former Art. 2B, § 16–410(a)(3), which defined “county” to mean any county and Baltimore City, is deleted as unnecessary because “county” is defined in § 1–101 of this article.

Defined terms: “Comptroller” § 1–101  
 “Local licensing board” § 1–101

## **6–205. PEACE OFFICERS.**

### **(A) DUTY TO ENFORCE AND PROSECUTE.**

**THE STATE’S ATTORNEYS, SHERIFFS, BAILIFFS, POLICE, AND OTHER PROSECUTING AND PEACE OFFICERS SHALL:**

**(1) ENFORCE THIS ARTICLE; AND**

**(2) PROSECUTE A PERSON CHARGED WITH VIOLATING THIS ARTICLE.**

**(B) DUTIES NOT ABROGATED BY POWERS OR DUTIES CONFERRED ON STATE OFFICIALS.**

**THE POWERS AND DUTIES CONFERRED ON THE COMPTROLLER OR OTHER STATE OFFICIAL BY THIS ARTICLE DO NOT RELIEVE LOCAL OFFICIALS FROM THE DUTY OF ENFORCEMENT OR PROSECUTION.**

**(C) NO RESTRICTION ON APPROPRIATION OF FUNDS.**

**THIS SECTION DOES NOT RESTRICT THE APPROPRIATION OF FUNDS BY A POLITICAL SUBDIVISION OF THE STATE TO AID ENFORCEMENT OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first through third sentences of former Art. 2B, § 16–401.

In the introductory language of subsection (a) of this section, the former reference to “the duty of the various” State’s Attorneys is deleted as surplusage.



Also in the introductory language of subsection (a) of this section, the former reference to “constables” is deleted as included in the reference to “other prosecuting and peace officers”.

Also in the introductory language of subsection (a) of this section, the former reference to peace officers “of every sort” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a person “charged with violating this article” is substituted for the former reference to a person “charged with violation of the provisions thereof” for conformity with the terminology used throughout this article and modern drafting conventions.

Defined terms: “Comptroller” § 1–101

“Person” § 1–101

“State” § 1–101

**6–206. CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE.**

**(A) KIND OF ALCOHOLIC BEVERAGE NOT REQUIRED IN DOCUMENT.**

**A CHARGING DOCUMENT MAY CHARGE AN UNLAWFUL SALE OR DISPOSITION OF AN ALCOHOLIC BEVERAGE WITHOUT STATING THE PARTICULAR KIND OF ALCOHOLIC BEVERAGE.**

**(B) STATE’S ATTORNEY TO PROVIDE INFORMATION.**

**ON APPLICATION BY THE DEFENDANT BEFORE TRIAL, THE STATE’S ATTORNEY SHALL GIVE TO THE DEFENDANT A STATEMENT OF THE PARTICULAR KIND OF ALCOHOLIC BEVERAGE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–509.

Defined term: “Alcoholic beverage” § 1–101

**6–207. DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE.**

**IN A PROSECUTION FOR SELLING ALCOHOLIC BEVERAGES WITHOUT AN APPROPRIATE LICENSE, PROOF THAT THE DEFENDANT DISPLAYED OR OFFERED ALCOHOLIC BEVERAGES FOR SALE, OR KEPT A PLACE OF BUSINESS WHERE ALCOHOLIC BEVERAGES WERE DISPLAYED OR OFFERED FOR SALE, IS PRIMA FACIE EVIDENCE THAT THE DEFENDANT SOLD ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section formerly was Art. 2B, § 16–406.

The only changes are in style.

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

**6–208. REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES.**

**THE GOVERNING BODY OF A MUNICIPALITY MAY ADOPT AN ORDINANCE OR A RESOLUTION TO REGULATE THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN A PARKING LOT, COMMON AREA, OR GENERAL COMMON ELEMENT IN:**

- (1) A LEASED RESIDENTIAL PROPERTY, INCLUDING ATTACHED SINGLE-FAMILY HOMES OR A MULTIFAMILY DWELLING UNIT;**
- (2) A CONDOMINIUM; OR**
- (3) A HOMEOWNERS ASSOCIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–104.

The former defined term “public place” is deleted following the stylistic convention of this revised article that favors the incorporation of the meaning of a defined term into the substantive part of a provision if the term is used only once.

In the introductory language of this section, the former phrase “[i]n addition to other powers granted under this title” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

**6–209. ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION.**

**A LOCAL GOVERNMENTAL ENTITY THAT OWNS OR OTHERWISE HAS JURISDICTION OVER PUBLIC PROPERTY MAY ADOPT BY LOCAL LAW OR ORDINANCE STANDARDS PROVIDING FOR THE AUTHORIZATION OF THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, OTHERWISE PROHIBITED BY THIS SUBTITLE, AND CONSISTENT WITH THE INTENDED USE OF THE PROPERTY BY THE PUBLIC.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–203.

The reference to “the consumption of alcoholic beverages on public property” is substituted for the former reference to “the consumption of alcoholic beverages” for clarity.

The former phrase “[a]s to public property” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

## **6–210. STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS.**

### **(A) IN GENERAL.**

**A POLITICAL SUBDIVISION OF THE STATE MAY NOT ADOPT AN ORDINANCE OR A RESOLUTION IDENTICAL TO OR IN ADDITION TO § 6–320 OF THIS TITLE.**

### **(B) EFFECT OF PREEMPTION.**

**AN EXISTING ORDINANCE, RESOLUTION, OR OTHER LEGISLATION ADOPTED BY A POLITICAL SUBDIVISION OF THE STATE THAT IS INCONSISTENT WITH § 6–320 OF THIS TITLE IS REPEALED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–101(b).

In subsection (a) of this section, the former reference to a “county, municipality, or other” political subdivision is deleted as included in the reference to a “political subdivision”.

In subsections (a) and (b) of this section, the references to “§ 6–320” are substituted for the former references to “this section” for accuracy.

Defined term: “State” § 1–101

## **6–211. FINES AND FORFEITURES.**

**EACH FINE IMPOSED OR RECOGNIZANCE FORFEITED FOR A VIOLATION OF THIS ARTICLE IS PAYABLE TO THE COUNTY WHERE THE OFFENSE WAS COMMITTED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(a)(2) and, except as it related to Harford County, (1).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether this section applies to the

City of Annapolis. The section states that each fine imposed or recognizance forfeited for a violation of this article is payable to the “county” in which an offense was committed. Like counties, the City of Annapolis enjoys independent authority to regulate alcoholic beverages within its borders, as the Board of License Commissioners for Anne Arundel County does not have jurisdiction in the City. *See* §§ 10–201 and 10–202 of this article.

Defined term: “County” § 1–101

### **SUBTITLE 3. PROHIBITED ACTS.**

#### **PART I. SCOPE OF SUBTITLE.**

##### **6–301. 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.

##### **6–302. RESERVED.**

##### **6–303. RESERVED.**

#### **PART II. PROHIBITED ACTS BY LICENSE HOLDER.**

##### **6–304. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(1)(i) and, as they related to selling and furnishing alcoholic beverages to an individual under the age of 21 years, (b)(1) and (c)(2).

This section is revised to combine the substantively identical prohibitions stated in former Art. 2B, § 12–108(a)(1)(i), which applied to all counties not listed in former subsection (c)(1); the first part of (c)(2), which applied to all

counties listed in former subsection (c)(1); and the first part of (b)(1), which applied to Worcester County.

In this section and throughout this subtitle, the reference to an “individual” is substituted for the former reference to a “person” when the provision applies only to human beings.

The former phrase “at any time” is deleted as surplusage.

The former references to an individual under the age of 21 years obtaining alcoholic beverages “either for his own use or for the use of any other person”, “for the underage person’s own use or for the use of any other person”, and “either for that person’s own use or for the use of any other person” are deleted as surplusage.

Former Art. 2B, § 12–108(c)(1), which stated that the provisions of former Art. 2B, § 12–108(c) applied only in certain counties, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12–108(c)(5), which stated that the provisions of former Art. 2B, § 12–108(a) did not apply in certain counties but § 12–108(a)(3)(iii) applied throughout the State, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

## **6–305. PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY ACCEPT AS PROOF OF AN INDIVIDUAL’S AGE:**

**(1) IF THE INDIVIDUAL IS A RESIDENT OF THE STATE, THE INDIVIDUAL’S DRIVER’S LICENSE OR IDENTIFICATION CARD AS PROVIDED FOR IN THE MARYLAND VEHICLE LAW; OR**

**(2) A UNITED STATES MILITARY IDENTIFICATION CARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(3)(iii).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that, in this section, the reference to “United States military” does not include the Coast Guard. A substitute reference to “United States uniformed services” would include the Coast Guard.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that this section does not provide for acceptable forms of identification for a nonresident of the State who does not have a military identification card or for other acceptable forms of identification for a State resident who does not have a driver's license or identification card issued by the Motor Vehicle Administration.

Defined terms: "License holder" § 1-101  
 "State" § 1-101

**6-306. DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL.**

**THE ESTABLISHMENT OF THE FOLLOWING FACTS BY A SELLER OF ALCOHOLIC BEVERAGES TO AN UNDERAGE INDIVIDUAL IS PRIMA FACIE EVIDENCE OF INNOCENCE AND A DEFENSE TO A PROSECUTION FOR SERVING ALCOHOLIC BEVERAGES TO AN UNDERAGE INDIVIDUAL:**

**(1) THE PURCHASER FALSELY REPRESENTED IN WRITING AND SUPPORTED WITH OTHER DOCUMENTARY EVIDENCE THAT THE PURCHASER WAS OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES;**

**(2) ON THE BASIS OF THE APPEARANCE OF THE PURCHASER, AN ORDINARY AND PRUDENT INDIVIDUAL WOULD BELIEVE THE PURCHASER TO BE OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES; AND**

**(3) THE SALE WAS MADE IN GOOD FAITH AND IN RELIANCE ON THE WRITTEN REPRESENTATION AND APPEARANCE OF THE PURCHASER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-109(2).

In the introductory language of this section, the reference to an "underage individual" is substituted for the former reference to a "person not of legal age".

Also in the introductory language of this section, the reference to a "prosecution for serving alcoholic beverages to an underage individual" is substituted for the former reference to a "prosecution therefor" for clarity.

In item (3) of this section, the former reference to the written representation and appearance of the purchaser "in the belief that the purchaser was of legal age to purchase alcoholic beverages" is deleted as surplusage.

Defined term: "Alcoholic beverage" § 1-101

**6-307. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES TO AN INDIVIDUAL WHO, AT THE TIME OF THE SALE OR DELIVERY, IS VISIBLY UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(1)(ii) and, as they related to selling and furnishing alcoholic beverages to an intoxicated individual, (b)(1) and (c)(2).

This section is revised to combine the substantively identical prohibitions stated in former Art. 2B, § 12-108(a)(1)(ii), which applied to all counties not listed in former subsection (c)(1); the second part of (c)(2), which applied to all counties listed in former subsection (c)(1); and the second part of (b)(1), which applied to Worcester County.

The former phrase "at any time" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101  
"License holder" § 1-101

**6-308. ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES ONTO A RETAIL LICENSED PREMISES IF:**

**(1) THE WINE OR POMACE BRANDY IS BEING PROVIDED FOR A PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A NONPROFIT ORGANIZATION;**

**(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES DURING THE PROMOTIONAL ACTIVITY;**

**(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;**

**(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL ACTIVITY; AND**

**(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.**

**(B) PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CONSUME ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE THAT IS:**

**(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;**  
AND

**(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON THE PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(6) and the second clause of (2).

In subsection (a)(1) of this section, the reference to "wine or pomace brandy" is substituted for the former reference to "product" for clarity.

Also in subsection (a)(1) of this section, the former reference to a "bona fide" promotional activity is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the "period of" the promotional activity is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to "rules" is deleted in light of the reference to "regulations". See General Revisor's Note to article.

In the introductory language of subsection (b) of this section, the reference to "consume" is substituted for the former reference to "drink" to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the word "otherwise" is added for clarity.



Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“License holder” § 1–101

“Pomace brandy” § 1–101

“Wine” § 1–101

**6–309. ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

**(A) PROHIBITED.**

A LICENSE HOLDER, A PROPRIETOR, OR AN OPERATOR OF AN ESTABLISHMENT THAT PROVIDES ALCOHOLIC BEVERAGES MAY NOT ALLOW ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, REGARDLESS OF WHO PURCHASED OR OBTAINED THE ALCOHOLIC BEVERAGES.

**(B) PENALTY.**

IN ADDITION TO ANY OTHER PENALTY UNDER THIS ARTICLE, A LICENSE HOLDER, A PROPRIETOR, OR AN OPERATOR WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(d).

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

**6–310. PROVIDING FREE FOOD.**

**(A) PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT DIRECTLY OR INDIRECTLY GIVE OR OFFER WITHOUT CHARGE FOOD TO A CUSTOMER TO INDUCE THE CUSTOMER TO PURCHASE ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION.**

**(2) THIS SECTION DOES NOT APPLY TO HORS D’OEUVRES, PRETZELS, CHEESE, OR CRACKERS THAT ARE PLACED ON A COUNTER IN THE LICENSED PREMISES FOR CUSTOMERS TO CONSUME WITHOUT CHARGE.**

**(B) EVIDENCE OF VIOLATION.**

**THE PLACEMENT OF FOOD BY A LICENSE HOLDER IN THE LICENSED PREMISES FOR CUSTOMERS TO CONSUME WITHOUT CHARGE IS PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10 FOR EACH OFFENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-106.

In subsection (a)(1) of this section, the reference to giving or offering “without charge” is added for clarity.

Also in subsection (a)(1) of this section, the defined term “license holder” is substituted for the former reference to “[a]ny person engaged in the sale or barter of spirituous, malt or intoxicating liquors, and licensed under the laws of Maryland, to engage in such sale or barter” for brevity.

Also in subsection (a)(1) of this section, the reference to “a customer” is substituted for the former reference to “anyone visiting the premises of such licensed person” for brevity.

Also in subsection (a)(1) of this section, the reference to a “licensed premises” is substituted for the former reference to the “premises of such licensed person, where spirituous, malt or intoxicating liquors of any kind are sold or bartered, or offered for sale or barter” for brevity.

Also in subsection (a)(1) of this section, the reference to the “customer” is substituted for the former reference to the “person to whom the same may be offered” for brevity.

Also in subsection (a)(1) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “spirituous, malt or intoxicating liquor” for clarity.

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

In subsections (a)(2) and (b) of this section, the references to “consume” are substituted for the former references to “use” for consistency with terminology used throughout this article.

In subsection (a)(2) of this section, the reference to customers “of such licensed person” is deleted as surplusage.

Also in subsection (a)(2) of this section, the reference to “food” is substituted for the former reference to “any viands, food or lunch of any character” for brevity. Similarly, in subsection (b) of this section, the reference to “food” is substituted for the former reference to “any viands, food or lunch”.

In subsection (b) of this section, the former phrase “other than hereinbefore excepted” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

### **6–311. RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS E, CLASS F, OR CLASS G LICENSE.**

#### **(B) PROHIBITED.**

**A RETAIL DEALER MAY NOT:**

**(1) PURCHASE ANY ALCOHOLIC BEVERAGE EXCEPT FROM A LICENSED MANUFACTURER OR WHOLESALER, PRIVATE BULK SALE PERMIT HOLDER, OR NONRESIDENT WINERY PERMIT HOLDER;**

**(2) SELL ANY ALCOHOLIC BEVERAGE TO ANY OTHER RETAIL DEALER EXCEPT THE HOLDER OF A CLASS C BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE; OR**

**(3) KEEP OR ALLOW TO BE KEPT ANY ALCOHOLIC BEVERAGE ON THE LICENSED PREMISES EXCEPT THOSE THAT HAVE BEEN PURCHASED BY THE RETAIL DEALER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–107(a).

In subsection (b)(1) of this section, the former reference to “duly” licensed is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “under the provisions of this article” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to alcoholic beverages “that have been purchased by the retail dealer” is substituted for the former reference to alcoholic beverages “so purchased” for clarity.

Also in subsection (b)(3) of this section, the former phrase “at any time” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

## **6–312. BEVERAGE MISREPRESENTATION.**

### **(A) PROHIBITED.**

**(1) A PERSON MAY NOT MANUFACTURE, SELL, OR OFFER FOR SALE, OR ORDER OR ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR SALE, A BEVERAGE AS MALT EXTRACT OR BEER UNLESS THE BEVERAGE HAS BEEN BREWED AND FERMENTED AS SUCH.**

**(2) A PERSON MAY NOT SELL OR OFFER FOR SALE, OR ORDER OR ALLOW AN EMPLOYEE OR OTHER PERSON TO SELL OR OFFER FOR SALE:**

**(I) BEER TO WHICH COLORING OR PORTERINE HAS BEEN ADDED SO AS TO REPRESENT THE BEER TO BE MALT EXTRACT, PORTER, OR ANOTHER BEVERAGE; OR**

**(II) A MALT OR LIQUOR UNLESS THE MALT OR LIQUOR IS IDENTIFIED BY ITS PROPER NAME.**

### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.**

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

In subsection (a)(1) of this section, the former reference to sales “either at wholesale or retail” is deleted as surplusage.

In subsection (a)(2)(i) of this section, the former reference to coloring “matter” is deleted as surplusage.

In subsection (a)(2)(ii) of this section, the phrase “unless the malt or liquor is identified” is substituted for the former phrase “other than” for clarity.

Defined terms: “Beer” § 1–101

“Person” § 1–101

**6–313. TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER.**

**(A) PROHIBITED.**

**(1) A RETAIL DEALER OR AN AGENT OR EMPLOYEE OF A RETAIL DEALER MAY NOT:**

**(I) TAMPER WITH OR CHANGE THE QUANTITY OR QUALITY OF THE CONTENTS OF A CONTAINER OF AN ALCOHOLIC BEVERAGE:**

**1. AFTER THE CONTAINER HAS BEEN LAWFULLY SEALED; AND**

**2. WHILE THE CONTENTS REMAIN IN THE CONTAINER;**  
**OR**

**(II) EXCEPT AS SPECIFICALLY AUTHORIZED BY THIS ARTICLE WITH RESPECT TO REFILLABLE BEER AND WINE CONTAINERS, REFILL A CONTAINER OF AN ALCOHOLIC BEVERAGE WITH A SUBSTANCE AFTER THE CONTAINER HAS BEEN EMPTIED OF ITS ORIGINAL CONTENTS.**

**(2) A RETAIL DEALER MAY NOT POSSESS A CONTAINER OF AN ALCOHOLIC BEVERAGE THAT HAS BEEN TAMPERED WITH OR REFILLED IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION.**

**(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, § 12–113(b), (c), (d), and (e).

In the introductory language of subsection (a)(1)(i) of this section, the former phrase “in any manner” is deleted as surplusage.

Also in the introductory language of subsection (a)(1)(i) of this section, the former phrase “by the addition to” is deleted as included in the reference to “change”.

In subsection (a)(1)(i)1 of this section, the reference to “lawfully sealed” is substituted for the former reference to “sealed in accordance with the laws of the United States and/or the laws of the State of Maryland” for brevity.

In subsection (a)(1)(ii) of this section, the former reference to the “original” container is deleted as surplusage.

In subsection (a)(2) of this section, the former references to “containers” are deleted in light of the reference to “container” and GP § 1–202, which provides that the singular generally includes the plural.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wine” § 1–101

## **6–314. SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB.**

### **(A) PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT SELL OR OFFER FOR SALE AT RETAIL AN ALCOHOLIC BEVERAGE CONTAINER THAT IS:**

**(I) MADE FROM METAL OR A COMPOSITE MATERIAL; AND**

**(II) DESIGNED AND CONSTRUCTED WITH AN ALL–METAL TAB OPENING DEVICE THAT DETACHES FROM THE CONTAINER WHEN THE CONTAINER IS OPENED IN A MANNER THAT IS NORMALLY USED TO EMPTY THE CONTENTS OF THE CONTAINER.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO:**

**(I) A BEVERAGE CONTAINER SEALED WITH A LAMINATED TAPE SEAL, INCLUDING ONE WITH ALUMINUM FOIL, THAT IS NOT RIGID;**

**(II) AN ALL-METAL CONTAINER WITH A DETACHABLE METAL PULL TAB FOR A FROZEN BEVERAGE CONCENTRATE THAT IS CUSTOMARILY AND PRIMARILY PURCHASED FOR DILUTION AND USE IN THE HOME OR A SIMILAR PURPOSE; AND**

**(III) A METAL BEVERAGE CONTAINER WITH A DETACHABLE METAL PULL TAB FOR A MILK-BASED, SOY-BASED, OR SIMILAR PRODUCT THAT REQUIRES STERILIZATION AND PRESSURE IN THE CANNING PROCESS.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21-102.

In the introductory language of subsection (a)(1) of this section, the former references to "beer, wine, or other" alcoholic beverage container is deleted as included in the reference to an "alcoholic beverage container".

Also in the introductory language of subsection (a)(1) of this section, the former phrase "in this State" is deleted as surplusage.

In subsection (a)(1)(i) of this section, the reference to a composite "material" is added for clarity.

In subsection (b) of this section, the former reference to imprisonment "in jail" is deleted as surplusage.

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

**6-315. ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN ALCOHOLIC BEVERAGE IS PRESUMED TO BE AN ILLICIT ALCOHOLIC BEVERAGE IF IT IS FOUND IN A CONTAINER THAT DOES NOT HAVE A REGULAR LABEL THAT:**

**(1) DESCRIBES THE TRUE CONTENTS OF THE CONTAINER; AND**

**(2) STATES THE TRUE NAME OF THE IMPORTER, MANUFACTURER, BOTTLER, OR RECTIFIER.**

**(B) EXCEPTION.**

**THE PRESUMPTION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN ALCOHOLIC BEVERAGE FOUND IN:**

**(1) A DRINKING GLASS OR OTHER SIMILAR OPEN CONTAINER FOR DRINKING PURPOSES;**

**(2) A HOME-TYPE DECANTER FOUND IN A HOUSE OR A PUNCH BOWL OR SIMILAR RECEPTACLE IF THE CIRCUMSTANCES INDICATE THAT THE ALCOHOLIC BEVERAGE IS FOR ON-PREMISES CONSUMPTION AND IS NOT FOR SALE; OR**

**(3) A CONTAINER POSSESSED BY A RETAIL LICENSE HOLDER WHEN THE ALCOHOLIC BEVERAGE IS PREMIXED FOR LAWFUL SALE AND CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-102(a)(11)(ii).

In subsection (a)(1) of this section, the reference to “describes the true contents of the container” is substituted for the former reference to “truly describes its contents” for clarity.

In subsection (b)(2) of this section, the former reference to “dwelling” house is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to “by consumers” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to a “proper” retail license holder is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101  
 “Illicit alcoholic beverage” § 1-101  
 “License holder” § 1-101

## **6-316. MAXIMUM ALCOHOL CONTENT.**

**(A) IN GENERAL.**



**A PERSON MAY NOT SELL AT RETAIL AN ALCOHOLIC BEVERAGE WITH AN ALCOHOL CONTENT BY VOLUME OF 95% (190 PROOF) OR MORE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section formerly was Art. 2B, § 16-505.2.

No changes are made.

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

**6-317. RESERVED.**

**6-318. RESERVED.**

**PART III. PROHIBITED ACTS BY INDIVIDUAL CONSUMER.**

**6-319. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A CLASS 4 LIMITED WINERY THAT BRINGS WINE OR POMACE BRANDY MANUFACTURED ON ITS LICENSED PREMISES ONTO A RETAIL LICENSED PREMISES IF:**

**(1) THE WINE OR POMACE BRANDY IS PROVIDED FOR A PROMOTIONAL ACTIVITY CONDUCTED BY THE LIMITED WINERY, A RETAIL LICENSE HOLDER, AN ALCOHOLIC BEVERAGES TRADE ASSOCIATION, OR A NONPROFIT ORGANIZATION;**

**(2) A REPRESENTATIVE OF THE LIMITED WINERY OR A TRADE ASSOCIATION REPRESENTING MARYLAND WINERIES IS PRESENT AT ALL TIMES DURING THE PROMOTIONAL ACTIVITY;**

**(3) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION COMPLIES WITH ANY REGULATIONS THAT THE COMPTROLLER ADOPTS RELATING TO ON-PREMISES PROMOTIONS AND PRODUCT SAMPLING;**

**(4) THE LIMITED WINERY OR WINERY TRADE ASSOCIATION HAS ADVANCE WRITTEN PERMISSION OF THE RETAIL LICENSE HOLDER TO BRING WINE PRODUCTS ON THE RETAIL LICENSED PREMISES FOR THE PROMOTIONAL ACTIVITY; AND**

**(5) ALL UNOPENED OR PARTIALLY CONSUMED CONTAINERS OF WINE AND POMACE BRANDY ARE REMOVED FROM THE RETAIL LICENSED PREMISES AT THE END OF THE PROMOTIONAL ACTIVITY.**

**(B) PROHIBITED.**

**AN INDIVIDUAL MAY NOT CONSUME ON THE LICENSED PREMISES OF A LICENSE HOLDER AN ALCOHOLIC BEVERAGE THAT IS:**

**(1) NOT PURCHASED ON THE PREMISES FROM THE LICENSE HOLDER;**  
**AND**

**(2) NOT OTHERWISE ALLOWED BY THIS ARTICLE TO BE CONSUMED ON THE PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(6) and the first clause of (2).

In subsection (a)(1) of this section, the reference to "wine or pomace brandy" is substituted for the former reference to "product" for clarity.

Also in subsection (a)(1) of this section, the former reference to a "bona fide" promotional activity is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to the "period of" the promotional activity is deleted as surplusage.

In subsection (a)(3) of this section, the former reference to "rules" is deleted in light of the reference to "regulations". See General Revisor's Note to article.

In the introductory language of subsection (b) of this section, the reference to "consume" is substituted for the former reference to "drink" to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the word "otherwise" is added for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Comptroller" § 1-101

"License holder" § 1-101

"Pomace brandy" § 1-101

“Wine” § 1–101

**6–320. DISORDERLY INTOXICATION.**

**(A) PROHIBITED.**

**AN INDIVIDUAL MAY NOT:**

**(1) BE INTOXICATED AND ENDANGER THE SAFETY OF ANOTHER INDIVIDUAL OR PROPERTY; OR**

**(2) BE INTOXICATED OR CONSUME AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE AND CAUSE A PUBLIC DISTURBANCE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 90 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–102 and 19–101(a).

In subsection (a)(2) of this section, the reference to “consume” is substituted for the former reference to “drink” to conform to the terminology used throughout this article.

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

**6–321. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC.**

**(A) “PUBLIC PROPERTY” DEFINED.**

**IN THIS SECTION, “PUBLIC PROPERTY” INCLUDES PROPERTY THAT IS:**

**(1) A STRUCTURE, ROAD, PARKING AREA, OR GROUNDS; AND**

**(2) LOCATED ON LAND OWNED, LEASED, OR OPERATED BY:**

**(I) THE STATE;**

**(II) A COUNTY;**

- (III) A MUNICIPALITY;
- (IV) THE WASHINGTON SUBURBAN SANITARY COMMISSION;
- (V) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION;
- (VI) THE MONTGOMERY COUNTY REVENUE AUTHORITY; OR
- (VII) THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.

**(B) PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME AN ALCOHOLIC BEVERAGE:**

- (I) ON PUBLIC PROPERTY;**
- (II) ON THE MALL, ADJACENT PARKING AREA, OR OTHER OUTSIDE AREA OF A SHOPPING CENTER;**
- (III) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA OF ANY OTHER RETAIL ESTABLISHMENT; AND**
- (IV) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED UNDER ITEM (I), (II), OR (III) OF THIS PARAGRAPH.**

**(2) AN INDIVIDUAL MAY CONSUME AN ALCOHOLIC BEVERAGE ON:**

- (I) PUBLIC PROPERTY IF AUTHORIZED BY THE GOVERNMENTAL ENTITY THAT HAS AUTHORITY OVER THE PROPERTY; OR**
- (II) PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1)(II) THROUGH (IV) OF THIS SUBSECTION IF AUTHORIZED BY THE OWNER OF THE PROPERTY.**

**(3) IF THE OWNER OR OPERATOR OF A MOTOR HOME OR CHARTERED BUS HAS CONSENTED TO THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES, PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO PASSENGERS:**

**(I) IN THE LIVING QUARTERS OF A MOTOR HOME EQUIPPED WITH A TOILET AND CENTRAL HEATING; OR**

**(II) OF A CHARTERED BUS IN TRANSIT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–202, 19–201(a), and 19–204(a).

In subsection (a)(1) of this section, the reference to “a structure, road, parking area, or grounds” is substituted for the former reference to “any building, ground, park, street, highway, alley, sidewalk, station, terminal or other structure, road or parking area” for brevity.

In the introductory language of subsection (b)(1) of this section, the reference to “consume” is substituted for the former reference to “drink” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b)(1) of this section, the former phrase “as defined in this article” is deleted as unnecessary.

In subsection (b)(1)(ii) of this section, the reference to a “shopping center” is substituted for the former reference to “any combination of privately owned retail establishments, like a shopping center, where the general public is invited for business purposes” for brevity.

In subsection (c) of this section, the former phrase “[s]ubject to subsection (b) of this section”, which referred to a provision applicable only to Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 1–101

“Person” § 1–101

“State” § 1–101

**6–322. POSSESSION OF OPEN CONTAINER.**

**(A) PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER WHILE:**

**(I) ON THE MALL, ADJACENT PARKING AREA, OR OTHER OUTSIDE AREA OF A SHOPPING CENTER;**

**(II) ON AN ADJACENT PARKING AREA OR OTHER OUTSIDE AREA OF ANY OTHER RETAIL ESTABLISHMENT; OR**

**(III) IN A PARKED VEHICLE LOCATED IN AN AREA DESCRIBED UNDER ITEM (I) OR (II) OF THIS PARAGRAPH.**

**(2) AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE INDIVIDUAL IS AUTHORIZED BY THE OWNER OF THE ESTABLISHMENT.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19–301(b) and 19–302(a).

In the introductory language of subsection (a)(1) of this section, the former phrase “as defined in this article” is deleted as unnecessary.

In subsection (a)(1)(i) of this section, the reference to a “shopping center” is substituted for the former reference to “any combination of privately owned retail establishments, commonly known as a shopping center, to which the general public is invited for business purposes” for brevity.

In subsection (b) of this section, the former phrase “[s]ubject to subsection (b) of this section”, which referred to a provision applicable only to Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 19–303(1), (3), (4), and (6) through (17), which stated that former Art. 2B, §§ 19–301 and 19–302 applied only in certain counties, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

**6–323. POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE.**

**(A) “AWOL MACHINE” DEFINED.**

IN THIS SECTION, “AWOL MACHINE” MEANS AN ALCOHOL WITHOUT LIQUID DEVICE, A VAPORTINI, OR ANY SIMILAR DEVICE THAT MIXES AN ALCOHOLIC PRODUCT WITH PURE OXYGEN OR OTHER GAS TO PRODUCE A VAPORIZED PRODUCT THAT CAN BE INHALED.

**(B) PROHIBITED.**

A PERSON MAY NOT:

(1) USE AN AWOL MACHINE TO INHALE ALCOHOL VAPOR OR OTHERWISE INTRODUCE ALCOHOL IN ANY FORM INTO THE HUMAN BODY; OR

(2) WITH THE INTENT TO INTRODUCE ALCOHOL INTO THE HUMAN BODY, POSSESS, PURCHASE, TRANSFER, OR OFFER FOR SALE OR USE AN AWOL MACHINE.

**(C) PENALTY.**

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

(2) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

REVISOR’S NOTE: This section formerly was Art. 2B, § 16–505.1.

No changes are made.

Defined term: “Person” § 1–101

**6–324. RESERVED.**

**6–325. RESERVED.**

**PART IV. OTHER PROHIBITED ACTS.**

**6–326. UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES.**

**(A) PROHIBITED.**

**(1) A PERSON IN THE BUSINESS OF SELLING OR DISTRIBUTING ALCOHOLIC BEVERAGES IN OR FROM ANOTHER STATE MAY NOT SHIP, CAUSE TO BE SHIPPED, OR DELIVER ALCOHOLIC BEVERAGES DIRECTLY TO A RECIPIENT IN THE STATE IF THE SELLER, DISTRIBUTOR, SHIPPER, TRANSPORTER, OR RECIPIENT DOES NOT HOLD THE REQUIRED LICENSE OR PERMIT.**

**(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO ALCOHOLIC BEVERAGES ORDERED OR PURCHASED THROUGH A COMPUTER NETWORK.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A FELONY 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, § 16-506.1.

In subsection (a)(1) of this section, the former phrase "under this article" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Person" § 1-101

"State" § 1-101

**6-327. TAX EVASION.**

**(A) PROHIBITED.**

**A PERSON MAY NOT:**

**(1) KNOWINGLY OR WILLFULLY POSSESS, TRANSPORT, SELL, OFFER FOR SALE, OR, ON THE PERSON'S PROPERTY, STORE OR AUTHORIZE STORAGE OF AN ALCOHOLIC BEVERAGE ON WHICH THE TAX IMPOSED BY THE TAX - GENERAL ARTICLE HAS NOT BEEN PAID;**

**(2) EVADE A TAX IMPOSED ON AN ALCOHOLIC BEVERAGE UNDER THE TAX - GENERAL ARTICLE;**

**(3) COUNTERFEIT A STAMP OR CERTIFICATE REQUIRED UNDER THIS ARTICLE OR THE TAX - GENERAL ARTICLE; OR**



**(4) VIOLATE A REGULATION THAT THE COMPTROLLER ADOPTS UNDER THIS ARTICLE OR THE TAX – GENERAL ARTICLE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–506.

In subsection (a)(1) and (2) of this section, the references to “the Tax – General Article” are substituted for the former references to “this article” for clarity and accuracy. Similarly, in subsection (a)(3) and (4) of this section, the references to “the Tax – General Article” are added.

In subsection (a)(1) of this section, the reference to the prohibition to “on the person’s property, store or authorize storage” is substituted for the former phrase “permit to be kept upon his premises” for clarity.

In subsection (a)(3) of this section, the former reference to “forge” is deleted as included in the reference to “counterfeit”.

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 reference to both “fine and imprisonment in the discretion of the court” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Person” § 1–101

**6–328. DESTRUCTION OF EVIDENCE.**

**(A) PROHIBITED.**

**(1) A PERSON MAY NOT REMOVE OR DESTROY OR CAUSE TO BE REMOVED OR DESTROYED PROPERTY THAT HAS BEEN SEIZED UNDER:**

**(I) THIS ARTICLE; OR**

**(II) THE PROVISIONS OF THE TAX – GENERAL ARTICLE RELATING TO THE TAX ON ALCOHOLIC BEVERAGES.**

**(2) A PERSON MAY NOT PREVENT OR ATTEMPT TO PREVENT THE SEIZURE OF PROPERTY BY:**

**(I) POURING OUT THE CONTENTS OF THE PROPERTY;**

**(II) BREAKING OR DESTROYING THE PROPERTY;**

**(III) REMOVING THE PROPERTY FROM THE PREMISES; OR**

**(IV) OTHERWISE DISPOSING OF THE PROPERTY.**

**(B) FLUID PRESUMED TO BE ALCOHOLIC BEVERAGE.**

**WHEN A PREMISES, PLACE, OR THING IS BEING SEARCHED OR ABOUT TO BE SEARCHED, ANY FLUID POURED OUT OR OTHERWISE DISPOSED OF BY A PERSON IN VIOLATION OF SUBSECTION (A) OF THIS SECTION IS PRIMA FACIE EVIDENCE THAT THE FLUID IS AN ALCOHOLIC BEVERAGE AND INTENDED FOR SALE OR OTHER USE IN VIOLATION OF THIS ARTICLE OR THE TAX – GENERAL ARTICLE.**

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

In subsection (b) of this section, the phrase “by a person in violation of subsection (a) of this section” is added for clarity.

Also in subsection (b) of this section, the phrase “is prima facie evidence that the fluid is an alcoholic beverage” is substituted for the former phrase “shall be held prima facie to be an alcoholic beverage” for clarity.

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

## **6–329. PERJURY.**

**(A) PROHIBITED.**

**A PERSON MAY NOT MAKE A FALSE STATEMENT WHEN TAKING AN OATH OR IN ANY OF THE FOLLOWING DOCUMENTS REQUIRED UNDER THIS ARTICLE:**

- (1) A SIGNED STATEMENT;**
- (2) A REPORT; OR**
- (3) AN AFFIDAVIT.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE MISDEMEANOR OF PERJURY AND ON CONVICTION IS SUBJECT TO THE PENALTY STATED UNDER § 9–101 OF THE CRIMINAL LAW ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–501.

In subsection (b) of this section, the reference to “[a] person who violates this section” is substituted for the former reference to “the offender” to conform to the terminology used in other similar provisions of this subtitle.

Also in subsection (b) of this section, the reference to the “penalty stated under § 9–101 of the Criminal Law Article” is substituted for the former reference to the “penalties provided by law for that crime” for clarity and accuracy. Currently, under § 9–101 of the Criminal Law Article, the penalty for perjury is imprisonment not exceeding 10 years.

Defined term: “Person” § 1–101

#### **SUBTITLE 4. PENALTIES.**

##### **6–401. 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.

##### **6–402. GENERAL PENALTY.**

**(A) IN GENERAL.**

**IF A PERSON VIOLATES THIS ARTICLE AND NO PENALTY OTHER THAN THE SUSPENSION OR REVOCATION OF A LICENSE OR PERMIT IS PROVIDED, THE PERSON 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.**

**(B) IMPOSITION OF PENALTY.**

**IF A COURT HAS IMPOSED A PENALTY ON AN INDIVIDUAL LICENSE HOLDER WHO HAS OBTAINED A LICENSE FOR OR ON BEHALF OF A CORPORATION, A PARTNERSHIP, OR AN UNINCORPORATED ASSOCIATION:**

**(1) IF THE PENALTY IS A FINE, THE CORPORATION, PARTNERSHIP, OR UNINCORPORATED ASSOCIATION ALSO SHALL BE LIABLE FOR THE PAYMENT OF THE FINE; AND**

**(2) IF THE PENALTY IS IMPRISONMENT, THE INDIVIDUAL LICENSE HOLDER SHALL BE LIABLE TO SERVE THE TERM OF IMPRISONMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 16-503 and 16-504.

In subsection (a) of this section, the former reference to imprisonment in "the House of Correction, or jail" is deleted as unnecessary.

Defined terms: "License" § 1-101

"License holder" § 1-101

"Person" § 1-101

**GENERAL REVISOR'S NOTE TO DIVISION I**

Former Art. 2B, § 12-103, which instituted a system in which the Comptroller set the maximum discounts allowable by a licensed manufacturer or wholesaler or nonresident winery permit holder in the sale and distribution of wine and liquor, is deleted as obsolete. This system required those license holders and permit holders to file schedules of prices and proposed price changes with the Comptroller. The price filing requirement was needed for the Comptroller to maintain a post-and-hold system that prescribed how and when liquor wholesalers may change their prices by requiring wholesalers to file a schedule of prices with the Comptroller by a fixed date every month. However, in 2009, the *United States Court of Appeals for the Fourth Circuit in TFWS, Inc. v. Franchot*, 572 F. 3d 186 (4th Cir. 2009) held the post-and-hold system and its accompanying volume-discount ban to be hybrid restraints on trade and per se violations of the Sherman Act. Consequently, the Comptroller has abandoned both practices.

**DIVISION II. PROVISIONS AFFECTING INDIVIDUAL JURISDICTIONS.**

**TITLE 9. ALLEGANY COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**9-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Allegany County”.

**(C) CLUB.**

**THE BOARD SHALL DETERMINE WHETHER AN ESTABLISHMENT MEETS THE DEFINITION OF A “CLUB” UNDER § 1-101 OF THIS ARTICLE.**

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

The word “determine” is substituted for the former phrase “be the judges of” for brevity and clarity.

The former phrase “is operated in good faith” is deleted as surplusage.

Defined terms: “Board” § 9–101  
“Club” § 1–101

**(D) COUNTY.**

**“COUNTY” MEANS ALLEGANY COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Allegany County”.

**(E) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (b).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**9–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN ALLEGANY COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**9–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

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

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **9–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ALLEGANY COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Allegany County exists.

### **9–202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

#### **(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) TWO MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS SHALL BE MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GENERAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE AGGREGATE FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.**

**(3) ONE MEMBER OF THE BOARD OF LICENSE COMMISSIONERS SHALL BE A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GENERAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE AGGREGATE FOR SEATS ON THE BOARD OF COUNTY COMMISSIONERS.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 6 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE FINDINGS OF THE GOVERNOR ON THE CHARGES.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (b)(2) and (3) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Allegany County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Allegany County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (b)(2) and (3) of this section, the references to “seats on the Board of County Commissioners” is substituted for the former references to “the several offices of County Commissioner therein” for clarity.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Allegany County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended

to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(b)(1), which provided that former Art. 2B, § 15–101(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101  
 “County” § 9–101

### **9–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Allegany County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “members” is substituted for the former reference to “appointees” to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 9–101

### **9–204. SALARIES; STAFF; BUDGET.**

#### **(A) SALARIES.**

**IN ACCORDANCE WITH TITLE 28, SUBTITLE 1 OF THE LOCAL GOVERNMENT ARTICLE, THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY OF THE MEMBERS OF THE BOARD.**

**(B) STAFF.**

**THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES, SUBJECT TO SUBSECTION (C)(3) OF THIS SECTION.**

**(C) BUDGET.**

**(1) THE CHAIR OF THE BOARD SHALL SUBMIT TO THE DIRECTOR OF FINANCE OF THE COUNTY THE TOTAL AMOUNT OF THE BOARD'S BUDGET, INCLUDING:**

**(I) SALARIES FOR MEMBERS AND EMPLOYEES OF THE BOARD;**  
**AND**

**(II) ALL OTHER NECESSARY EXPENSES.**

**(2) FROM THE RECEIPTS COLLECTED BY THE BOARD, THE COUNTY COMMISSIONERS SHALL PAY:**

**(I) THE SALARIES OF THE MEMBERS AND EMPLOYEES OF THE BOARD ONCE EVERY 2 WEEKS; AND**

**(II) THE EXPENSES OF THE BOARD ON WRITTEN APPROVAL OF THE CHAIR OF THE BOARD.**

**(3) THE SALARIES AND EXPENSES OF THE EMPLOYEES OF THE BOARD ARE SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–204(b)(3), 15–109(b), and 15–112(a)(2).

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In the introductory language of subsection (c)(1) and in (c)(2)(ii) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In the introductory language of subsection (c)(1) of this section, the reference to the Director of Finance “of the County” is added for clarity.

In the introductory language of subsection (c)(2) of this section, the reference to receipts “collected by the Board” is added for clarity.

In subsection (c)(2)(ii) of this section, the requirement to pay the expenses of the Board “on written approval of” the chair is substituted for the former requirement to pay the expenses of the Board “upon draft property signed by” the chair for clarity.

Defined terms: “Board” § 9–101  
 “County” § 9–101

## **9–205. INSPECTORS.**

### **(A) POWERS.**

**AN INSPECTOR HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

### **(B) OATH.**

**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

### **(C) BOND.**

**(1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY COMMISSIONERS JOINTLY ON THE CONDITION THAT THE INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.**

**(2) THE COUNTY SHALL PAY THE COST OF THE BOND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(b)(2).

In subsection (a) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (a) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

Also in subsection (a) of this section, the former requirement that the inspectors “be known as ‘alcoholic beverage inspectors for Allegany County’” is deleted as surplusage.

In subsection (b) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State” for brevity.

In subsection (c)(1) of this section, the reference to the condition that the inspector “faithfully perform the duties of office” is substituted for the former reference to the condition that the inspector “well and faithfully execute the office in all things appertaining thereto” for brevity and clarity.

In subsection (c)(2) of this section, the requirement that the “County” pay the cost of the bond is substituted for the former requirement that the “County Commissioners” pay the cost of the bond for accuracy.

Former Art. 2B, § 15–112(b)(1), which provided that former Art. 2B, § 15–112(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“County” § 9–101

“State” § 1–101

## **9–206. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Allegany County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 9–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **9–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 9–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **9–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**

- (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (8) § 2-211 (“RESIDENCY REQUIREMENT”);
- (9) § 2-212 (“ADDITIONAL LICENSES”);
- (10) § 2-213 (“ADDITIONAL FEES”);
- (11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”).

**(C) VARIATION.**

SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9-403 OF THIS SUBTITLE.

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer's licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4)(i).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: "County" § 9-101  
 "Manufacturer's license" § 1-101

#### **9-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER'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, § 11-101(b)(1).

Defined terms: "Alcoholic beverage" § 1-101  
 "Manufacturer's license" § 1-101

#### **9-403. CLASS 7 MICRO-BREWERY LICENSE.**

##### **(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

##### **(B) POWERS; REQUIREMENTS.**

**A HOLDER OF THE LICENSE:**

**(1) MAY BREW A MALT BEVERAGE IN ONE LOCATION AND CONTRACT FOR THE BOTTLING OF THE MALT BEVERAGE IN ANOTHER LOCATION; AND**

**(2) (I) SHALL MEET THE REQUIREMENTS FOR A RESTAURANT FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; BUT**



**(II) NEED NOT MEET THE REQUIREMENTS FOR A HOTEL OR MOTEL FOR WHICH A CLASS B BEER, WINE, AND LIQUOR LICENSE IS SOUGHT; AND**

**(3) IS NOT SUBJECT TO THE MANUFACTURING AND LICENSING PROHIBITIONS UNDER § 2-209(E) OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(i), (c)(4), and, as it related to Allegany County, (e)(1).

In subsection (b)(2) of this section, the reference to the “requirements for a hotel or motel for which a Class B beer, wine, and liquor license is sought” is substituted for the former reference to the “hotel/motel requirements for a Class B beer, wine and liquor licensee” for clarity. Similarly, the reference to the requirements for “a restaurant for which a Class B beer, wine, and liquor license is sought” is substituted for the former reference to the requirements for “those Class B restaurants”.

Defined terms: “Beer” § 1-101  
“County” § 9-101  
“Hotel” § 1-101  
“License” § 1-101  
“Restaurant” § 1-101  
“Wine” § 1-101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**9-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 9-101  
“Wholesaler’s license” § 1-101

**9-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 9-503 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.**

**(B) DELIVERY OF DRAFT BEER.**

**A HOLDER OF A BEER WHOLESALER'S LICENSE MAY DELIVER DRAFT BEER TO A HOLDER OF A RETAIL LICENSE ON SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a) and, as it related to the delivery of draft beer, the first sentence of (c).

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Wholesaler's license" § 1-101

**9-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

#### **9–504. RENTAL PRICE FOR BEER–DISPENSING EQUIPMENT.**

**A HOLDER OF A BEER WHOLESALER’S LICENSE MAY NOT PROVIDE EQUIPMENT TO DISPENSE DRAFT BEER AT A RENTAL PRICE THAT IS LESS THAN THE FAIR MARKET COST FOR THE RENTAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 11–102(c), as it related to equipment for dispensing draft beer.

The second sentence of former Art. 2B, § 11–102(c), which stated that former Art. 2B, § 11–102(c) did not violate former Art. 2B, § 12–104, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

#### **9–505. SIZE OF LIQUOR CONTAINER.**

**THE HOLDER OF A CLASS 1 OR CLASS 2 WHOLESALER’S LICENSE MAY NOT SELL LIQUOR IN A CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS TO A HOLDER OF A PER DIEM LICENSE ISSUED UNDER § 9–1307 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–301(b)(6).

The reference to a “per diem license” is substituted for the former obsolete reference to a “special permit” for accuracy.

Defined term: “Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**9-601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON:**

**(I) THE PREMISES WHERE THE BEER WAS SOLD; OR**

**(II) ANY PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR INDIRECT INTEREST.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$125.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

In subsection (c) of this section, the reference to the annual “license” fee is added for clarity and consistency with other similar provisions of this article.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**9–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(b).

Defined terms: “Beer” § 1–101  
“County” § 9–101

**9–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to consumption “on the premises or elsewhere” for clarity. Similarly, the reference to “on– and off–premises consumption” is substituted for the former reference to consumption “on the premises only” in accordance with the rule followed in

this revision, that a provision of this article that is applicable to a specific jurisdiction prevails over an inconsistent general provision.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as included in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Club” §§ 1–101, 9–101

**9–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(b) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**9-701. LIGHT WINE LICENSES — NOT APPLICABLE.**

**A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that a light wine license may not be issued in Allegany County.

Defined terms: "County" § 9-101

"Light wine" § 9-101

**SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

**9-801. CLASS A BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON:**

**(I) THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD;**

**OR**

**(II) A PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR INDIRECT INTEREST.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1-101  
 “Light wine” § 9-101

**9-802. CLASS B BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS B BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(b).

Defined terms: “Beer” § 1-101  
 “County” § 9-101  
 “Light wine” § 9-101

**9-803. CLASS B-MB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-MB (MICRO-BREWERY/RESTAURANT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE.**



**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL:**

**(1) BEER AND LIGHT WINE BY THE DRINK OR BOTTLE AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION, INCLUDING:**

**(I) IN A BANQUET ROOM OR BANQUET FACILITY THAT IS ON THE LICENSED PREMISES; AND**

**(II) ON A PATIO THAT IS PART OF THE LICENSED PREMISES AS EVIDENCED BY LEASE DOCUMENTS OR BY AGREEMENT OF THE OWNER OF THE LICENSED PREMISES; AND**

**(2) BEER AND LIGHT WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE ARE:**

**(1) FOR ON-PREMISES CONSUMPTION:**

**(I) FROM MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, FROM MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$900.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b)(4).

In subsection (b) of this section, the reference to a "Class 7 micro-brewery license" is substituted for the former reference to a "Class 7 manufacturer's license" for clarity.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Light wine” § 9–101

**9–804. CLASS C BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(b)(2) and (3) and, except as it related to on–premises consumption only, (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Former Art. 2B, § 5–301(b)(1), which stated that former Art. 2B, § 5–301(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 9–101

**9–805. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$210.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101  
"Light wine" § 9-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**9-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES OR ON A PREMISES IN WHICH THE LICENSE HOLDER HAS A DIRECT OR AN INDIRECT INTEREST.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$650.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(b) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the references to the phrase "beer, wine, or liquor" are substituted for the former references to the phrase "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(1)(i) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

In subsection (c)(2) of this section, the phrase "at least 1 year before the date of the application for the license" is substituted for the former phrase "that length of time" for clarity.

In subsection (c)(3) of this section, the former reference to being “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

In subsection (d) of this section, the former requirement that the license fee is to be paid to the local collecting agent before the license is issued is deleted as redundant of § 4-111 of this article.

Defined terms: “Beer” § 1-101  
“Wine” § 1-101

**9-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.**

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT:**

**(I) IN A HOTEL OR MOTEL WITH AT LEAST 100 BEDROOMS FOR PUBLIC ACCOMMODATION; OR**

**(II) OPERATED IN CONJUNCTION WITH A CLASS 7 MICRO-BREWERY.**

**(3) TO BE LICENSED, A RESTAURANT:**

**(I) SHALL BE IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING MEALS TO THE PUBLIC DURING BUSINESS HOURS;**

**(II) SHALL DERIVE AT LEAST 60% OF ITS GROSS MONTHLY REVENUE FROM THE SALE OF FOOD;**

**(III) SHALL PROVIDE WAITERS TO SERVE CUSTOMERS WHO ARE SEATED AT TABLES FOR DINING; AND**

**(IV) MAY NOT BE A FAST-FOOD STYLE FACILITY.**

**(D) EXEMPTION FROM POPULATION QUOTA.**

**THE LICENSE IS EXEMPT FROM ANY LICENSE POPULATION QUOTA LIMITATION.**

**(E) LICENSE LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$800.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(3)(i) and (b)(2)(i) through (v) and (vii) through (ix).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

In subsection (c)(1) of this section, the former reference that the license “does not have off-sale privileges” is deleted as implicit in the phrase “for on-premises consumption”.

In the introductory language of subsection (c)(2) of this section, the reference to “for use by a restaurant” is substituted for the former reference to “for the exclusive use [o]n the premises of a restaurant” for brevity.

In subsection (c)(2)(ii) of this section, the phrase “operated in conjunction with” is substituted for the former phrase “[i]f used in conjunction with” for clarity.

In the introductory language of subsection (c)(3) of this section, the phrase “[t]o be licensed” is substituted for the former phrase “[i]n addition to other county requirements provided for in this article” for clarity.

In subsection (c)(3)(iii) of this section, the phrase “provide waiters to serve” is substituted for the former phrase “has waiter or waitress service” for brevity.

In subsection (e) of this section, the former reference “[n]otwithstanding any law to the contrary” is deleted as surplusage.

Also in subsection (e) of this section, the former phrase “other than the premises for which it was issued” is deleted as surplusage.

Former Art. 2B, § 6–201(b)(1), which stated that former Art. 2B, § 6–201(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(b)(2)(vi), which stated that the hours and days of sale for the license are as provided under [former Art. 2B] § 11–501(a) and (b), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Hotel” § 1–101

“License” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**9–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– OR OFF–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (b)(1)(ii) and (iii).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase “for on– or off–premises consumption”, which revises the provision specifically applicable to Allegany County – former Art. 2B, § 6–301(b)(1)(iii) – supersedes the provision of former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license shall be issued “for consumption on the premises only”. The revision follows § 1–202 of this article, which states that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or qualification applicable to a special area, the exception or qualification prevails.

Also in subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former references to “all alcoholic beverages” and “[b]everages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Former Art. 2B, § 6–301(a)(3), which defined “board” as meaning the board of commissioners for a specific jurisdiction, is deleted as unnecessary in light of the organization of this revised article.



Former Art. 2B, § 6–301(b)(1)(i), which stated that former Art. 2B, § 6–301(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Club” § 1–101

“Wine” § 1–101

**9–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$700.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(b) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at the place described in it” for clarity.

Former Art. 2B, § 6–401(a)(3), which defined “Board” to mean “the Board of License Commissioners for the jurisdiction to which the subsection applies” is deleted as unnecessary because each title in Division II of this article has a definition of Board.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **9–1001. BUFFET THEATER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B–BT (BUFFET THEATER) BEER, LIGHT WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN ESTABLISHMENT THAT:**

**(1) IS OPERATED AS A NONPROFIT PROFESSIONAL THEATER;**

**(2) PROVIDES TO THE CUSTOMERS OF THE ESTABLISHMENT LIVE BROADWAY–STYLE MUSICALS, COMEDY, DRAMA, LIVE ACOUSTIC–STYLE MUSIC, OR FEATURE FILMS; AND**

**(3) IS OPEN TO THE PUBLIC BY RESERVATION.**

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

**THE CLASS B–BT LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER AND LIGHT WINE BY THE DRINK OR BY THE BOTTLE AND LIQUOR BY THE DRINK ONLY FOR ON–PREMISES CONSUMPTION AND IN CONJUNCTION WITH THE BUFFET THEATER.**

#### **(D) HOURS AND DAYS OF SALE.**

**(1) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FOR ON–PREMISES CONSUMPTION BEGINNING 2 HOURS BEFORE THE PERFORMANCE,**

**DURING THE PERFORMANCE, AND FOR 2 HOURS AFTER THE END OF THE PERFORMANCE ON:**

**(I) MONDAY THROUGH SATURDAY; AND**

**(II) SUNDAY NO EARLIER THAN 1 P.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:**

**(I) FOR OFF-PREMISES CONSUMPTION BY THE DRINK OR BY THE BOTTLE; OR**

**(II) AT ANY TIME EXCEPT IN CONJUNCTION WITH THE BUFFET THEATER.**

**(E) FEE.**

**THE ANNUAL FEE FOR THE LICENSE IS \$350.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b)(3).

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 9-101

"License holder" § 1-101

"Wine" § 1-101

**9-1002. VIDEO LOTTERY CONCESSIONAIRE LICENSE.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "CONCESSIONAIRE" MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

**(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND**

**(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A CLASS BWL-VLF LICENSE.**

**(3) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(B) ESTABLISHED.**

**THERE IS A CLASS BWL–VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN A VIDEO LOTTERY FACILITY.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:**

- 1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**
- 2. ON GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE;**

**(II) THE PLAYING OF MUSIC AND DANCING; AND**

**(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS BWL–VLC LICENSE MAY BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE.**

**(E) HOURS AND DAYS OF SALE.**

**THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.**

**(F) FEE.****(1) THE ANNUAL LICENSE FEE IS \$5,000.****(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.****(G) PENALTY.**

**A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS BWL-VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b-1)(1), (3), (8), (4)(ii) and (iii), and, as they related to Class BWL-VLC licenses, (5)(ii) and (6) and § 11-501(d).

In subsection (a)(2)(i) of this section, the former reference to the "daily" sale of beer, wine, and liquor is deleted for accuracy.

In the introductory language of subsection (d)(1) of this section, the former phrase "[n]otwithstanding any other provision of this article," is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the language that the license does not allow "sales for off-premises consumption" is substituted for the former language that an "off-sale privilege is not conferred by" the license for clarity.

In subsection (e) of this section, the former reference to May 1 "of each year" is deleted as surplusage.

The part of former Art. 2B, § 6-201(b-1)(5)(i) that stated that an off-sale privilege is not conferred by a Class BWL-VLC license is deleted as surplusage.

Former Art. 2B, § 6-201(b-1)(7), which stated that Class BWL-VLF and Class BWL-VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this section and § 6-1213 of this subtitle, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 11-304(b)(3), which provided for the hours of consumption, is deleted as duplicative of and unnecessary in light of subsection (e) of this section. The hours of operation for a video lottery facility are 24 hours a day.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Wine” § 1–101

**9–1003. VIDEO LOTTERY FACILITY LICENSE.**

**(A) “VIDEO LOTTERY FACILITY” DEFINED.**

**IN THIS SECTION, “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(B) ESTABLISHED.**

**THERE IS A CLASS BWL–VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT LEAST ONE FOOD SERVICE FACILITY, BAR, OR LOUNGE.**

**(2) THE BOARD MAY NOT REQUIRE AN APPLICANT FOR THE LICENSE TO MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY FOR CONSUMPTION:**

- 1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**
- 2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE;**

**(II) THE PLAYING OF MUSIC AND DANCING; AND**

**(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**

**LICENSE HOLDER DURING THE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE.**

**(E) HOURS AND DAYS OF SALE.**

**THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION OF A VIDEO LOTTERY FACILITY.**

**(F) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$15,000.**

**(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(b-1)(2), (1)(i) and (iii), (4)(i) and (iii), and, as they related to Class BWL-VLF licenses, (5)(ii) and (6) and § 11-501(d).

In subsection (c) of this section, the former requirement that an individual or entity own a video lottery facility and hold "a license under Title 9, Subtitle 1A of the State Government Article" is deleted as redundant of the defined term "video lottery facility".

In subsection (f)(2) of this section, the former reference to May 1 "of each year" is deleted as surplusage.

The part of former Art. 2B, § 6-201(b-1)(5)(i) that stated that an off-sale privilege is not conferred by a Class BWL-VLF license is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 9-101

"Wine" § 1-101

**9-1004. VOLUNTEER COMPANY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (VOLUNTEER COMPANY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

- (1) A VOLUNTEER FIRE COMPANY;**
- (2) A VOLUNTEER AMBULANCE COMPANY; OR**
- (3) A COMBINED VOLUNTEER FIRE AND AMBULANCE COMPANY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION.**

**(D) CUSTOMERS.**

**A CUSTOMER NEED NOT BE A MEMBER OF THE COMPANY FOR WHICH THE LICENSE IS ISSUED OR A MEMBER'S GUEST.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 9-2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-301(b)(2).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Allegany County.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.



Also in subsection (c) of this section, the former reference to “keep[ing]” alcoholic beverages is deleted as implicit in the reference to “sell[ing]” alcoholic beverages.

In subsection (d) of this section, the clause “[a] customer need not be a member” is substituted for the former clause “[p]atrons ... are not limited to the members” to conform to the terminology used throughout this article.

Also in subsection (d) of this section, the former reference to a patron “of a club” is deleted as implicit in the reference to a “customer”.

Also in subsection (d) of this section, the reference to the “company” is substituted for the former reference to the “license holder” for accuracy.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **9–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE – CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”);**  
**AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT – WINE”).**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: "Beer" § 1-101

"County" § 9-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**9-1102. PERMIT FOR SALE OF LIQUOR BY DRINK.**

**(A) ESTABLISHED.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE TO A HOLDER OF A CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSE A PERMIT THAT ALLOWS THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.**

**(B) SCOPE OF AUTHORIZATION.**

**THE PERMIT HOLDER:**

**(1) MAY CONTINUE TO SELL BEER OR BEER AND LIGHT WINE FOR ON- OR OFF-PREMISES CONSUMPTION; BUT**

**(2) MAY NOT:**

**(I) SELL LIQUOR FOR OFF-PREMISES CONSUMPTION; OR**

**(II) PURCHASE OR POSSESS LIQUOR ON THE PREMISES IN A CONTAINER SMALLER THAN 23 OUNCES OR 680 MILLILITERS.**

**(C) TIME OF APPLICATION.**

**APPLICATION FOR THE PERMIT MAY BE MADE NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE PERMIT IS TO TAKE EFFECT.**

**(D) LIMIT ON PERMITS.**

**(1) NOT MORE THAN 50 PERMITS MAY BE IN EXISTENCE AT ANY ONE TIME.**

**(2) A LICENSE HOLDER WHO IS ISSUED A PERMIT SHALL RECEIVE A PRO RATA CREDIT FOR THE UNEXPIRED PART OF THE LICENSE HELD WHEN THE LICENSE HOLDER IS ISSUED THE PERMIT.**

**(E) FEE.**

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

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7–101(h)(3) and 9–202(f)(2).

In subsection (d) of this section, the former reference to the Board “continu[ing] to issue” permits is deleted as surplusage.

Also in subsection (d) of this section, the reference to a holder who “is issued a permit” is substituted for the former reference to a license holder who “applies for and receives a special permit” for brevity.

Defined terms: “Beer” § 1–101  
“Board” § 9–101  
“License holder” § 1–101  
“Light wine” § 9–101  
“Wine” § 1–101

**SUBTITLE 12. CATERER’S LICENSES.**

**9–1201. RESERVED.**

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**9–1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (2) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

(3) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(4) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-1202 (“PER DIEM LICENSES”), WHICH IS SUPERSEDED BY § 9-1307 OF THIS SUBTITLE;

(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE;

(3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 9-1309 OF THIS SUBTITLE; AND

(4) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 9-1308 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 9-101

9-1302. RESERVED.

9-1303. RESERVED.

## PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

9-1304. BEER AND WINE FESTIVAL LICENSE.

(A) ESTABLISHED.

(1) THERE IS A BEER AND WINE FESTIVAL LICENSE.

(2) THE BOARD MAY ISSUE ONE FESTIVAL LICENSE EACH YEAR.

(B) AUTHORIZED HOLDER.

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(C) 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; OR**

**(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.**

**(D) 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**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR THE FESTIVAL;**

**(2) MAY NOT CHOOSE THE WEEKEND SELECTED FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;  
AND**

**(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) INVOICING AND DELIVERY.**

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(H) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(I) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(J) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-301(c) through (i).

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former reference to a limit on the display and sale of wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (e)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (e)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (e)(3) of this section, the former reference to a location “for the special festival” is deleted as surplusage.

Also in subsection (e)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (g) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (g)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in

subsection (g)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (h) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (h) of this section, the former phrase “[w]henver a special festival license is issued under this subsection,” is deleted as surplusage.

In subsection (h)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date of the license is added for clarity. Similarly, in subsection (h)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date of the license is added.

Former Art. 2B, § 8–301(a), which defined the term “Board” to mean the Allegany County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 9–101 of this title.

Former Art. 2B, § 8–301(b), which stated that former Art. 2B, § 8–301 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**9–1305. RESERVED.**

**9–1306. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**9–1307. PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY GRANT A PER DIEM LICENSE OF ANY RETAIL CLASS.**



**(B) SCOPE OF AUTHORIZATION.**

**A PER DIEM LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE CLASS OF THE LICENSE:**

**(1) AT AN ENTERTAINMENT EVENT HELD BY A CLUB;**

**(2) AT THE PLACE DESCRIBED IN THE LICENSE; AND**

**(3) FOR A PERIOD NOT EXCEEDING:**

**(I) 7 CONSECUTIVE DAYS FOR A BEER OR A BEER AND LIGHT WINE LICENSE; OR**

**(II) 14 CONSECUTIVE DAYS FOR A BEER, WINE, AND LIQUOR LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(h)(2), except as it related to the payment of license fees.

In subsection (a) of this section, the reference to any “retail” class is substituted for the former reference to any class “except manufacturer’s and wholesaler’s” for brevity.

In subsection (b)(1) of this section, the reference to an entertainment “event” is added for clarity and to conform to the terminology used in this title.

Also in subsection (b)(1) of this section, the former reference to a “bona fide” entertainment event is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to “conducted” is deleted as redundant of the reference to “held”.

Defined terms: “Board” § 9–101

“Club” § 1–101

“License” § 1–101

**9–1308. FEES.**

**THE FEE FOR A PER DIEM LICENSE IS:**

**(1) \$20 PER DAY FOR ANY BEER OR BEER AND LIGHT WINE LICENSE;**

**OR**

**(2) \$50 PER DAY FOR ANY BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(h)(2), as it related to the payment of license fees.

Former Art. 2B, § 7-101(h)(1), which stated that the provisions of former Art. 2B, § 7-101(h) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

**9-1309. PER DIEM ENTERTAINMENT LICENSE.****(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM ENTERTAINMENT LICENSE OF ANY CLASS.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE A PRIVILEGE CONFERRED BY THAT CLASS OF LICENSE AT AN ENTERTAINMENT EVENT ONLY ON PROPERTY THAT THE COUNTY OWNS.**

**(C) APPLICATION FOR LICENSES.**

**TO QUALIFY FOR THE LICENSE, A PERSON SHALL SUBMIT AN APPLICATION NOT LESS THAN 30 DAYS BEFORE THE DAY ON WHICH THE LICENSE IS TO TAKE EFFECT.**

**(D) LIMITATIONS.**

**THE LICENSE IS VALID FOR A PERIOD NOT EXCEEDING 5 CONSECUTIVE DAYS.**

**(E) FEES.**

**(1) THE FEE FOR THE LICENSE SHALL BE SET BY THE BOARD OF COUNTY COMMISSIONERS ON THE RECOMMENDATION OF THE BOARD OF LICENSE COMMISSIONERS.**

**(2) THE BOARD OF COUNTY COMMISSIONERS SHALL:**

**(1) DISTRIBUTE \$100 OF THE LICENSE FEE TO THE BOARD OF LICENSE COMMISSIONERS; AND**

**(II) DONATE THE BALANCE OF THE LICENSE FEE TO A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.**

**(3) THE LICENSE HOLDER, WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS, SHALL DESIGNATE THE CHARITABLE ORGANIZATION TO BE THE RECIPIENT OF THE DONATION UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(h)(4).

In subsection (b) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage. Similarly, in subsection (e)(2)(ii) and (3) of this section, the former references to a "bona fide" charitable organization are deleted as surplusage. Also, in subsection (e)(2)(ii) of this section, the former reference to a "nonprofit" charitable organization is deleted as unnecessary in light of the reference to a "charitable organization that is tax exempt under § 501(c)(3) or (4) of the United States Internal Revenue Code".

Defined terms: "Board" § 9-101  
 "County" § 9-101  
 "License" § 1-101  
 "License holder" § 1-101  
 "Person" § 1-101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **9-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**
- (2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**
- (3) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) EXCEPTION.**

**SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 9-1403 OF THIS SUBTITLE;
- (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), IN ADDITION TO § 9-1404 OF THIS SUBTITLE; AND
- (3) § 4-112 (“DISPOSITION OF LICENSE FEES”), IN ADDITION TO § 9-1405 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: “County” § 9-101

“License” § 1-101

“Local licensing board” § 1-101

**9-1402. CITIZENSHIP AND RESIDENCY REQUIREMENTS.**

**(A) CITIZENSHIP.**

**ONLY A UNITED STATES CITIZEN MAY HAVE AN INTEREST OF ANY KIND IN A BUSINESS FOR WHICH A LICENSE IS ISSUED.**

**(B) RESIDENCY.**

**THE BOARD MAY NOT ISSUE A LICENSE TO AN INDIVIDUAL WHO IS NOT A RESIDENT OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(b).

In subsection (a) of this section, the former reference to an interest of "any ... character" is deleted as surplusage.

In subsection (b) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only a human being may be a resident.

Also in subsection (b) of this section, the reference to the "Board" issuing a license is substituted for the former reference to "a license may not be issued" for clarity.

Also in subsection (b) of this section, the reference to "resident" is substituted for the former reference to "citizen" because the meaning of "citizen" in this context is unclear and the reference to "resident" is used throughout this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (b) of this section that an applicant be a resident of 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 classifies persons by geography, which may be accomplished by residency requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 33 Md. 411 (1994).

Defined terms: "Board" § 9-101

"County" § 9-101

"License" § 1-101

**9-1403. REQUIRED STATEMENTS.**

**AN APPLICATION SHALL INCLUDE:**

- (1) A STATEMENT THAT THE APPLICANT IS AT LEAST 21 YEARS OLD;**
- (2) A STATEMENT THAT THE APPLICANT, FOR THE ISSUANCE OR RENEWAL OF A LICENSE, WILL PRODUCE ON REQUEST ALL RECORDS THAT AN APPLICANT UNDER THIS ARTICLE IS REQUIRED TO KEEP:**
  - (I) TO THE COMPTROLLER, A DEPUTY COMPTROLLER, THE COUNTY SHERIFF, OR THE POLICE OF A MUNICIPALITY IN THE COUNTY; OR**
  - (II) IN A PROCEEDING BEFORE THE BOARD OR THE CIRCUIT COURT FOR THE COUNTY RELATING TO THE LICENSE OR BUSINESS;**
- (3) THE NAMES OF TWO PERSONS OR THE NAME OF A BONDING COMPANY AUTHORIZED UNDER THIS ARTICLE WHO WILL ACT AS A SURETY ON THE BOND REQUIRED BY THE COUNTY;**
- (4) A STATEMENT OF ALL PERSONS INTERESTED IN THE LICENSE, INCLUDING THE NAME OF A BUSINESS ENTITY ON WHOSE BEHALF THE LICENSE APPLICATION IS MADE; AND**
- (5) CERTIFICATES OF RECEIPT FROM THE COUNTY TAX AND UTILITY OFFICE AND THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, SHOWING THAT, FOR THE CALENDAR YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS TO BE ISSUED, THERE ARE NO UNPAID TAXES ON THE MERCHANDISE, FIXTURES, OR INVENTORY FOR THE BUSINESS DUE TO THE STATE, COUNTY, OR MUNICIPALITY IN WHICH THE LICENSED ACTIVITY IS TO BE CARRIED ON.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of former Art. 2B, § 10-104(b).

In the introductory language of item (2) of this section, the former reference to a "condition for" the issuance of a license is deleted as surplusage.

Also in the introductory language of item (2) of this section, the reference to "renewal" is substituted for the former reference to "continuance" for clarity.

Also in the introductory language of item (2) of this section, the former phrase "under the provisions of this article" is deleted as surplusage.

In item (2)(ii) of this section, the former reference to a "place of" business is deleted as surplusage.

In item (4) of this section, the reference to “business entity” is substituted for the former reference to “corporation, partnership or unincorporated association” for brevity.

In item (5) of this section, the phrase “immediately before” is substituted for the former phrase “next preceding” for clarity.

Also in item (5) of this section, the reference to “the County Tax and Utility Office and the State Department of Assessments and Taxation” is substituted for the former obsolete reference to “the Office of the Supervisor of Assessments of Allegany County” for accuracy.

Also in item (5) of this section, the reference to “inventory” is substituted for the former reference to “stock-in-trade” to conform to the terminology used throughout this article.

Also in item (5) of this section, the reference to a “municipality” is substituted for the former reference to the “incorporated city or town” for brevity.

Defined terms: “Board” § 9–101

“Comptroller” § 1–101

“County” § 9–101

“License” § 1–101

“Person” § 1–101

#### **9–1404. PETITION OF SUPPORT.**

##### **(A) IN GENERAL.**

**(1) WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT A PETITION SIGNED BY AT LEAST 10 RESIDENTS, VOTERS, OR PROPERTY OWNERS WHO:**

**(I) HAVE NOT SIGNED ANY OTHER PETITION FOR A LICENSE;**  
**AND**

**(II) LIVE OR OWN PROPERTY IN THE VICINITY OF THE PLACE FOR WHICH THE LICENSE APPLICATION IS MADE.**

**(2) THE PETITION SHALL STATE THE FULL NAME, RESIDENCE, OR PROPERTY OWNED OF EACH PERSON WHO SIGNS THE PETITION.**

**(3) EACH PERSON WHO SIGNS THE PETITION SHALL CERTIFY THAT THE PERSON:**

**(I) HAS BEEN ACQUAINTED WITH THE APPLICANT FOR MORE THAN 1 YEAR BEFORE THE DATE THAT LICENSE APPLICATION IS MADE;**

**(II) HAS GOOD REASON TO BELIEVE THAT ALL THE STATEMENTS IN THE PETITION ARE TRUE; AND**

**(III) REQUESTS THAT THE PETITION BE APPROVED AND THAT THE LICENSE BE ISSUED.**

**(B) PETITION VERIFICATION.**

**THE APPLICANT SHALL VERIFY THE PETITION BY AFFIDAVIT MADE BEFORE A NOTARY OR THE CLERK OF THE CIRCUIT COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 2B, § 10–104(b).

In subsection (a) of this section, the reference to “residents” is substituted for the former reference to “citizens” because the meaning of the word “citizens” in this context is unclear.

Defined term: “License” § 1–101

**9–1405. COLLECTION AND DISPOSITION OF LICENSE FEES.**

**(A) COLLECTION OF FEES.**

**THE BOARD SHALL PROCESS AND THE DIRECTOR OF FINANCE SHALL COLLECT THE FEES.**

**(B) DISPOSITION OF FEES.**

**FROM THE FEES COLLECTED FROM LICENSES ISSUED TO A BUSINESS IN A MUNICIPALITY, THE DIRECTOR OF FINANCE SHALL:**

**(1) CREDIT 5% TO THE GENERAL FUND OF THE COUNTY TO COVER ADMINISTRATIVE COSTS; AND**

**(2) PAY 50% OF THE REMAINING FEES TO THE MUNICIPALITY WHERE THE BUSINESS IS LOCATED.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(b)(2) and, as it related to accepting and processing fees, § 10–202(c)(1)(i).

In this section, the former references to a “place of” business are deleted as surplusage.

In subsection (a) of this section, the former reference to the Director of Finance being “the local collecting agent” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the requirement that the Board “accept and process applications” is deleted as included in § 4–102 of this article which states that license applications are to be filed with the local licensing board.

In subsection (b)(2) of this section, the former reference to a municipality “in the county” is deleted as implicit.

Former Art. 2B, § 10–204(b)(1), which stated that former Art. 2B, § 10–204(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“County” § 9–101

“License” § 1–101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **9–1501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (5) § 4–212 (“LICENSE NOT PROPERTY”);**

**(6) § 4-213 (“REPLACEMENT LICENSES”); AND**

**(7) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”) AND IS SUPERSEDED BY § 9-1504 OF THIS SUBTITLE; AND**

**(2) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND IS SUPERSEDED BY § 9-1506 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 9-1502 OF THIS SUBTITLE;**

**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 9-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 9-1503 OF THIS SUBTITLE; AND**

**(4) § 4-209 (“HEARING”), IN ADDITION TO § 9-1505 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 9-101

“License” § 1-101

“Local licensing board” § 1-101

**9-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(1), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to "[t]he Board" is added for clarity.

The reference to an "out-of-state" license is substituted for the former reference to a license "in any other state or in Washington, D.C." for brevity.

The former reference to a "corporation, or limited liability company" is deleted as included in the reference to a "person".

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 9-101

"Light wine" § 9-101

"Person" § 1-101

"State" § 1-101

"Wine" § 1-101

**9-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 9–101

#### **9–1504. NOTICE OF LICENSE APPLICATION.**

##### **(A) PUBLICATION IN NEWSPAPER.**

**(1) THE BOARD SHALL PUBLISH A NOTICE OF THE LICENSE APPLICATION ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY NEAREST TO THE LOCATION DESCRIBED IN THE APPLICATION, AS DETERMINED BY THE APPLICANT.**

##### **(2) THE NOTICE SHALL STATE:**

**(I) THE RESIDENCE OF THE APPLICANT; AND**

**(II) THE LOCATION DESCRIBED IN THE APPLICATION AND THE OWNER OF THE LOCATION.**

**(3) THE FIRST PUBLICATION UNDER THIS SUBSECTION SHALL BE AT LEAST 15 DAYS BEFORE THE APPLICATION HEARING.**

##### **(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

**(1) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

**(2) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)1 and (ii) and, as it related to publishing notices of license applications, (c)(1).

In subsection (a)(1) of this section, the reference to publication in a newspaper “, as determined by the applicant” is substituted for the former reference to “[w]here the publication might be made in one of several newspapers the

applicant may designate the one in which the publication shall be made” for brevity.

Also in subsection (a)(1) of this section, the reference requiring the Board to “publish a notice of the license application” is substituted for the former reference requiring the Board to “cause notice of each application to be published” for clarity.

Also in subsection (a)(1) of this section, the reference to the “location described in the application” is substituted for the former reference to where the “applicant’s proposed place of business is to be located” for consistency with terminology used throughout this article.

In subsection (a)(2)(ii) of this section, the reference to the “location described in the application and the owner of the location” is substituted for the former reference to the “location of the place of business and the owner of the premises for which said application is made” for brevity and consistency with other terminology used throughout this article.

In subsection (a)(3) of this section, the reference to publication 15 days before “the application hearing” is substituted for the former reference to publication 15 days before “the time fixed for the consideration of such application” for clarity and brevity.

In subsection (b)(1) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (b)(1) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (b)(1) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with the language used in subsection (b)(2) of this section.

In subsection (b)(2) of this section, the reference to the “date” for an application hearing is added for clarity.

Former Art. 2B, § 10–202(c)(2) which provided that any person shall be heard, is deleted as redundant of § 4–209(b) of this article.

Defined terms: “Board” § 9–101

“License” § 1–101

**9–1505. ADDITIONAL BOARD DETERMINATIONS.**

**IN A HEARING ON AN APPLICATION OR PROTEST, THE GENERAL REPUTATION OF THE FOLLOWING IS ADMISSIBLE:**

- (1) THE APPLICANT OR LICENSE HOLDER;**
- (2) THE LOCATION DESCRIBED IN THE APPLICATION; AND**
- (3) THE PERSONS WHO CONGREGATE AT THE LOCATION DESCRIBED IN THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(c)(3).

In the introductory language of this section, the reference to a “protest” hearing is substituted for the former reference to hearings on “remonstrances” for clarity.

In item (2) of this section, the reference to the “location described in the application” is substituted for the former reference to the “place of business” to conform to terminology used throughout this article.

In item (3) of this section, the reference to persons who congregate “at the location described in the application” is substituted for the former reference to persons who congregate “therein or thereat” for clarity.

Defined terms: “License holder” § 1–101  
 “Person” § 1–101

**9–1506. FACTORS FOR DENIAL.**

- (A) APPLICANT AND NEIGHBORHOOD.**

**THE BOARD MAY DENY A LICENSE APPLICATION IF IT DECIDES THAT:**

- (1) THE APPLICANT IS UNFIT TO BE ISSUED THE LICENSE; OR**
- (2) THE LOCATION DESCRIBED IN THE APPLICATION IS NOT A PROPER ONE WITH REFERENCE TO ENSURING THE PUBLIC PEACE, GENERAL WELFARE, OR CHARACTER OF THE NEIGHBORHOOD.**

- (B) LICENSES IN NEIGHBORHOOD.**

**DUE REGARD SHALL BE GIVEN TO THE NUMBER OF LICENSES ISSUED FOR A NEIGHBORHOOD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(e)(1).

In the introductory language of subsection (a) of this section, the reference to the Board “decid[ing]” is substituted for the former references to the Board “in its opinion” and “in [its] discretion” for clarity.

In subsection (a)(1) of this section, the reference to “the applicant” is substituted for the former reference to “any petitioner or petitioners” for consistency with terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “ensuring” the public peace, general welfare, or character of the neighborhood is added for clarity.

Also in subsection (a)(2) of this section, the reference to the “location described in the application” is substituted for the former reference to the “place for which the application for a license is made” for consistency with terminology used throughout this article.

Also in subsection (a)(2) of this section, the reference to the “public peace, general welfare, or character of the neighborhood” is substituted for the former reference to the “public peace and general welfare of the neighborhood or to the character of its inhabitants” for clarity.

In subsection (b) of this section, the former phrase “as well as all specific restrictions and conditions set forth in this article” is deleted as implicit.

Defined terms: “Board” § 9–101

“License” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**9–1601. AUTHORITY OF BOARD TO RESTRICT LICENSES.**

**(A) IN GENERAL.**

**THE BOARD MAY:**

**(1) RESTRICT THE NUMBER OF LICENSES IN A NEIGHBORHOOD TO THE NUMBER OF LICENSES THAT THE BOARD CONSIDERS SUFFICIENT;**

**(2) REGULATE THE USE OF MECHANICAL MUSIC BOXES AND OTHER SOUND-MAKING DEVICES; AND**

**(3) SPECIFY AREAS IN WHICH LICENSES WILL NOT BE ISSUED.**

**(B) RIGHT TO PETITION FOR REVIEW.**

**AN APPLICANT OR LICENSE HOLDER WHO IS AGGRIEVED BY ANY LIMITATION, RESTRICTION, OR PROHIBITION IMPOSED BY THE BOARD UNDER SUBSECTION (A) OF THIS SECTION MAY PETITION FOR JUDICIAL REVIEW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(h).

In subsection (a)(1) of this section, the former reference to "limit[ing]" the number of licenses is deleted as unnecessary in light of the reference to "restrict[ing]" the number of licenses. Similarly, in subsection (a)(2) of this section, the former reference to "limit[ing]" certain items is deleted as unnecessary in light of the reference to "regulat[ing]" the items.

In subsection (b) of this section, the reference to any limitation, restriction, or prohibition imposed by the Board "under subsection (a) of this section" is added for clarity.

Also in subsection (b) of this section, the reference to "petition[ing] for judicial review" of certain actions of the Board is substituted for the former reference to "appeal[ing]" those actions for accuracy.

Defined terms: "Board" § 9-101

"License" § 1-101

"License holder" § 1-101

**9-1602. POPULATION RESTRICTION FOR CLASS A AND CLASS D BEER, WINE, AND LIQUOR LICENSES.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE:**

**(1) CLASS A AND CLASS D BEER, WINE, AND LIQUOR LICENSES SO THAT THE NUMBER OF LICENSES ISSUED IN EACH OF THESE CLASSES EXCEEDS ONE**



**FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS; AND**

**(2) CLASS A AND CLASS D BEER LICENSES OR CLASS A AND CLASS D BEER AND LIGHT WINE LICENSES SO THAT THE AGGREGATE NUMBER IN THESE CLASSES EXCEEDS ONE FOR EVERY 1,300 RESIDENTS IN THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

**(B) TRANSFER OF LICENSE.**

**THE BOARD MAY APPROVE THE TRANSFER OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(e)(2) and (f)(1).

In subsection (b) of this section, the former phrase “[s]ubject to the population limitations on licenses elsewhere provided in this article” is deleted as surplusage.

Also in subsection (b) of this section, the former prohibition against the Board issuing “any additional beer, wine and liquor Class A or Class D license” is deleted as unnecessary in light of the restrictions against issuing these licenses established in subsection (a) of this section.

Also in subsection (b) of this section, the former reference to the transfer of an “existing” license is deleted as implicit.

Also in subsection (b) of this section, the former reference to the Board approving the transfer of a license “as elsewhere provided in this article” is deleted as surplusage.

Defined terms: “Board” § 9-101

“County” § 9-101

“License” § 1-101

**9-1603. LOCATION RESTRICTION FOR CERTAIN CLASS A, CLASS B, AND CLASS D LICENSES.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO:**

**(1) CLASS A BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES;**

**(2) CLASS B BEER LICENSES, BEER AND LIGHT WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES; AND**

**(3) CLASS D BEER, WINE, AND LIQUOR LICENSES.**

**(B) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE SPECIFIED IN SUBSECTION (A) OF THIS SECTION TO A PERSON WHOSE ESTABLISHMENT IS OUTSIDE:**

**(1) A MUNICIPALITY; OR**

**(2) A COMMUNITY WITH AT LEAST 500 RESIDENTS IN A 1-MILE RADIUS.**

**(C) EXCEPTIONS.**

**SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A RESTAURANT THAT DERIVES MORE THAN 50% OF ITS AVERAGE MONTHLY GROSS RECEIPTS FROM SALES OTHER THAN ALCOHOLIC BEVERAGES; OR**

**(2) A HOTEL OR MOTEL THAT HAS AT LEAST 20 ROOMS REGULARLY FOR HIRE AND THAT OFFERS MEALS FOR SALE AS A REGULAR AND SUBSTANTIAL PART OF ITS BUSINESS.**

**(D) REISSUANCE, RENEWAL, OR TRANSFER OF LICENSE.**

**A LICENSE ISSUED UNDER SUBSECTION (C) OF THIS SECTION MAY NOT BE REISSUED, RENEWED, OR TRANSFERRED IF THE LICENSE HOLDER FAILS TO CONTINUE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(c).

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the term “establishment” is used to encompass the former reference to a “location or business” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b) of this section, the reference to a person whose establishment is “outside” a municipality or a community with at least 500 residents is substituted for the former reference to a person whose establishment is “in any part of the county except” a municipality or a community with at least 500 residents for clarity.

In subsection (b)(1) of this section, the reference to a “municipality” is substituted for the former reference to “incorporated towns and cities” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to “bona fide” residents is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to “lodging” rooms is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to rooms “or units regularly for hire as such” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“Hotel” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

#### **9–1604. LIMIT ON CLASS C LICENSES.**

**NOT MORE THAN 60 CLASS C LICENSES MAY BE IN EXISTENCE AT ANY ONE TIME.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–202(g).

The former reference to Class C licenses “issued for the retail sale of alcoholic beverages” is deleted as surplusage.

#### **9–1605. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, AND DISCOUNT HOUSES.**

**A CLASS A, CLASS B, OR CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED FOR, TRANSFERRED TO, USED IN CONJUNCTION WITH, USED AT A LOCATION HAVING A DIRECT OR INDIRECT CONNECTION WITH, OR USED AT THE LOCATION OF:**

- (1) A CHAIN STORE;**
- (2) A SUPERMARKET; OR**
- (3) A DISCOUNT HOUSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(i).

In the introductory language of this section, the reference to the "location" is substituted for the former reference to the "premises" for clarity.

Also in the introductory language of this section, the former reference to a license being "granted" is deleted as unnecessary in light of the reference to a license being "issued".

Also in the introductory language of this section, the former phrase "access to" is deleted as redundant of the reference to "connection with".

Also in the introductory language of this section, the former phrase "any food, drug or pharmaceutical, or other business establishment of the type commonly known as" a chain store, supermarket, or discount house is deleted as surplusage.

**9-1606. STREET FRONTAGE AND UNOBSTRUCTED VIEW.**

**(A) STREET FRONTAGE REQUIRED.**

**EXCEPT FOR A CLUB, HOTEL, OR MOTEL, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT DOES NOT FRONT ON A PUBLIC STREET.**

**(B) FULL VIEW REQUIRED.**

**A BLIND OR AN OBSTRUCTION MAY NOT PREVENT AN INDIVIDUAL PASSING ALONG THE STREET FROM HAVING A FULL VIEW OF THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-202(d).

In subsection (a) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (a) of this section, the reference to “an establishment” is substituted for the former reference to “premises” to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to “individual[s]” is substituted for the former reference to “persons” because only human beings may have a view of an object.

Former Art. 2B, § 9–202(a), which stated that Art. 2B, § 9–202 applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“Club” § 1–101

“Hotel” § 1–101

“License” § 1–101

**9–1607. RESERVED.**

**9–1608. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**9–1609. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**9–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).****(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 9-1702 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 9-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 9-101  
 “License” § 1-101

**9-1702. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR THE STATE ARE PAID.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(b)(3).

The reference to a requirement to show that “all personal property taxes due the County or the State are paid” is substituted for the former requirement to show that “there are no unpaid taxes due to Allegany County or the State of Maryland on the merchandise, fixtures, or stock of the transferor” for clarity and consistency. *See, e.g.* § 12-1502 of this article.

The former phrase “within its jurisdiction” is deleted as unnecessary because the authority of the Board does not extend outside of its jurisdiction.

Defined terms: “Board” § 9-101  
 “County” § 9-101  
 “License” § 1-101  
 “State” § 1-101

**9-1703. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(b)(2).

The former reference to an "assignment" of a license is deleted as included in the reference to a "transfer" of a license.

Former Art. 2B, § 10-503(b)(1), which stated that former Art. 2B, § 10-503(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License" § 1-101

**9-1704. POPULATION RESTRICTION FOR TRANSFER OF CERTAIN CLASS A, CLASS B, AND CLASS D LICENSES.**

**THE BOARD MAY NOT TRANSFER A LICENSE THAT IS ISSUED UNDER § 9-1603 OF THIS TITLE UNLESS THE LICENSE HOLDER CONTINUES TO COMPLY WITH THE REQUIREMENTS OF § 9-1602 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 9-202(c)(2), as it related to the transfer of a license.

The reference to "a license that is issued under § 9-1603 of this title" is substituted for the former reference to "[a]ny license issued under this exception to a restaurant, hotel, or motel" to reflect the revision of the first sentence of former Art. 2B, § 9-202(c)(2) in § 9-1603 of this title. Similarly, the reference to the requirements of "§ 9-1602 of this title" is substituted for the former reference to the requirements of "this section".

Defined terms: "Board" § 9-101

"License" § 1-101

"License holder" § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**9-1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: "County" § 9-101  
 "License" § 1-101

## **9-1802. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 9-1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(1), as it related to the renewal of a license by a person who holds an out-of-state license.

The phrase "[n]otwithstanding § 9-1502 of this title," is added to clarify that this section is an exception to § 9-1502.

The reference to an "out-of-state" license is substituted for the former reference to a license "in any other state or in Washington, D.C." for brevity.

The reference to the authority of "the Board" to "renew" a license "originally issued to a holder of an out-of-state" license is substituted for the former reference to the "except[ion] by way of renewal, to a person, corporation, or limited liability company holding" an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: "Alcoholic beverage" § 1-101  
 "Beer" § 1-101  
 "Board" § 9-101  
 "State" § 1-101  
 "Wine" § 1-101

## **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

### **9-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**



**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 9-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 9-101

“License” § 1-101

“License holder” § 1-101

**9-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) FOR GENERAL PURPOSE OF EMPLOYMENT.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL BETWEEN THE AGES OF 18 AND 21 YEARS.**

**(B) TO SELL OR SERVE BEER AND LIGHT WINE.**

**TO BE ALLOWED TO SELL OR SERVE BEER AND LIGHT WINE, AN INDIVIDUAL SHALL BE AT LEAST 18 YEARS OLD.**

**(C) TO SELL OR SERVE LIQUOR.**

**TO BE ALLOWED TO SELL OR SERVE LIQUOR, AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(b).

Throughout this section, the references to an “individual” are substituted for the former overly broad references to a “person” because this section applies only to human beings.

In subsection (b) of this section, the phrase “at least 18 years old” is substituted for the former phrase “between ages 18 and 21 years” to conform to the terminology used in subsection (c) of this section. Similarly, in subsection (b) of this section, the phrase “[t]o be allowed to sell or serve beer and light wine” is substituted for the former phrase “may sell or serve beer and light wine”.

In subsection (c) of this section, the reference to “liquor” is substituted for the former reference to “distilled spirits” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**9–1903. UNDERAGE INDIVIDUALS AT FUNCTIONS HELD ON CLASS C OR CLASS D LICENSED PREMISES.**

**(A) PRESENCE OF INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, A CLASS C OR CLASS D LICENSE HOLDER MAY ALLOW INDIVIDUALS UNDER THE AGE OF 21 YEARS ON THE PREMISES TO HOLD OR ATTEND A DANCE OR OTHER FUNCTION AT WHICH INDIVIDUALS UNDER THE AGE OF 21 YEARS MAY BE PRESENT.**

**(B) ALCOHOLIC BEVERAGES PROHIBITED TO BE SOLD OR PRESENT.**

**ALCOHOLIC BEVERAGES MAY NOT BE SOLD AT THE FUNCTION OR BE PRESENT IN THE ROOM WHERE THE FUNCTION IS HELD.**

**(C) ADULT SUPERVISION REQUIRED.**

**THE SPONSOR OF THE FUNCTION SHALL PROVIDE ADULT SUPERVISION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(i).

Throughout this section, the references to an “individual” are substituted for the former overly broad references to a “person” because this section applies only to human beings.

In subsection (b) of this section, the word “in” is substituted for the former word “within” for clarity.

In subsection (c) of this section, the former reference to “appropriate” adult supervision is deleted as surplusage.

Also in subsection (c) of this section, the former reference to adult supervision “at the function” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

#### **9–1904. SALE OF ALCOHOLIC BEVERAGES BY RETAIL DEALERS.**

##### **(A) IN GENERAL.**

**A RETAIL DEALER MAY NOT EXTEND CREDIT TO A CUSTOMER.**

##### **(B) NO SUITS BASED ON ALCOHOLIC BEVERAGES SOLD ON CREDIT.**

**A SUIT MAY NOT BE MAINTAINED BY A RETAIL DEALER AGAINST A PERSON FOR ALCOHOLIC BEVERAGES THAT HAVE BEEN SOLD ON CREDIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(h).

In subsection (a) of this section, the reference to the prohibition against a retail dealer extending credit to a customer is substituted for the former statement that all sales of alcoholic beverages by retail dealers shall be for cash only, for clarity and to avoid the erroneous interpretation that a retail dealer may not accept payment by means other than cash (*e.g.*, credit card).

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

#### **9–1905. SIGNAGE PROHIBITING LIQUOR SALES.**

**(A) TO BE POSTED ON PREMISES OF LICENSE HOLDER NOT AUTHORIZED TO SELL LIQUOR.**

**AN ESTABLISHMENT LICENSED FOR THE SALE OF BEER OR OF BEER AND WINE SHALL POST AT LEAST FOUR CONSPICUOUS NOTICES ON THE LICENSED PREMISES, INCLUDING A BUILDING, A PARKING LOT, A TERRACE, OR GROUNDS THAT ARE AN INTEGRAL PART OF THE LICENSED PREMISES, STATING “UNLAWFUL TO DRINK OR DISPLAY LIQUOR ON THESE PREMISES.”**

**(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(j)(3) and (4) 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: “Beer” § 1–101

“Person” § 1–101

“Wine” § 1–101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **9–2001. HOURS WHEN CONSUMING ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**(1) UNLESS OTHERWISE PROVIDED UNDER THIS TITLE, FROM 1 A.M. TO 7 A.M. ON MONDAY THROUGH SATURDAY AND AFTER 1 A.M. ON SUNDAY, AN**

**INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(b)(1)(iii), (iv), and (v) and (4).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to a “premises licensed under this title” is substituted for the former references to any “[p]remises open to the general public”, “[p]lace operated as a club”, “[p]lace of public entertainment”, and “[p]lace at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of this article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

**9–2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**RESERVED.**

**(C) CLASS C BEER LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; OR**

**2. IS ISSUED A 2–DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2–DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER LICENSE.**

**(II) AN APPLICANT FOR A 2–DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2–DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR ON–PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

**(D) CLASS D BEER LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; AND**

**2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

**(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER LICENSE.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to beer licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, the beer licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this subtitle.

In this section, the references to “beer” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this section.

In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Defined terms: “Beer” § 1–101

“Board” § 9–101

“License” § 1–101

### **9–2003. BEER AND LIGHT WINE LICENSES.**

#### **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

#### **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**RESERVED.**

#### **(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9–2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(i) ON MONDAY THROUGH SATURDAY, FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(ii) ON SUNDAY, FOR ON–PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; OR**

**2. IS ISSUED A 2–DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**



**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

**(D) CLASS D BEER AND LIGHT WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; AND**

**2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

**(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER AND LIGHT WINE FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to beer and light wine licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, the beer and light wine licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this subtitle.

In this section, the references to “beer and light wine” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this section.

In subsection (d)(1)(ii)2 of this section, the former definition of “restaurant” is incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Defined terms: “Beer” § 1-101

“Board” § 9-101

“License” § 1-101

“Wine” § 1-101

#### **9-2004. BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY.**

##### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250;**

**2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

**3. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE, INCLUDING A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED FOR USE IN A RESTAURANT OR BANQUET ROOM IN A HOTEL OR MOTEL.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; OR**

**2. IS ISSUED A 2-DAY SUNDAY SALES PERMIT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SUNDAY, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER:**

**1. PAYS AN ADDITIONAL FEE OF \$250; AND**

**2. IS ISSUED THE LICENSE FOR USE IN A RESTAURANT IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS WHERE MEALS ARE USUALLY PREPARED, SOLD, OR SERVED TO THE PUBLIC WHEN THE RESTAURANT IS REGULARLY OPEN FOR BUSINESS; OR**

**(III) IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(II) AN APPLICANT FOR A 2-DAY SUNDAY SALES PERMIT NEED NOT HAVE KITCHEN FACILITIES ON THE LICENSED PREMISES.**

**(III) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 1 P.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

**(IV) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-501(a), (c), and (b)(2) and, as it related to beer, wine, and liquor licenses, (1).

In this section and throughout this subtitle, the permissible hours of sale for a holder of the particular license that is the subject of the section – in this case, beer, wine, and liquor licenses – are stated rather than the prohibited hours of sale for “any person having a license under this article” for clarity and to conform to the organizational scheme of this part.

In this section, the references to “beer, wine, and liquor” are substituted for the former references to the broader term “intoxicating beverages” in accordance with the scope of this subtitle.

In subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, references to the former definition of “restaurant” are incorporated into the substantive law for brevity and to avoid possible confusion because “restaurant” is a term defined for the entire article, but the word has a somewhat different meaning in this section.

Also in subsections (b)(1)(ii)2 and (d)(1)(ii)2 of this section, the former references to “[e]xcept as provided under § 6-201(b) of this article for purposes of this section” are deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to a license issued for use in a restaurant or banquet room in a hotel or motel “as provided under § 6-201(b) of this article” is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Board” § 9-101

“Hotel” § 1–101  
 “License” § 1–101  
 “Wine” § 1–101

**9–2005. HOURS FOR DECEMBER 31 AND JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOURS OF SALE FOR DECEMBER 31 AND JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THOSE DATES FALL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(b)(2).

The reference to “hours of sale” is substituted for the former reference to “the hour at which establishments serving alcoholic beverages must cease sales” for brevity.

The phrase “for December 31 and January 1” is substituted for the former phrase “on New Year’s Eve Day and on New Year’s Day” for clarity.

The former reference to the Board determining “within their sole discretion” is deleted as surplusage.

Former Art. 2B, § 11–402(a), which stated that former Art. 2B, § 11–402 applied “primarily to January 1 of each year, New Year’s Day but may also apply to December 24 and 31, as specified for each jurisdiction”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–402(b)(1), which stated that former Art. 2B, § 11–402(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–403(b)(4), which stated that Sunday sales when New Year’s Eve or New Year’s Day falls on a Sunday are governed by former § 11–402(b), is deleted as surplusage.

Defined term: “Board” § 9–101

**9–2006. ELECTION DAY.**

**A LICENSE HOLDER WHOSE PREMISES ARE ALSO USED AS A POLLING PLACE MAY NOT EXERCISE ANY PRIVILEGE CONFERRED BY THAT LICENSE ON THE DAY OF AN ELECTION WHEN THE POLLS ARE OPEN.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–401(b)(1).

Former Art. 2B, § 11-401(b)(2) through (24), which listed all of the jurisdictions exempt from the general prohibition, is deleted as unnecessary because the general prohibition applies only to Talbot County and is revised in § 30-2005 of this article.

Defined terms: “License” § 1-101  
 “License holder” § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **9-2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”); AND**
- (2) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”).**

#### **(B) EXCEPTION.**

**SECTION 4-606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9-2105 OF THIS SUBTITLE.**

#### **(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO §§ 9-2102 AND 9-2103 OF THIS SUBTITLE; AND**
- (2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 9-2104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(1), which stated that the provisions of former § 10–405, which related to nudity and sexual displays, applied to Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 9–101

“License” § 1–101

“Local licensing board” § 1–101

### **9–2102. PROCEDURES TO INITIATE COMPLAINT.**

**IN ADDITION TO THE REVOCATION AND SUSPENSION PROCEDURES PROVIDED UNDER § 4–603(A) OF THIS ARTICLE, A COMPLAINT MAY BE MADE BY AT LEAST 10 PERSONS IN THE VICINITY OF THE LICENSED PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–403(b).

The phrase “[i]n addition to the revocation and suspension procedures provided under § 4–603(a) of this article,” is added for clarity.

The reference to the vicinity “of the licensed premises” is substituted for the former reference to the vicinity “in which any licensed place of business is situated” for brevity and to conform to the terminology used throughout this article.

Defined term: “Person” § 1–101

### **9–2103. ADMISSIBLE EVIDENCE IN HEARING.**

**IN A HEARING ON A COMPLAINT FOR REVOCATION OR SUSPENSION OF A LICENSE, ADMISSIBLE EVIDENCE INCLUDES THE GENERAL REPUTATION OF:**

- (1) THE APPLICANT OR LICENSE HOLDER;**
- (2) THE ESTABLISHMENT; AND**
- (3) THE INDIVIDUALS WHO CONGREGATE AT THE ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(c)(3), as it related to complaints for revocation or suspension.



In the introductory language of this section, the reference to a “complaint for revocation or suspension” is substituted for the former reference to “remonstrances” for clarity.

In item (2) of this section, the reference to the “establishment” is substituted for the former reference to the “place of business” to conform to the terminology used throughout this article.

Defined terms: “License” § 1–101  
 “License holder” § 1–101

#### **9–2104. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION PROVIDED UNDER § 4–604 OF THIS ARTICLE, THE BOARD SHALL REVOKE OR SUSPEND A LICENSE FOR CONVICTION OF THE LICENSE HOLDER’S AGENT OR EMPLOYEE FOR A VIOLATION OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(b).

The phrase “[i]n addition to the grounds for revocation or suspension provided under § 4–604 of this article,” is added for clarity.

The former reference to “the licensee” is deleted as included under § 4–604 of this article.

The former reference to “any one or more of the clerks ... and servants” is deleted as included in the reference to “agent or employee”.

The former reference to a violation “on the part of any such persons of any of the provisions” of this article is deleted as surplusage.

Defined terms: “Board” § 9–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **9–2105. EFFECTS OF REVOCATION.**

**IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER WAS CONVICTED OF VIOLATING THIS ARTICLE OR A PROVISION OF THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX, THE BOARD MAY NOT ISSUE A LICENSE TO THE FORMER LICENSE HOLDER OR FOR THE PREMISES WITHIN 1 YEAR AFTER THE CONVICTION.**

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

The reference to 1 year "after the conviction" is substituted for the former reference to 1 year "thereafter" for clarity.

The reference to the "former license holder" is substituted for the former reference to the "same person" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 9-101

"License" § 1-101

"License holder" § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **9-2201. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-702(A) ("ON DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

#### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-702(B) ("AFTER VACATION OF OR EVICTION FROM PREMISES");**

**(2) § 4-703 ("PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS");**

**(3) § 4-704 ("LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE");**  
AND

**(4) § 4-705 ("POSTPONEMENT TO AVOID HARDSHIP").**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: "County" § 9-101

"License" § 1-101

“License holder” § 1-101

**9-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

**(A) 180-DAY RULE.**

**A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

**(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;**

**(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR**

**(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

**(B) APPLICATION FOR HARDSHIP EXTENSION.**

**(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP.**

**(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS.**

**(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.**

**(C) START AND RESTART OF UNEXPIRED PERIOD.**

**(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:**

**(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

**(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

**(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:**

**(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

**(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

**(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

**(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.**

**(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:**

**(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND**

**(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(h)(2) through (4), (5)(ii), and (6).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages business operations "at the premises" for which the license is held are substituted for the former references to stopping alcoholic beverages business operations "of the business" for which the license is held to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the reference to "a certificate of permission or a renewal license for continuation of business" is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to "undue" hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not “prolong the life of the license beyond 360 days” after the closing or stopping of business operations is substituted for the former reference to a request for an extension “for a time period of no more than a cumulative period of 360 days” after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period “for which a license may be considered unexpired” is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a “time” period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be “suspended” are substituted for the former references to a period that may or may not be “toll[ed]” for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase “cumulatively to the time period before the filing of the application or request” is deleted as implicit in the word “resumes”.

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(h)(1)(i), which stated that former Art. 2B, § 10–504(h) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–504(h)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Allegany County, is deleted in light of the same term defined in § 9–101 of this title.

Former Art. 2B, § 10–504(h)(5)(i), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**9-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 9-101  
“License holder” § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**9-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 9-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**9-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**(1) AN INDIVIDUAL MAY NOT POSSESS OR CONSUME AN ALCOHOLIC BEVERAGE DURING THE HOURS STATED IN PARAGRAPH (2) OF THIS SUBSECTION IN AN ESTABLISHMENT THAT:**

**(I) IS NOT LICENSED BY THE BOARD; BUT**

**(II) IS:**

**1. A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, OR DISCO;**

**2. A PLACE OF PUBLIC ENTERTAINMENT;**

**3. A PLACE OPEN TO THE PUBLIC;**

**4. A PLACE THAT IS LICENSED BY THE STATE OR THE COUNTY; OR**

**5. A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.**

**(2) THE PROHIBITION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS IN EFFECT:**

**(I) FROM MONDAY TO SATURDAY, FROM 1 A.M. TO 7 A.M.; AND**

**(II) ON SUNDAY, AFTER 1 A.M.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS SECTION MAY NOT ALLOW CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(b)(1)(ii) and (iii), (2), and (4).

In subsection (a)(1) of this section, the reference to an "establishment" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

In subsection (a)(1)(i) of this section, the phrase "by the Board" is substituted for the former phrase "under this article" for clarity.

In subsection (a)(1)(ii)3 of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11–304(b)(1)(i), which provided that former Art. 2B, § 11–304(b) applied only in Allegany County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 9–101

“Club” § 1–101

“County” § 9–101

“Person” § 1–101

“Restaurant” § 1–101

“State” § 1–101

## SUBTITLE 26. ENFORCEMENT.

### 9–2601. APPLICATION OF GENERAL PROVISIONS.

#### (A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 6–202 (“INSPECTIONS”);
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);
- (4) § 6–205 (“PEACE OFFICERS”);
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);



**(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND**

**(8) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”), SUBJECT TO § 9-2602 OF THIS SUBTITLE; AND**

**(2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 9-2603 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 9-101

“State” § 1-101

**9-2602. AUTHORITY OF MUNICIPALITY TO REGULATE LICENSE HOLDERS.**

**A MUNICIPALITY IN THE COUNTY MAY PASS AN ORDINANCE CONSISTENT WITH THIS ARTICLE TO REGULATE LICENSE HOLDERS LOCATED WITHIN THE LIMITS AND UP TO 1 MILE BEYOND THE LIMITS OF THE MUNICIPALITY TO ASSIST IN THE ENFORCEMENT OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-411.

The phrase “to regulate all license holders” is substituted for the former phrase “providing for the regulations and control of all licensees under this article” for brevity.

The phrase “located up to 1 mile beyond the limits of the municipality” is substituted for the former phrase “which shall be situate within the limits of the said city, town or municipality, or within one mile thereof” for brevity and clarity.

Defined terms: “County” § 9-101

“License holder” § 1-101

**9-2603. DISTRIBUTION OF FINES.**

**FINES IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS FOLLOWS:**

**(1) ONE-HALF OF EACH FINE AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE; AND**

**(2) (I) IF THE OFFENSE IS COMMITTED IN A MUNICIPALITY, ONE-QUARTER TO THE MUNICIPALITY AND ONE-QUARTER TO THE COUNTY; OR**

**(II) IF THE OFFENSE IS COMMITTED OUTSIDE OF A MUNICIPALITY, ONE-HALF TO THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(b).

In item (2)(i) of this section, the former phrase "as the case may be" is deleted as surplusage.

Defined term: "County" § 9-101

**SUBTITLE 27. PROHIBITED ACTS.****9-2701. 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) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**

**(4) § 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS");**

- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6-329 (“PERJURY”).

(B) VARIATIONS.

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 9–2702 OF THIS SUBTITLE; AND**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 9–2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 9–101

“License holder” § 1–101

“Retail dealer” § 1–101

**9–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT OF THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.****(C) PENALTY.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE 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.**

**(D) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(i)1, (ii), and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to "imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both" is substituted for the former reference to "[t]he penalties provided by § 16-503 of [former Article 2B]" for clarity.

In subsection (d) of this section, the reference to the "Board" is substituted for the former reference to "any alcoholic beverage law enforcement or licensing authorities" to conform to terminology used throughout this title.

Also in subsection (d) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (d) of this section, the former phrase "[e]xcept as otherwise provided in this section," is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“License holder” § 1–101

“State” § 1–101

**9–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT OF THE STATE.**

**(B) PENALTY.**

**A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER WHO VIOLATES § 6–307 OF THIS ARTICLE 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.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(i)1 and (iv).

In subsection (b) of this section, the reference to “imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both” is substituted for the former reference to “[t]he penalties provided by § 16–503 of [former Article 2B]” for clarity.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section,” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 9–101

“License holder” § 1–101

“State” § 1–101

**9–2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

**IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER 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, § 12-110(a), except as it related to the specific penalty, and, as it related to Allegany County, (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying "as to habitual drunkards" is deleted as surplusage.

In subsection (b) of this section, the defined term "alcoholic beverage" is substituted for the former references to "intoxicating beverages" for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to "barter" and "furnish" are deleted as included in the references to "sell" and "provide".

In subsection (b)(2) of this section, the reference to an individual with an "intellectual disability" is substituted for the former reference to a "mentally deficient" person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term "mentally retarded" in the Code with "intellectual disability".

In subsection (b)(3) of this section, the reference to a "family member or guardian" is substituted for the former reference to "parent or parents, guardian, husband, wife, son, daughter, brother, or sister" for brevity.

Also in subsection (b)(3) of this section, the reference to "an employee of the license holder" is added for consistency within this subsection.

In subsection (c) of this section, the former references to imprisonment "in the county jail, or house of correction" and to both fine and imprisonment "in the discretion of the court" are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder's employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6-402 of this article.



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

**9–2705. GAMBLING ON PREMISES.**

**(A) PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW GAMBLING THAT IS PROHIBITED BY LAW ON THE LICENSED PREMISES.**

**(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(e) and (k).

In subsection (a) of this section, the former reference to “or gaming” is deleted as included in the reference to “gambling”.

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”.

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

**9–2707. DISORDERLY CONGREGATION ON PREMISES.****(A) PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW DISORDERLY OR DISREPUTABLE INDIVIDUALS TO CONGREGATE ON THE LICENSED PREMISES.**

**(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(f) and (k).

In subsection (a) of this section, the word “individuals” is substituted for the former word “persons” because this section applies only to human beings.

Also in subsection (a) of this section, the phrase “on the licensed premises” is substituted for the former phrase “at the place for which such license is granted” for brevity.

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: “License holder” § 1–101  
“Person” § 1–101

## **9–2708. LOITERING.**

### **(A) PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER TO LOITER ABOUT THE PLACE OF BUSINESS FOR WHICH THE LICENSE IS ISSUED.**

### **(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(c) and (k).

In subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Also in subsection (a) of this section, the defined term “consumer” is substituted for the former reference to an individual who is not “designated under § 1–102(a)(6) of this article” for clarity. Former Art. 2B, § 1–102(a)(6) defined “consumer”.

Also in subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

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: “Consumer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **9–2709. UNLAWFUL DISPLAY OR CONSUMPTION OF OTHER ALCOHOLIC BEVERAGES.**

### **(A) IN GENERAL.**

**A PERSON MAY NOT DISPLAY OR CONSUME IN A LICENSED ESTABLISHMENT ANY ALCOHOLIC BEVERAGE OTHER THAN THOSE THAT THE LICENSE HOLDER OF THE LICENSED ESTABLISHMENT MAY SELL.**

### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–201(j)(1) and (2).

In subsection (a) of this section, the reference to a “licensed establishment” is substituted for the former reference to a “bar, restaurant, tavern or any other licensed place” for brevity.

Also in subsection (a) of this section, the reference to “consum[ing]” is substituted for the former reference to “drink[ing]” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “lawfully” selling is deleted as unnecessary.

In subsection (b) of this section, the former reference to a fine “not less than \$25” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “License holder” § 1–101  
 “Person” § 1–101

**SUBTITLE 28. PENALTIES.**

**9–2801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 6–402(B) (“GENERAL PENALTY — IMPOSITION OF PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTION.**

**SECTION 6–402(A) (“GENERAL PENALTY — IN GENERAL”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 9–2802 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 9–101

**9–2802. GENERAL PENALTY.**

**A PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE FOR WHICH NO OTHER PENALTY IS PROVIDED IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(b)(1)(ii).

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).

The former phrase “in the discretion of the court” is deleted as surplusage.

Defined term: “Person” § 1–101

**9–2803. PENALTY IMPOSED BY BOARD.**

**(A) AUTHORIZATION.**

**THE BOARD MAY REVOKE OR SUSPEND A LICENSE OR IMPOSE A FINE ON A LICENSE HOLDER WHO VIOLATES THIS ARTICLE.**

**(B) CONDITIONS.**

**(1) IN LIEU OF SUSPENSION, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE BOARD SHALL CONSIDER WHETHER:**

**(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 16-507(b)(2)(i) through (iv) and, as it related to the power of a local licensing board to revoke a license, 10-403(a)(1).

In the introductory language of subsection (b)(2) of this section, the reference to considering "whether" is substituted for the former reference to considering "the following points" for brevity.

In subsection (b)(2)(ii) of this section, the reference to the "fine" is substituted for the former reference to the "sum of money" for brevity.

Former Art. 2B, § 16-507(b)(2)(v), which authorized the Board to adopt regulations, is deleted as unnecessary because the Board has power to adopt regulations under § 9-206 of this title.

Defined terms: "Board" § 9-101

"County" § 9-101

"License" § 1-101

"License holder" § 1-101

**9-2804. LOCAL PENALTIES.**

**(A) PENALTY IMPOSED BY MUNICIPALITY.**

**A MUNICIPALITY MAY IMPOSE A PENALTY FOR THE VIOLATION OF AN ORDINANCE PASSED FOR THE REGULATION AND CONTROL OF A LICENSE HOLDER UNDER THIS TITLE.**

**(B) SUSPENSION OR FINE ALLOWED.**

**(1) IN LIEU OF SUSPENSION, THE MUNICIPALITY MAY IMPOSE A FINE NOT EXCEEDING \$2,500, WHICH SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**(2) IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE MUNICIPALITY SHALL CONSIDER WHETHER:**

**(I) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(II) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(b)(1)(i) and (2)(i) through (iv).

The reference to a “municipality” is substituted for the former reference to a “municipal corporation” to conform to the terminology used in other recently revised articles of the Code. *See, e.g.*, LG § 1–101.

By tracking the limits on penalties imposed by a board under former Art. 2B, § 16–507(b)(2), subsection (b) of this section clarifies otherwise vague language concerning the penalties that a municipality may impose under this section.

Defined terms: “County” § 9–101  
 “License holder” § 1–101

**TITLE 10. CITY OF ANNAPOLIS.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**10–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY OF ANNAPOLIS.**



REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the "Board of License Commissioners for the City of Annapolis".

**(C) CITY.**

**"CITY" MEANS THE CITY OF ANNAPOLIS.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the "City of Annapolis".

**(D) LIGHT WINE.**

**"LIGHT WINE" MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR'S NOTE: This subsection is new language added to reflect the definition of "light wine" stated in Section 1.02.Z of the Rules and Regulations of the Board.

Defined term: "Wine" § 1-101

**10-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN THE CITY OF ANNAPOLIS.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**10-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to the "City Council" is substituted for the former reference to the "local governing body" for clarity.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each

local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

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

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**10–201. MAYOR AND CITY COUNCIL MAY CONSTITUTE BOARD; POWER TO DELEGATE AUTHORITY.**

**THE MAYOR AND THE CITY COUNCIL MAY:**

**(1) CONSTITUTE THE BOARD OF LICENSE COMMISSIONERS FOR THE CITY; OR**

**(2) DELEGATE ALL OR PART OF THE AUTHORITY TO REGULATE LICENSE HOLDERS TO A SUBSIDIARY BOARD THAT THE MAYOR AND CITY COUNCIL ESTABLISH.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–107.

In the introductory language and item (2) of this section, the references to the “City Council” are substituted for the former references to “Aldermen” for clarity.

In item (2) of this section, the defined term “license holder[s]” is substituted for the former reference to “alcoholic beverages licensees” to conform to the terminology used throughout this revised article.

Former Art. 2B, § 15–101(c)(2), which provided that the provisions of former Art. 2B, § 15–107 apply in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “City” § 10–101  
 “License holder” § 1–101

**10–202. ANNE ARUNDEL COUNTY BOARD — NO JURISDICTION.**

**THE BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY DOES NOT HAVE JURISDICTION IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15–107.

Defined term: “City” § 10–101

**10–203. REGULATIONS.**

**(A) IN GENERAL.**

**THE MAYOR AND CITY COUNCIL OF THE CITY MAY ADOPT REGULATIONS THAT IN THEIR JUDGMENT GIVE THE CITY MORE EFFECTIVE CONTROL OF EACH LICENSED ESTABLISHMENT.**

**(B) ADDED OR SUBSTITUTED REGULATIONS.**

**THE REGULATIONS:**

**(1) MAY BE ADDED TO OR SUBSTITUTED FOR PROVISIONS OF THIS ARTICLE; BUT**

**(2) MAY NOT BE INCONSISTENT WITH THOSE PROVISIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(c)(2)(ii).

In subsection (a) of this section, the reference to “adopt[ing]” regulations is substituted for the former reference to “mak[ing] and enforc[ing]” regulations for brevity and consistency with other similar provisions of this article.

Also in subsection (a) of this section, the reference to the “City” is substituted for the former reference to the “municipality” to conform to the terminology used throughout this title.

Also in subsection (a) of this section, the reference to each “licensed establishment” is substituted for the former reference to each “of the places of business” for clarity.

Also in subsection (a) of this section, the former reference to the “Counsellor” of Annapolis is deleted as obsolete.

Also in subsection (a) of this section, the former reference to “restrictions” is deleted as included in the reference to “regulations”.

Former Art. 2B, § 15–112(c)(2)(i), which provided that former Art. 2B, § 15–112(c)(2) applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “City” § 10–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

The Mayor and the City Council of Annapolis have delegated the authority to regulate alcoholic beverages to the Alcoholic Beverage Control Board. The Board, composed of five members who are appointed by the Mayor and confirmed by the City Council, issues licenses, administers and enforces alcoholic beverages laws, and disciplines license holders. *See* Chapter 7.12 of the Annapolis Municipal Code and Charter.

Notwithstanding the delegation of authority to regulate alcoholic beverages to the Alcoholic Beverage Control Board, the reference to the “Board of License Commissioners for the City” is retained in § 10–201(1) of this subtitle for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

#### SUBTITLE 3. LIQUOR CONTROL.

##### 10–301. LIQUOR CONTROL — NOT APPLICABLE.

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE CITY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the City.

Defined term: “City” § 10–101

#### SUBTITLE 4. MANUFACTURER’S LICENSES.

##### 10–401. APPLICATION OF GENERAL PROVISIONS.

###### (A) WITHOUT EXCEPTION OR VARIATION.

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

###### (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);

- (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (8) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- (11) § 2-212 (“ADDITIONAL LICENSES”);
- (12) § 2-213 (“ADDITIONAL FEES”);
- (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR'S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer's licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the City.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including the City of Annapolis, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2–208(b)(2)(iv), which provided that a Class 7 micro–brewery license shall be issued in the City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “City” § 10–101  
 “Manufacturer’s license” § 1–101

#### **10–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

### **SUBTITLE 5. WHOLESALER’S LICENSES.**

#### **10–501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);
- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(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.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

By being placed in this subtitle, this section makes clear that it applies to the City of Annapolis. Consequently, in subsection (a) of this section, the former phrase “in each county of the State and in Baltimore City” is deleted as unnecessary.

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

**10–601. RESERVED.**

## **SUBTITLE 7. LIGHT WINE LICENSES.**

**10–701. LIGHT WINE LICENSES — NOT APPLICABLE.**

**A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language added to clarify that a light wine license may not be issued in the City of Annapolis.

Defined terms: “City” § 10–101  
“Light wine” § 10–101

## **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

### **10–801. BEER AND LIGHT WINE LICENSES AUTHORIZED.**

**THE BOARD MAY ISSUE A LICENSE TO SELL BEER AND LIGHT WINE, AT RETAIL,  
FOR:**

- (1) ON–PREMISES CONSUMPTION; OR**
- (2) ON– AND OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–601(b).

In the introductory language of this section, the defined term “Board” is substituted for the former reference to “City” to reflect that the Board is the governmental unit that issues licenses.

Also in the introductory language of this section, the former reference to issuing the license “to an establishment where the licensee is authorized” to sell beer and light wine is deleted as surplusage.

Also in the introductory language of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In item (1) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

In item (2) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5–101(c)(2), which provided that former Art. 2B, § 5–101 did not apply in the City of Annapolis, is deleted as unnecessary because this section only authorizes on–premises and on– or off–premises consumption in the City of Annapolis and not off–premises consumption only, which was what was provided for under former Art. 2B, § 5–101.

Former Art. 2B, § 5–401(c)(1)(ii), which provided that former Art. 2B, § 5–401 did not apply in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–601(a), which stated that former Art. 2B, § 5–601 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Board” § 10–101  
“Light wine” § 10–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**10–901. BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–202(b).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and sell” for brevity.

Also in subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at any establishment within the city” for clarity and consistency within this title.

Former Art. 2B, § 6–202(a), which stated that former Art. 2B, § 6–202 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

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

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**10-1001. RESERVED.****SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.****10-1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“City” § 10-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**10-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.****(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR A REFILLABLE CONTAINER PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202.2(c), (g), (i), and (e)(1).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container license is issued" for brevity.

In subsection (d) of this section, the defined term "Board" is substituted for the former reference to the "Alcoholic Beverage Control Board" to conform to the terminology used throughout this title.

Former Art. 2B, § 8–202.2(a), which stated that former Art. 2B, § 8–202.2 applied only in the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202.2(b), (d), (f), (h), and (e)(2) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Defined terms: “Board” § 10–101

“License” § 1–101

“Off–sale” § 1–101

### **SUBTITLE 12. CATERER’S LICENSES.**

**10–1201. RESERVED.**

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

**10–1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “City” § 10–101

**10–1302. RESERVED.**

**10–1303. RESERVED.**

#### **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**10–1304. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

**(A) ESTABLISHED.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS WS WINE SAMPLING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:**

**(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR**

**(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.**

**(D) LICENSE APPLICATION.**

**THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.**

**(G) FEE.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-402(e)(1) through (4) and (6) and, as they related to the Class WS license, (c) and (h).

Throughout this section, the former references to a "bona fide" nonprofit organization are deleted as surplusage.

Also throughout this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsections (a), (b), (e), and (g) of this section, the references to the Mayor and City Council “or designee” are added for clarity.

In subsection (c)(1)(i) of this section, the reference to the consent of the “holder of the license for the premises” is substituted for the former reference to the consent of the “licensee” to clarify who is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to “a location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Defined terms: “Beer” § 1–101

“City” § 10–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

#### **10–1305. BEER AND WINE TASTING LICENSE.**

##### **(A) ESTABLISHED.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY APPROVE A CLASS BWT BEER AND WINE TASTING LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**



**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

**(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND**

**(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

**(E) FEE.**

**THE MAYOR AND CITY COUNCIL OR DESIGNEE SHALL SET THE LICENSE FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(d)(1)(ii) and (6) and, as they related to the Class BWT license, (c) and (h).

In subsections (a), (b), and (e) of this section, the references to the Mayor and City Council “or designee” are added for clarity.

In the introductory language of subsection (c) of this section, the former phrase “for sampling purposes only” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad references to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

- Defined terms: “Beer” § 1–101
- “City” § 10–101
- “License” § 1–101
- “License holder” § 1–101
- “Wine” § 1–101

**10–1306. RESERVED.**

**10–1307. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**10–1308. RESERVED.**

**SUBTITLE 14. APPLICATIONS FOR LICENSES.****10-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (9) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTION.**

**SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 10-1402 OF THIS SUBTITLE; AND**

**(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 10-1403 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: “City” § 10-101  
“License” § 1-101  
“Local licensing board” § 1-101

**10-1402. RESIDENCY REQUIREMENT.**

**AN APPLICANT FOR A LICENSE ISSUED IN THE CITY MAY MEET THE RESIDENCY REQUIREMENT IN § 4-109(A)(4) OF THIS ARTICLE BY RESIDING ANYWHERE IN ANNE ARUNDEL COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(4)(vi).

Defined term: “City” § 10-101

**10-1403. COLLECTION AND DISPOSITION OF LICENSE FEES.**

**THE CITY CLERK SHALL COLLECT ALL LICENSE FEES AND PAY THEM TO THE CITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(c)(3)(i) and (4)(i).

The former phrase “alcoholic beverages” license fees is deleted as included in the defined term “license”.

The former reference to license fees “for licenses granted to places of business located in the City of Annapolis” is deleted as implicit.

Former Art. 2B, § 10-204(c)(4)(ii), which stated that the “City of Annapolis shall devote the receipts [of the license fees] to the general purposes of the City”, is deleted as implicit in this section.

Defined terms: “City” § 10-101  
“License” § 1-101

**10-1404. SETTING OF FEES AND RENEWAL PERIODS.****THE MAYOR AND CITY COUNCIL MAY:**

**(1) SET THE FEES FOR ALL LICENSES AUTHORIZED TO BE ISSUED IN THE CITY; AND**

**(2) DETERMINE A PERIODIC BASIS ON WHICH PAYMENTS FOR THE RENEWAL OF A LICENSE MAY BE MADE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(c).

In the introductory language of this section the reference to "City Council" is substituted for the former obsolete reference to "Counselor, and Aldermen" for clarity.

Former Art. 2B, § 8-202(a), which stated that former Art. 2B, § 8-202 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-202(b), which defined "board" and "license", is deleted as duplicative of the definitions of those terms in § 10-101 of this title and § 1-101 of this revised article, respectively.

Defined terms: "City" § 10-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.****10-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

**(2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

**(3) § 4-207 ("LICENSES ISSUED TO MINORS");**

- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);
- (5) § 4-209 (“HEARING”);
- (6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4-212 (“LICENSE NOT PROPERTY”);
- (9) § 4-213 (“REPLACEMENT LICENSES”); AND
- (10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 10-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 10-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 10-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “City” § 10-101

“License” § 1-101

“Local licensing board” § 1-101

**10-1502. AUTHORITY OF BOARD.**

**(A) IN GENERAL.**

**LICENSES SHALL BE APPROVED BY THE BOARD OF LICENSE COMMISSIONERS OF THE CITY AND ISSUED BY THE CITY CLERK.**

**(B) LICENSES NOT ISSUED BY ANNE ARUNDEL BOARD.**

**THE BOARD OF LICENSE COMMISSIONERS OF ANNE ARUNDEL COUNTY MAY NOT ISSUE LICENSES IN THE CITY.**

REVISOR'S NOTE: This section is new language that, in part, is added to state explicitly what formerly was only implied, that only the Board of License Commissioners for the City of Annapolis may issue alcoholic beverages licenses for use in the City and, in part, is derived without substantive change from former Art. 2B, § 10-204(c)(3).

Defined terms: "City" § 10-101

"License" § 1-101

**10-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Light wine" § 10-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**10-1601. RESERVED.**

**10-1602. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**10-1603. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**10-1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “City” § 10-101  
“License” § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**10-1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-403 (“RENEWAL APPLICATION”);**
- (2) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**
- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4-406 (“PROTESTS”);**

- (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);
- (6) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);
- (7) § 4-409 (“MULTIPLE LICENSES”); AND
- (8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

**(B) VARIATION.**

**SECTION 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-1802 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “City” § 10-101  
 “License” § 1-101

**10-1802. PAYMENT SCHEDULE OF RENEWAL FEE.**

**THE MAYOR AND CITY COUNCIL MAY DETERMINE A PERIODIC PAYMENT SCHEDULE FOR THE RENEWAL OF A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(ii)5.

The reference to “City Council” is substituted for the former reference to “Counselor, and Aldermen” for consistency with the terminology used throughout this title.

The reference to a “payment schedule for the renewal of a license” is substituted for the former reference to a “periodic basis on which payments for the renewal of a license may be made” for brevity.

Defined term: “License” § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**10-1901. APPLICATION OF GENERAL PROVISIONS.**



**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to conduct of local license holders.

Defined terms: “City” § 10–101  
 “License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**10–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to the City of Annapolis, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any

license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **10–2002. BEER LICENSES.**

### **THE BOARD MAY SET THE HOURS OF SALE FOR BEER LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Former Art. 2B, § 11–403(a)(2)(i), which excluded the City of Annapolis from the prohibition against a retail dealer holding a Class B or C license selling alcoholic beverages at a bar or counter on Sunday, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Board” § 10–101

**10–2003. BEER AND LIGHT WINE LICENSES.**

**THE BOARD MAY SET THE HOURS OF SALE FOR BEER AND LIGHT WINE LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Board” § 10–101  
“Wine” § 1–101

**10–2004. BEER, WINE, AND LIQUOR LICENSES.**

**THE BOARD MAY SET THE HOURS OF SALE FOR BEER, WINE, AND LIQUOR LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–303(a)(2)(i), (b)(2), and (c)(2) and 11–502(g).

The reference to the “Board” is substituted for the former reference to the “Mayor, Counselor and Aldermen” in light of the fact that the Mayor and Aldermen have delegated their authority to regulate alcoholic beverages licensees to the Board under the authority specified in § 10–201 of this title.

The former reference to licenses “authorized to be issued in said City” is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Board” § 10–101  
“Wine” § 1–101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**10-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “City” § 10-101  
“License” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**10-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “City” § 10-101  
“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**10-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “City” § 10-101  
“License holder” § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**10-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: "City" § 10-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**10-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "any premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the reference to a “person who violates this section” is substituted for the former reference to a “person found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for clarity and brevity.

Also in subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **10–2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION — SUBJECT TO CITY REGULATION.**

**SUBJECT TO REGULATION BY THE CITY OF THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE CITY OR ON A PUBLIC HIGHWAY, THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**

(6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(8) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.

(C) VARIATION.

SECTION 6-204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 10-2602 OF THIS SUBTITLE.

REVISOR’S NOTE: The introductory language of subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 19-103(c) as it related to the City of Annapolis.

Subsections (b), (c), and (a)(1) through (8) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“City” § 10-101

“State” § 1-101

#### **10-2602. SERVICE OF SUMMONS.**

IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204 OF THIS ARTICLE, THE CITY POLICE DEPARTMENT MAY SERVE A SUMMONS.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(b)(2)(i)1.

Defined term: “City” § 10-101

### **SUBTITLE 27. PROHIBITED ACTS.**

#### **10-2701. 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 CITY 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) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6–319 (“ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6–320 (“DISORDERLY INTOXICATION”);**



(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”); AND

(2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

**(C) VARIATION.**

SECTION 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 10-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“City” § 10-101

“License holder” § 1-101

“Retail dealer” § 1-101

**10-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) PROHIBITED.**

**A PERSON MAY NOT SELL OR PROVIDE DIRECTLY OR INDIRECTLY ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS FOR THE INDIVIDUAL'S OWN USE OR FOR THE USE OF ANY OTHER PERSON.**

**(B) DUE CAUTION STANDARD — DECEPTIVE DOCUMENTARY EVIDENCE.**

**A DEFENDANT MAY NOT BE FOUND GUILTY OF SELLING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS IF:**

**(1) THE INDIVIDUAL WILLFULLY REPRESENTED THAT THE INDIVIDUAL IS AT LEAST 21 YEARS OLD AND OBTAINED AN ALCOHOLIC BEVERAGE; AND**

**(2) THE DEFENDANT PROVES AT THE TRIAL THAT:**

**(I) MISREPRESENTATION OF AGE OCCURRED;**

**(II) DUE CAUTION WAS USED IN ASCERTAINING THE AGE OF THE INDIVIDUAL BEFORE PROVIDING THE ALCOHOLIC BEVERAGE TO THE INDIVIDUAL;**

**(III) IN THE EXERCISE OF DUE CAUTION, THE DEFENDANT WAS DECEIVED BY THE USE OF DOCUMENTARY EVIDENCE; AND**

**(IV) BECAUSE OF THE USE OF DOCUMENTARY EVIDENCE, THE DEFENDANT WAS UNABLE TO ASCERTAIN THAT THE INDIVIDUAL WAS UNDER THE AGE OF 21 YEARS.**

**(C) PENALTY.**

**THE CITY COUNCIL MAY PROVIDE BY ORDINANCE THAT A VIOLATION OF THIS SECTION IS A MUNICIPAL INFRACTION.**

**(D) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF THIS SECTION DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-108(e-1)(2) and (f)(2) and 12-202(b).

In subsection (a) of this section, the reference to “alcoholic beverages” is substituted for the former reference to “spirituous, fermented or intoxicating liquor” to conform to the terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the reference to “alcoholic beverage” is substituted for the former reference to “spirituous liquor”. Similarly, in subsection (b)(2)(ii) of this section, the reference to the “alcoholic beverage” is substituted for the former reference to the “alcohol”.

Also in subsection (a) of this section, the former reference to a “licensee or other” person is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “within the corporate limits of the City of Annapolis, or within 5 miles of the City” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to alcoholic beverages “other than beer and light wine” is deleted as obsolete. Beer and light wine were exempted from the prohibition against selling to individuals under the age of 21 years from 1974 through 1982.

Also in subsection (a) of this section, the former phrase “in any quantity whatever” is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “either with or without the written order or consent of the parent or guardian of the person” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “dispose of, barter, furnish, hand over or deliver” is deleted as included in the reference to “sell or provide directly or indirectly”.

In the introductory language of subsection (b) of this section, the phrase “may not be found guilty of selling alcoholic beverages to an individual under the age of 21 years” is substituted for the former phrase “shall be acquitted of the charge” to conform to the terminology used throughout this article.

In subsection (b) of this section, the references to the “defendant” are substituted for the former references to the “person selling the spirituous liquor” and the “person selling to the underage person” for clarity.

Also in subsection (b) of this section, the references to an “individual under the age of 21 years” is substituted for the former references to an “underage person” to conform to the terminology used throughout this article.

In subsection (b)(1) of this section, the reference to “at least 21 years old” is substituted for the former reference to “of full age” for clarity.

In subsection (b)(2)(iii) of this section, the reference to “due” caution is substituted for the former reference to “reasonable” caution for consistency with the terminology used throughout this article.

In subsection (b)(2)(iv) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (d) of this section, the reference to a violation of “this section” is substituted for the former reference to a violation of “subsection (a) of this section” [revised in § 6–304 of this article] for accuracy.

Former Art. 2B, § 12–108(e–1)(1) and (f)(1)(i), which stated that the provisions of former Art. 2B, § 12–108(e–1) and (f) applied in the City of Annapolis, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 10–101

“City” § 10–101

“License holder” § 1–101

“Person” § 1–101

**10–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Defined terms: “Board” § 10–101

“License holder” § 1–101

**SUBTITLE 28. PENALTIES.**

**10–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "City" § 10-101

**10-2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 IN LIEU OF SUSPENDING A LICENSE FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS OF THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(c)(2).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 10-101

"City" § 10-101

"License" § 1-101

**TITLE 11. ANNE ARUNDEL COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**11-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Anne Arundel County”.

**(C) COUNTY.**

**“COUNTY” MEANS ANNE ARUNDEL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Anne Arundel County”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (c).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**(E) TAXPAYER.**

**“TAXPAYER” MEANS AN INDIVIDUAL WHO:**

**(1) OWNS REAL PROPERTY IN THE COUNTY IN THE INDIVIDUAL’S OWN NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND**

**(2) PAYS REAL PROPERTY TAXES TO THE COUNTY.**

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

In item (1) of this subsection, the phrase “in the County” is added for clarity.

Defined term: “County” § 11–101

REVISOR’S NOTE TO SECTION

Former Art. 2B, § 1–102(b)(1), which was introductory language to a definition subsection, is deleted as unnecessary in light of the organization of this revised article.

### **11–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN ANNE ARUNDEL COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

### **11–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 11–101

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **11–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ANNE ARUNDEL COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Anne Arundel County exists.

### **11–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) NO MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO THE SAME POLITICAL PARTY.**

**(C) TENURE.**

**THE TERM OF A MEMBER IS 2 YEARS.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**



**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (c)(1) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Anne Arundel County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Anne Arundel County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended

to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 11–101  
 “County” § 11–101

### **11–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Anne Arundel County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “members” is substituted for the former reference to “appointees” to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 11–101

### **11–204. COMPENSATION; STAFF.**

#### **(A) COMPENSATION.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT MORE THAN \$18,000 AND REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT MORE THAN \$15,000 AND REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED.**

**(B) STAFF.**

**(1) THE BOARD MAY EMPLOY:**

**(I) NO MORE THAN TWO FULL-TIME ADMINISTRATORS WHOSE ANNUAL SALARIES SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 16;**

**(II) INSPECTORS, SUBJECT TO § 11-206 OF THIS SUBTITLE; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY.**

**(2) THE BOARD SHALL EMPLOY:**

**(I) A FULL-TIME SECRETARY WHOSE ANNUAL SALARY SHALL BE FIXED BY THE BOARD AS IN A GENERAL COUNTY CLASSIFIED SALARY SCHEDULE, WITHIN PAY GRADE 13; AND**

**(II) AN ATTORNEY AT AN ANNUAL SALARY OF \$20,000.**

**(3) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE BOARD MAY SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-109(c) and 15-112(a)(2) and (c)(5).

In subsection (a)(1) of this section, the requirement that the chair of the Board receive "reimbursement for expenses reasonably incurred" is added to reflect long-standing practice.

Also in subsection (a)(1) 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.

Former Art. 2B, § 15-112(c)(1), which stated that "[t]his subsection applies only in Anne Arundel County" and that "[e]xcept for paragraph (2) of this subsection, it does not apply in the City of Annapolis", are deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 11-101  
"County" § 11-101

### **11-205. SALE OF ALCOHOLIC BEVERAGES ON LICENSED PREMISES.**

**THE BOARD MAY ALLOW THE SALE OF ALCOHOLIC BEVERAGES IN OR ON A PARKING LOT, PICNIC GROUND, BUILDING, OR TERRACE THAT IS AN INTEGRAL PART OF THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(f).

The former reference to alcoholic beverages "permitted by law to be sold" is deleted as implicit in the reference to "the sale of alcoholic beverages".

The former phrase "in any district other than the sixth, which is the City of Annapolis" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101  
"Board" § 11-101

### **11-206. INSPECTORS.**

#### **(A) NUMBER OF INSPECTORS; COMPENSATION.**

##### **(1) THE BOARD MAY EMPLOY:**

**(I) ONE PART-TIME CHIEF INSPECTOR AT AN ANNUAL SALARY OF \$10,000;**

**(II) ONE PART-TIME DEPUTY CHIEF INSPECTOR AT AN ANNUAL SALARY OF \$8,000; AND**

**(III) 18 PART-TIME INSPECTORS AT AN ANNUAL SALARY OF \$6,000 EACH.**

**(2) EACH INSPECTOR SHALL RECEIVE A MONTHLY EXPENSE ALLOWANCE OF \$300, SUBJECT TO THE APPROVAL OF THE COMPTROLLER.**

#### **(B) POWERS.**

**AN INSPECTOR:**

- (1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**
  - (2) MAY SERVE A SUMMONS UNDER § 11-2604 OF THIS TITLE; AND**
  - (3) MAY ISSUE A CIVIL CITATION UNDER § 11-2605 OF THIS TITLE.**
- (C) OATH.**

**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(D) BOND.**

**(1) AN INSPECTOR SHALL PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY COUNCIL JOINTLY ON THE CONDITION THAT THE INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.**

**(2) THE COUNTY SHALL PAY THE COST OF THE BOND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-112(c)(3) and (4), 16-408, as it related to the authority of inspectors in Anne Arundel County to issue civil citations, and 16-410(b)(2)(i)2, as it related to the authority of inspectors in Anne Arundel County to serve summonses.

In the introductory language of subsection (a)(1) of this section, the former phrase “[i]n addition to the powers given to the Board in subsection (a) of this section,” is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the inspectors being “known as the ‘liquor inspectors for Anne Arundel County’” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a monthly expense “allowance” is added for clarity.

Also in subsection (a)(2) of this section, the former phrase “[i]n addition to a salary stated in subparagraph (i) of this paragraph,” is deleted as surplusage.

Also in subsection (a)(2) of this section, the former reference to \$300 “per month” is deleted as redundant of the requirement for a “monthly” expense allowance.

In subsection (b)(1) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

In subsection (b)(2) of this section, the reference to serving a summons “under § 11–2604 of this title” is added for clarity.

Also in subsection (b)(2) of this section, the former reference to an inspector “employed by the Board” having authority to serve a summons is deleted as unnecessary because all inspectors in Anne Arundel County are employed by the Board.

In subsection (b)(3) of this section, the reference to issuing a civil citation “under § 11–2605 of this title” is substituted for the former reference to issuing a civil citation “as provided in § 10–119 of the Criminal Law Article” for clarity.

Also in subsection (b)(3) of this section, the former reference to an inspector “who investigate[s] license violations under this article” having authority to issue a civil citation is deleted as unnecessary because it is a duty of all inspectors in Anne Arundel County to investigate license violations.

In subsection (c) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Constitution of this State” for brevity.

In subsection (d)(1) of this section, the reference to the condition that the inspector “faithfully perform the duties of office” is substituted for the former reference to the condition that the inspector “well and faithfully execute the office in all things appertaining thereto” for brevity and clarity.

Defined terms: “Board” § 11–101

“Comptroller” § 1–101

“County” § 11–101

## **11–207. USE OF LICENSE FEES TO PAY SALARIES AND EXPENSES OF BOARD.**

### **THE COUNTY SHALL:**

**(1) PAY THE SALARIES AND EXPENSES OF THE BOARD AND ITS EMPLOYEES, AS APPROVED BY THE COMPTROLLER, FROM THE FEES RECEIVED; AND**

**(2) DEVOTE THE BALANCE OF THE FEES RECEIVED TO THE GENERAL PURPOSES OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(c)(2)(ii).

The references to the “fees received” are substituted for the former references to “receipts” for clarity.

Defined terms: “Board” § 11–101  
“Comptroller” § 1–101  
“County” § 11–101

**11–208. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Anne Arundel County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 11–101

**SUBTITLE 3. LIQUOR CONTROL.**

**11–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 11-101

#### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

##### **11-401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-208 ("CLASS 6 PUB-BREWERY LICENSE");**
- (8) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (9) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (10) § 2-211 ("RESIDENCY REQUIREMENT");**
- (11) § 2-212 ("ADDITIONAL LICENSES");**
- (12) § 2-213 ("ADDITIONAL FEES");**
- (13) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (14) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS");**



**(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

**(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(v), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 11-101  
“Manufacturer’s license” § 1-101

**11-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(2).

Defined terms: “Alcoholic beverage” § 1-101

“Manufacturer’s license” § 1–101

**11–403. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**IN ADDITION TO § 2–215 OF THIS ARTICLE:**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY; AND**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 12–202(c).

In item (2) of this section, the former phrase “[i]n addition to currency” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Retail dealer” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**11–501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**

- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 11-101  
 “Wholesaler’s license” § 1-101

**11-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 11-503 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

**11-503. DELIVERY OF BEER TO CLASS C 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 CLASS C PER DIEM LICENSE ISSUED UNDER SUBTITLE 13 OF THIS TITLE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE CLASS C PER DIEM LICENSE AND ACCEPT RETURNS ON THE SAME DAY.

**(B) DISPENSING DRAFT BEER.**

**(1) 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.**

**(2) BEFORE THE LICENSE EXPIRES, A HOLDER OF A CLASS C PER DIEM LICENSE SHALL PAY FOR ANY EQUIPMENT, SERVICES, PERSONNEL, AND SUPPLIES REQUIRED FOR DISPENSING DRAFT BEER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b) and (d).

In subsection (a) of this section, the reference to a "Class C per diem" license is substituted for the former references to a "special 1-day" and "special Class C" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to a holder of a wholesaler's license "enter[ing] into an agreement" with a holder of a Class C per diem

license is substituted for the former reference to a holder of a wholesaler's license "agree[ing]" with a holder of a Class C per diem license for clarity.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the Class C per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day "of delivery" is deleted as surplusage.

In subsection (b) of this section, the language that 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" is substituted for the former language that the "parties shall agree upon the type of equipment, services, personnel, and supplies ... required" to dispense draft beer for clarity.

Defined terms: "Beer" § 1-101

"Wholesaler's license" § 1-101

#### **11-504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

##### **FOR PURPOSES OF APPLYING § 2-314 OF THIS ARTICLE:**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER; AND**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 12-202(c).

In item (2) of this section, the former phrase "[i]n addition to currency" is deleted as surplusage.

Defined term: "Beer" § 1-101

#### **SUBTITLE 6. BEER LICENSES.**

#### **11-601. CLASS A BEER LICENSE — NOT APPLICABLE.**

**A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(c).

Defined terms: "Beer" § 1-101  
"County" § 11-101

**11-602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(c).

Defined terms: "Beer" § 1-101  
"County" § 11-101

**11-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(c).

Defined terms: "Beer" § 1-101  
"County" § 11-101

**11-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(c).

Defined terms: "Beer" § 1-101  
"County" § 11-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**11-701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$60.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(1), (b)(7), (c)(1), (d)(1), and (e)(1)(i) and (2).

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 11–101

“Light wine” § 11–101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**11–801. CLASS A BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$240.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(a)(1) and (c)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101



“Light wine” § 11-101

**11-802. CLASS B BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$480.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (c)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5-201(c)(1), which stated that former Art. 2B, § 5-201(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Light wine” § 11-101

“Restaurant” § 1-101

**11-803. CLASS C BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$120.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(c) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101  
 "Club" § 1-101  
 "Light wine" § 11-101

**11-804. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$480.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(a)(1) and (c)(1)(i).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101  
 “Light wine” § 11–101

**11–805. CLASS H BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$360.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(d) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 5–202(a)(1), which stated that former Art. 2B, § 5–202 applied in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Hotel” § 1–101  
 “Light wine” § 11–101  
 “Restaurant” § 1–101

**11-806. HOTEL-LIMITED SERVICE LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER AND WINE (HOTEL-LIMITED SERVICE) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO OWNS OR LEASES A HOTEL THAT CONTAINS:**

**(1) AT LEAST 50 ROOMS; AND**

**(2) A KITCHEN LICENSED TO OPERATE AS A FOOD SERVICE FACILITY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,400 TO BE PAID ON OR BEFORE MAY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(j)(3), (5), (1)(i), (4)(i), and, as it related to a beer and wine license, (2).

In the introductory language of subsection (b) of this section, the former reference to issuing a license "only" to a person who owns or leases a hotel is deleted as surplusage.

In subsection (c) of this section, the reference to "beer and wine" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former reference to payment being made "to the Board" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 11-101

"Hotel" § 1-101

"Person" § 1-101

"Wine" § 1-101

## GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 5-401(c)(2), which provided for a Class WT license for taverns without music, dancing, or other similar entertainment with an annual license fee of \$90, and former Art. 2B, § 5-401(c)(3), which provided for a Class WTM license for taverns with music but without dancing or other similar entertainment with an annual license fee of \$115, are deleted as obsolete. They were repealed by Ch. 614, Acts of 1961 and replaced by the Class D beer and light wine license, but inadvertently they continued to appear in the Annotated Code. According to the administrator of the Board, the last time either license has been issued is unknown.

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.****11-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.****THE ANNUAL LICENSE FEE IS \$720.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(c) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to the phrase “beer, wine, or liquor” are substituted for the references to the phrase “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**11–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL FEE FOR THE LICENSE IS \$1,080.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (c)(2).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Former Art. 2B, § 6-201(c)(1), which stated that former Art. 2B, § 6-201(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

**11-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$480.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (c)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (b) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and sell" for brevity.

Also in subsection (b) of this section, the former reference to consumption "only" on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6-301(c)(1), which stated that former Art. 2B, § 6-301(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 12 of this title.

Defined terms: "Beer" § 1-101

"Board" § 11-101

"Club" § 1-101

"Wine" § 1-101

**11-904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**



**(A) ESTABLISHED.**

**THERE ARE:**

**(1) A CLASS D BEER, WINE, AND LIQUOR LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) A LIMITED CLASS D BEER, WINE, AND LIQUOR LICENSE FOR ON-PREMISES CONSUMPTION ONLY.**

**(B) ISSUANCE OF LIMITED LICENSE.**

**WHEN AN APPLICATION FOR A NEW CLASS D BEER, WINE, AND LIQUOR LICENSE IS FILED, THE BOARD MAY LIMIT THE SALE OF BEER, WINE, AND LIQUOR TO ALLOW ON-PREMISES CONSUMPTION ONLY.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$1,200, FOR A CLASS D LICENSE; AND**

**(2) \$1,080 FOR A LIMITED CLASS D LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(c)(2) through (4).

In subsection (a) of this section, the former phrase "two type" is deleted as surplusage.

In subsection (b) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(1) of this section, the former reference to a Class D "on- and off-sale" license is deleted as surplusage.

Former Art. 2B, § 6-401(c)(1), which stated that former Art. 2B, § 6-401(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 11-101

"Wine" § 1-101

**11-905. CLASS H BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS H BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) HOURS AND DAYS FOR SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 11-2004(E) OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$960.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(c)(3).

Subsection (c) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase "the place described in the license" is substituted for the former phrase "any restaurant" for clarity and consistency within this article.

Defined terms: "Beer" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**11-906. HOTEL LIMITED SERVICE LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR (HOTEL-LIMITED SERVICE) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE TO A PERSON WHO OWNS OR LEASES A HOTEL THAT:**

**(1) HAS AT LEAST 50 ROOMS; AND**

**(2) OPERATES A KITCHEN LICENSED AT LEAST AS A FOOD SERVICE FACILITY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR EVERY DAY AT ONE OR MORE LOCATIONS IN THE HOTEL FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,800.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(j)(3), (5), (1)(ii), (4)(ii), and, as it related to the beer, wine, and liquor license, (2).

In subsection (b) of this section, the former reference to issuing a license "only" to a person who owns or leases a hotel is deleted as surplusage.

Also in subsection (c) of this section, the reference to the license being used to sell "beer and wine or beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former reference to payment being made "on May 1 to the Board" is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes for consideration by the General Assembly, that the hours and days of sale for this license are not stated in statutory law.

Defined terms: "Beer" § 1-101

"Board" § 8-101

"Hotel" § 1-101

"Person" § 1-101

"Wine" § 1-101

**11-907. MOTEL/HOTEL-RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A MOTEL/HOTEL-RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR LEASING A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX THAT HAS:**

**(I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AT LEAST \$500,000 IN CAPITAL INVESTMENT;**

**(II) AT LEAST 100 ROOMS; AND**

**(III) AN ENCLOSED DINING ROOM IN WHICH, AT LEAST TWICE A DAY, FULL-COURSE MEALS ARE SERVED WITH PATRONS ORDERING FROM MENUS.**

**(2) A CONCESSIONAIRE TO WHOM THE FOOD CONCESSION OF THE COMPLEX IS LEASED IS EXEMPT FROM THE REQUIREMENT OF HAVING AT LEAST \$500,000 IN CAPITAL INVESTMENT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES:**

**(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A PERSON AT ONE OR MORE LOCATIONS, INCLUDING BARS OR COUNTERS, IN THE LICENSED MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX FOR ON-PREMISES CONSUMPTION, INCLUDING BARS AND COUNTERS; AND**

**(2) THE PLAYING OF MUSIC AND DANCING.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,600 FOR EACH SEPARATE ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(i)(1), (2), (3)(i) and (ii), (4)(i) through (iii), and (5)(ii).

In subsection (b)(1)(iii) of this section, the reference to “meals are served with patrons ordering off of menus” is substituted for the former reference to “meals from menus” for clarity.

In the introductory language of subsection (b) of this section, the former reference to a “firm or corporation” is deleted as included in the defined term “person”.

Also in the introductory language of subsection (b) of this section, the former reference to issuing the license “only” to the person owning or leasing the complex is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the reference to “sell”.

Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any and all alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the word “in” is substituted for the former phrase “within the confines of” for brevity.

Also in subsection (c)(1) of this section, the former reference to beer, wine, and liquor being sold to any person “without further residential, voting or locative qualifications being required of the applicant” is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to a motel–restaurant complex or hotel–restaurant complex selling beer, wine, and liquor “every day” is deleted as surplusage.

In subsection (d) of this section, the former reference to the fee being “paid on May 1 to the Board” is deleted as surplusage.

Former Art. 2B, § 8–202(i)(3)(iii), which required a motel–restaurant complex or hotel–restaurant complex with 100 or more rooms to have a motel–restaurant or hotel–restaurant license by October 1, 1977, is deleted as obsolete.

Former Art. 2B, § 8–202(i)(4)(iv), which stated that the provisions of former Art. 2B, § 8–202(d) related to special Sunday licenses do not apply to the holder of a license issued under former Art. 2B, § 8–202(i), is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202(i)(5)(i), which stated that “[t]he licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic

beverages, not inconsistent with the provisions of this subsection”, is deleted as unnecessary because it is simply a statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 8–101

“Hotel” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **11–1001. AIRPORT CONCESSIONAIRE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS AN AIRPORT CONCESSIONAIRE LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON WHO IS A LESSEE, SUBLESSEE, OR CONCESSIONAIRE AT AN AIRPORT.**

**(2) THE BOARD MAY NOT IMPOSE ADDITIONAL QUALIFICATIONS FOR THE LICENSE AS TO THE RESIDENCE OR VOTING STATUS OF THE LICENSE HOLDER.**

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

**THE LICENSE AUTHORIZES:**

**(1) THE SALE OF BEER, WINE, AND LIQUOR EVERY DAY FROM EACH LOCATION IN AN AIRPORT TERMINAL; AND**

**(2) THE PLAYING OF MUSIC AND DANCING.**

**(D) BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT.**

**(1) (I) THIS PARAGRAPH DOES NOT APPLY TO DUTY FREE SHOPS.**

**(II) A PERSON WHO IS A LESSEE, SUBLESSEE, OR CONCESSIONAIRE AT BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT MAY HOLD ONE LICENSE FOR MULTIPLE LOCATIONS WITHIN THE TERMINAL OF BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT, EVEN IF THE PERSON ALREADY HOLDS ANOTHER LICENSE THAT THE BOARD ISSUES.**

**(2) ON RECEIPT OF AN APPLICATION FOR THE LICENSE, THE BOARD SHALL:**

**(I) GIVE PRECEDENCE TO THE APPLICATION OF A PERSON UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION OVER ALL OTHER LICENSE APPLICATIONS; AND**

**(II) HOLD A HEARING ON THE APPLICATION AT THE BOARD MEETING THAT IMMEDIATELY FOLLOWS RECEIPT OF THE APPLICATION.**

**(E) SUNDAY SALES.**

**A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11–1104 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

**(F) FEES.**

**(1) (I) THE ANNUAL FEE FOR THE LICENSE AND ONE LOCATION FROM WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.**

**(II) THE ANNUAL FEE FOR EACH ADDITIONAL LOCATION FROM WHICH ALCOHOLIC BEVERAGES MAY BE SOLD IS \$5,000.**

**(2) EACH FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(g)(1), (2)(i), (ii), and (iv), and (3).

In subsection (b)(1) of this section, the defined term “person” is substituted for the former reference to “an individual, association of individuals, or a corporation” for brevity.

Also in subsection (b)(1) of this section, the language authorizing the Board to “issue” an airport concessionaire license is substituted for the former reference to a person to “obtain” the license to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the reference to “the residence or voting status of the license holder” is substituted for the former reference to the “residential [or], voting ... qualifications” for clarity.

Also in subsection (b)(2) of this section, the former reference to “locative qualifications” is deleted as redundant.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “any and all” alcoholic beverages is deleted as surplusage.

In subsections (c)(1) and (d)(1)(ii) of this section, the former references to an airport terminal “building” are deleted as surplusage.

In the introductory language of subsection (d)(2) of this section, the reference to “the license” is substituted for the former reference to a license “under subparagraph (ii) or (iii) of this paragraph” for brevity.

In subsection (d)(2)(ii) of this section, the reference to the application “of a person under paragraph (1)(ii) of this subsection” is added for clarity.

In subsection (e) of this section, the reference to the Sunday permit “under § 11–1104 of this title to sell alcoholic beverages after 2 a.m. on Sunday” is substituted for the former reference to “[t]he provisions of subsection (d) of this section relating to special Sunday licenses” for clarity.

In subsection (f)(2) of this section, the reference to on “or before” May 1 is added for clarity.

Former Art. 2B, § 8–202(g)(2)(iii), which concerned the issuance of a license to cover a transition period involving different licensees, is deleted as obsolete.

Former Art. 2B, § 8–202(g)(4), which stated that “[l]icenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law, except as provided in subsection (e) of this section, which states that a Sunday sales permit is not needed.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101



“Board” § 11-101  
“License” § 1-101  
“License holder” § 1-101  
“Person” § 1-101  
“Wine” § 1-101

**11-1002. COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) LICENSE.**

**(B) SIGNING OF LICENSE APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:**

**(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(2) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS:**

**(I) AT LEAST TWO TENNIS COURTS;**

**(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;**

**AND**

**(III) A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(E) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS OF SALE AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11–2004 OF THIS TITLE.**

**(2) THE LICENSE MAY BE USED TO SELL BEER, WINE, AND LIQUOR ON SUNDAY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,800.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(c)(6).

In subsection (b) of this section, the former reference to an application “filed on behalf of a golf and country club” is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to 30 feet by 80 feet “in size” is deleted as surplusage.

In subsections (d) and (e)(2) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “[any] alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former reference to selling alcoholic beverages “to any customer” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to the authority of a “license holder” to “sell beer, wine, and liquor during the hours and days of sale as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title” is substituted for the former phrase “[t]he golf and country club license is subject to all the provisions of this article,” for clarity and consistency with other similar provisions on hours and days of sale in this 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 classifies 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: "Beer" § 1-101

"Board" § 8-101

"County" § 8-101

"Wine" § 1-101

### **11-1003. COUNTRY CLUB LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY CLUB) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:**

**(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(2) MAINTAINS AT THE TIME OF THE APPLICATION FOR THE LICENSE:**

**(I) AT LEAST TWO TENNIS COURTS;**

**(II) A SWIMMING POOL THAT IS AT LEAST 30 FEET BY 80 FEET;**

**AND**

**(III) AT LEAST 15 ACRES USED IN CONNECTION WITH THE LICENSED PREMISES.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) THE LICENSE DOES NOT ALLOW SALES FOR:**

**(I) OFF-PREMISES CONSUMPTION; OR**

**(II) CONSUMPTION ON THE GROUNDS OF THE COUNTRY CLUB.****(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11–2004 OF THIS TITLE, INCLUDING SUNDAY SALES RESTRICTIONS.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(c)(7) and (6)(iii) and, as it related to Anne Arundel County, (a)(1).

In subsection (b)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to 30 feet by 80 feet “in size” is deleted as surplusage.

In subsection (b)(2)(iii) of this section, the former reference to 15 acres “of ground” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former phrase “at any club” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority for the license holder to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 11–2004 of this title” is added to provide a cross-reference to the provisions on hours and days of sale for Class C beer, wine, and liquor licenses in Anne Arundel County.

Also in subsection (d) of this section, the phrase “Sunday sales” is substituted for the former phrase “sale of alcoholic beverages on Sunday” for brevity.

Former Art. 2B, § 6–301(c)(8), which stated that a country club not under construction by July 1, 1977, shall have two or more tennis courts and a

swimming pool that is at least 30 feet by 80 feet, is deleted as duplicative of the first sentence of former Art. 2B, § 6–301(c)(7)(iii), now revised at subsection (b)(2) of this section.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Wine” § 1–101

**11–1004. ENTERTAINMENT CONCESSIONAIRE LICENSE.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

**(I) ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN AN ENTERTAINMENT FACILITY; AND**

**(II) IS OPERATED AS A CONCESSION ADJACENT TO BUT INDEPENDENT OF THE ENTERTAINMENT FACILITY.**

**(3) “ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(B) ESTABLISHED.**

**THERE IS AN ENTERTAINMENT CONCESSIONAIRE LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE OPERATING IN CONJUNCTION WITH AN ENTERTAINMENT FACILITY.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY; AND**

**(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED PREMISES.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.**

**(E) HOURS AND DAYS OF SALE.**

**(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.**

**(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY SALES LICENSE UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

**(F) EFFECT OF SECTION.**

**THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.**

**(G) FEE.**

**(1) THE ANNUAL FEE FOR THE LICENSE IS \$5,000.**

**(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

**(H) PENALTY APPLICABLE TO HOLDER OF CONCESSIONAIRE'S LICENSE.**

**ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF THE HOLDER OF AN ENTERTAINMENT CONCESSIONAIRE LICENSE SHALL APPLY TO THE HOLDER OF A CONCESSIONAIRE'S LICENSE WHO THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(k)(1), (3), (4)(ii) and (iii), (7), (10), and, as

they related to an entertainment concessionaire license, (5)(ii) and (iii), (6), and (8) and § 11–502(j).

In subsection (e)(2) of this section, the reference to the statement that a holder of the license “need not obtain a Sunday sales license” is substituted for the former statement that a provision relating to special Sunday licenses “does not apply to a license issued under this subsection” for clarity.

In subsection (g)(2) of this section, the reference to on “or before” May 1 is added for clarity.

In subsection (h) of this section, the reference to “the holder of a concessionaire’s license” is substituted for the former reference to the “concessionaire” for clarity.

The part of former Art. 2B, § 8–202(k)(5)(i) that stated that an off-sale privilege is not conferred by an entertainment concessionaire license is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

#### **11–1005. ENTERTAINMENT FACILITY LICENSE.**

##### **(A) “ENTERTAINMENT FACILITY” DEFINED.**

**“ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

##### **(B) ESTABLISHED.**

**THERE IS AN ENTERTAINMENT FACILITY LICENSE.**

##### **(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES THAT ARE PART OF THE OPERATION OF THE ENTERTAINMENT FACILITY.**

**(2) (I) THE LICENSE SHALL BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS AN ENTERTAINMENT FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(II) AN APPLICANT FOR THE LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENTS.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN ANY LOCATION OF THE ENTERTAINMENT FACILITY THAT IS NOT COVERED BY AN ENTERTAINMENT CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY; AND**

**(II) THE PLAYING OF MUSIC AND DANCING IN THE LICENSED PREMISES.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.**

**(E) HOURS AND DAYS OF SALE.**

**(1) THE HOURS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.**

**(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

**(F) EFFECT OF SECTION.**

**THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 11-1609 OF THIS TITLE.**

**(G) FEE.**

**(1) THE ANNUAL FEE FOR THE LICENSE IS \$15,000.**



**(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(k)(1)(i) and (iii), (2), (4)(i) and (iii), (7), and, as they related to an entertainment facility license, (5)(ii) and (iii), (6), and (8) and § 11–502(j).

In subsection (d)(3) of this section, the language that the license does not allow “sales for off–premises consumption” is substituted for the former language stating that an “off–sale privilege is not conferred by” the license for clarity.

In subsection (e)(2) of this section, the reference to the statement that a holder of the license “need not obtain a Sunday permit” is substituted for the former statement that a provision relating to special Sunday licenses “does not apply to a license issued under this subsection” for clarity.

The part of former Art. 2B, § 8–202(k)(5)(i) that stated that an off–sale privilege is not conferred by an entertainment facility license is deleted as surplusage.

**11–1006. FRATERNAL/SORORAL ORGANIZATION LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C (FRATERNAL/SORORAL) ORGANIZATION LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE, POLITICAL ORGANIZATION, OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL OR SERVICE ORGANIZATION THAT:**

**(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;**

**(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS A MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND**

**(4) OWNS AND OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION TO:**

**(1) A MEMBER OF THE LOCAL UNIT FOR WHICH THE LICENSE WAS ISSUED; OR**

**(2) A MEMBER'S GUEST WHEN ACCOMPANIED BY THE MEMBER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(c)(4)(i) through (iii) and the first and second sentences of (iv) and, as it related to the hours and days of sale, the third sentence of (iv).

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" fraternal or service organization is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to "duly" elected is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to "inducted" is substituted for the former reference to "elected" for clarity.

Also in subsection (b)(1) of this section, the former reference to being "initiated in accordance with the rites and customs of the fraternal or service organization" is deleted as unnecessary in light of the reference to "inducted" members.

In subsection (b)(2) of this section, the former phrase "in existence" is deleted as included in the reference to "operating".

In subsection (b)(3) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because this subsection applies only to human beings.

In the introductory language of subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in the introductory language of subsection (c) of this section, the former reference to selling “at retail” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “license [being] subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and consistency with similar provisions on the hours and days of sale in this article.

The third sentence of former Art. 2B, § 6–301(c)(4)(iv), which stated that “[t]he licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“Wine” § 1–101

#### **11–1007. RACETRACK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A RACETRACK LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY LICENSED RACING ESTABLISHMENT.**

**(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE APPLICANT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM 2 HOURS BEFORE THE RUNNING OF AN AUTHORIZED RACE TO 2 HOURS AFTER THE RUNNING OF AN AUTHORIZED RACE.**

**(E) FEE.**

**THE LICENSE FEE IS \$60 PER DAY OF LIVE OR SIMULCAST RACING TO BE PAID TO THE BOARD ON OR BEFORE JANUARY 1 FOR THE RACING OF THE PRECEDING YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-202(e)(1) through (3) and 11-502(e).

In subsection (b) of this section, the language authorizing the Board to "issue" a license to a racetrack owner without certain qualifications is substituted for the former language authorizing a racetrack owner to "procure" a license without certain qualifications for consistency with language used throughout this article.

Also in subsection (b) of this section, the former reference to the sale of any "and all" alcoholic beverages is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to the owner "whether individual, association of individuals, or a corporation" is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to "locative" qualifications is deleted as redundant.

In subsection (c) of this section, the reference to the sale of alcoholic beverages "on the premises" of the license holder's racing park is substituted for the former reference to sales of alcoholic beverages "within the confines" of the license holder's racing park to conform to the terminology used throughout this article.

In subsection (e) of this section, the reference to the license fee per day “of live or simulcast racing” is added for clarity and to conform to current practice.

Also in subsection (e) of this section, the former reference to the license fee being “payable to the Board” is deleted as implicit and therefore unnecessary.

Former Art. 2B, § 8–202(e)(4), which stated that “[l]icenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–202(e)(5), which stated that former Art. 2B, § 8–202(e) did not apply to the sixth district, which is the City of Annapolis, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 11–101

#### **11–1008. RESORT COMPLEX LICENSE.**

##### **(A) “RESORT COMPLEX” DEFINED.**

**IN THIS SECTION, “RESORT COMPLEX” MEANS A RECREATIONAL AREA:**

**(1) OF AT LEAST 10 ACRES; AND**

**(2) WITH BEACH FACILITIES AND OTHER FACILITIES TO SERVE AND ACCOMMODATE AT LEAST 500 INDIVIDUALS AT ONE TIME.**

**(B) ESTABLISHED.**

**THERE IS A RESORT COMPLEX LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE PERSON OWNING OR LEASING A RESORT COMPLEX.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES:**

**(1) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT BARS OR COUNTERS AT ONE OR MORE LOCATIONS IN THE RESORT COMPLEX DAILY FOR ON-PREMISES CONSUMPTION; AND**

**(2) THE PLAYING OF MUSIC AND DANCING.**

**(E) HOURS AND DAYS OF SALE.**

**(1) A LICENSE HOLDER MAY SERVE ALCOHOLIC BEVERAGES:**

**(I) AT ONE OR MORE OUTSIDE LOCATIONS IN THE RESORT COMPLEX, FROM 8 A.M. TO MIDNIGHT FOR EACH OUTING; AND**

**(II) IN A MAIN, PERMANENT AREA FROM 6 A.M. TO 2 A.M. THE NEXT DAY.**

**(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY PERMIT UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

**(F) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$1,800.**

**(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(h)(1) through (4), (6), and (7).

In subsection (a)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this section applies only to human beings.

In subsection (c) of this section, the former reference to a "firm, or corporation" is deleted as included in the reference to the defined term "person".

In subsection (d)(1)(i) of this section, the former reference to a license "covering 'on-sales' of beer, wine, and liquor 'to any person'" is deleted for brevity and clarity in light of the reference to a license authorizing the sale of alcoholic beverages "in the resort complex" for "on-premises consumption".

Also in subsection (d)(1)(i) of this section, the reference to "beer, wine, and liquor" is substituted for the former references to "any and all alcoholic beverages" and "alcoholic beverages" for clarity.

In subsection (d)(2)(ii) of this section, the phrase “the next day” is added for clarity.

In subsection (e)(2) of this section, the reference to a holder of the license “need not obtain a Sunday permit under § 11–2004 of this title” is substituted for the former reference to “[t]he provisions of subsection (d) of this section relating to special Sunday licenses do not apply” to a holder of the license for clarity.

In subsection (f)(2) of this section, the reference to on “or before” May 1 is added for clarity.

Former Art. 2B, § 8–202(h)(5), which stated that “[t]he licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with the provisions of this subsection”, is deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 11–101

“Person” § 1–101

“Wine” § 1–101

#### **11–1009. VETERANS’ ORGANIZATION LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ ORGANIZATION) LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) HAS A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION THAT WAS GRANTED BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(3) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF AT LEAST \$5 PER YEAR PER INDIVIDUAL; AND**

**(4) OPERATES FOR ITS MEMBERS AND MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 11-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(c)(3)(i) through (iii) and, as it related to hours and days of sale, (iv) and, as it related to Anne Arundel County, (a)(1).

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" nonprofit organization or club is deleted as surplusage.

In subsection (b)(3) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at any club" is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor" is substituted for the former reference to the "license [being] subject to all other provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County" for clarity and



consistency with similar provisions on the hours and days of sale in this article.

Former Art. 2B, § 6–301(c)(3)(iv), which stated that “[t]he license is subject to all other provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Club” § 1–101

“Wine” § 1–101

**11–1010. YACHT CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (YACHT CLUB) LICENSE.**

**(B) SIGNING OF LICENSE APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A YACHT CLUB THAT:**

**(1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:**

**(I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;**

**(II) SLIPS, BOAT PARKING SPACES, OR BERTHS FOR AT LEAST 50 BOATS; AND**

**(III) AT LEAST 1 ACRE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE TO:**

- (1) A MEMBER OF THE YACHT CLUB; OR**
  - (2) A MEMBER’S GUEST WHEN ACCOMPANIED BY THE MEMBER.**
- (E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR CLASS C BEER, WINE, AND LIQUOR LICENSES UNDER § 11-2004 OF THIS TITLE.**

- (F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,800.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(c)(5)(i) through (iii), (v), and the first and second sentences of (iv) and, as it related to hours and days of sale, the third sentence of (iv).

In subsection (b) of this section, the former reference to an application “filed on behalf of any yacht club in the county” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a yacht club “in the county” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a seating capacity “of at least 100” is substituted for the former reference to a seating capacity “sufficient to accommodate at one time at least 100 persons” for brevity.

In subsection (c)(2)(iii) of this section, the former reference to 1 acre “of ground” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in subsection (d) of this section, the former phrases “at retail” and “at the place described in the license” are deleted as surplusage.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “license [being] subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County” for clarity and consistency with similar provisions on the hours and days of sale in this article.

The third sentence of former Art. 2B, § 6–301(c)(5)(iv), which stated that “[t]he licensee is subject to all of the provisions of this article relating to Class C beer, wine and liquor licenses in Anne Arundel County”, except as it related to the hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

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: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“Wine” § 1–101

## GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 8–202(k)(9), which stated that the entertainment facility license and concessionaire licenses are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with that subsection, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 11–304(c)(2)(i), which stated that a person may consume alcoholic beverages on the licensed premises of a video lottery facility only during the hours of operation established under § 9–1A–23 of the State Government Article, is deleted as redundant of § 11–1004(e)(1) of this subtitle.

Former Art. 2B, § 11–304(c)(2)(ii), which stated that a holder of an entertainment facility license or an entertainment concessionaire license or an employee of the license holder may not knowingly allow a person to consume alcoholic beverages on the licensed premises of a video lottery facility except during the hours of operation

established under § 9-1A-23 of the State Government Article, is deleted as surplusage.

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**11-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 (“CORKAGE – CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1103 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 11-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**11-1102. MUSIC AND ENTERTAINMENT PRIVILEGES.**

**(A) IN GENERAL.**

**(1) ON THE PREMISES, OR ON ADJACENT PROPERTY OVER WHICH A LICENSE HOLDER HAS OWNERSHIP OR CONTROL, A LICENSE HOLDER:**

**(I) MAY ALLOW PIPED-IN BACKGROUND MUSIC OR ONE TELEVISION SCREEN; BUT**

**(II) UNLESS ISSUED A PERMIT DESCRIBED IN THIS SECTION THAT AUTHORIZES THE ACTIVITY, MAY NOT ALLOW:**

- 1. THE PLAYING OF MUSIC, INCLUDING LIVE MUSIC;**
- 2. THE OPERATION OF A KARAOKE MACHINE;**
- 3. THE PLAYING OF MUSIC BY A DISC JOCKEY; OR**
- 4. DANCING, FLOOR SHOWS, OR ANY OTHER SIMILAR TYPE OF ENTERTAINMENT.**

**(2) THE BOARD MAY ISSUE A PERMIT DESCRIBED IN THIS SECTION ONLY IF THE BOARD FINDS THAT:**

**(I) THE APPLICANT CAN CONTROL THE INDIVIDUALS USING THE LICENSED PREMISES;**

**(II) THE OPERATION OF THE PREMISES UNDER THE PERMIT WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE PLACE OF BUSINESS IS LOCATED; AND**

**(III) THE ISSUING OF THE PERMIT:**

- 1. IS NECESSARY TO ACCOMMODATE THE PUBLIC;**
- 2. WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE; AND**
- 3. WILL NOT VIOLATE A COUNTY FIRE, HEALTH, OR BUILDING REGULATION.**

**(B) MUSIC PERMIT.**

**(1) THERE IS A MUSIC PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

**(3) THE PERMIT AUTHORIZES THE PLAYING OF RECORDED MUSIC OR LIVE MUSIC WITH NOT MORE THAN TWO MUSICIANS.**

**(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.**

**(5) THE ANNUAL PERMIT FEE IS \$100.**

**(C) ENTERTAINMENT PERMIT.**

**(1) THERE IS AN ENTERTAINMENT PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

**(3) THE PERMIT AUTHORIZES:**

**(I) LIVE MUSIC WITH NOT MORE THAN FOUR MUSICIANS; AND**

**(II) THE PLAYING OF:**

**1. MORE THAN ONE TELEVISION;**

**2. A KARAOKE MACHINE; AND**

**3. MUSIC BY A DISC JOCKEY.**

**(4) THE PERMIT HOLDER MAY NOT ALLOW DANCING, FLOOR SHOWS, OR SIMILAR LIVE ENTERTAINMENT.**

**(5) THE ANNUAL PERMIT FEES ARE:**

**(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE; AND**

**(II) \$300 FOR A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.**

**(D) DANCING PERMIT.**

**(1) THERE IS A DANCING PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF:**

**(I) A CLASS B LICENSE;**

**(II) A CLASS C LICENSE;**

**(III) A CLASS D LICENSE; OR**

**(IV) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A CLASS H LICENSE.**

**(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE MUSIC, DANCING, AND OTHER LEGAL FORMS OF ENTERTAINMENT.**

**(4) THE BOARD MAY NOT ISSUE THE PERMIT TO A HOLDER OF A CLASS H LICENSE IF THE PREMISES FOR WHICH THE CLASS H LICENSE IS ISSUED IS WITHIN 1,000 FEET IN A STRAIGHT LINE FROM ENTRY TO ENTRY FROM A PLACE OF WORSHIP OR SCHOOL.**

**(5) THE ANNUAL PERMIT FEES ARE:**

**(I) \$200 FOR A HOLDER OF A BEER AND WINE LICENSE;**

**(II) \$400 FOR A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE; AND**

**(III) NO CHARGE FOR A HOLDER OF A CLASS C LICENSE.**

**(E) OUTDOOR PERMIT.**

**(1) THERE IS AN OUTDOOR PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE.**

**(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE OUTDOOR TABLE SERVICE TO CUSTOMERS ON THE GROUNDS OF THE LICENSED ESTABLISHMENT.**

**(4) THE ANNUAL PERMIT FEE IS \$100.**

**(5) BEFORE THE PERMIT MAY BE RENEWED, A HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD.**

**(F) OUTDOOR ENTERTAINMENT PERMIT.**

**(1) THERE IS AN OUTDOOR ENTERTAINMENT PERMIT.**

**(2) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B LICENSE, A CLASS C LICENSE, A CLASS D LICENSE, OR A CLASS H LICENSE WHO ALSO HOLDS A MUSIC PERMIT, AN ENTERTAINMENT PERMIT, OR A DANCING PERMIT UNDER THIS SECTION.**

**(3) THE PERMIT AUTHORIZES THE HOLDER TO PROVIDE:**

**(I) THE SAME FORM OF ENTERTAINMENT OUTDOORS THAT THE HOLDER IS ALLOWED TO PROVIDE INDOORS UNDER THE HOLDER'S MUSIC PERMIT, ENTERTAINMENT PERMIT, OR DANCING PERMIT; AND**

**(II) OUTDOOR TABLE SERVICE OR CAFE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-202(a).

In the introductory language of subsection (a)(1) of this section, the defined term "license holder" is substituted for the former reference to a "holder of any class of alcoholic beverage license or the holder of a club license" for brevity and to conform to the terminology used throughout this article.

In subsections (a)(1)(ii)1 and (b)(3) of this section, the former references to music "of any kind" are deleted as surplusage.

In subsection (a)(2)(i) of this section, the reference to "individuals" is substituted for the former reference to "persons" because only human beings can use the licensed premises.

Also in subsection (a)(2)(i) of this section, the former reference to "adequately" control is deleted as surplusage.

In subsection (a)(2)(iii)2 of this section, the former phrase "in the opinion of the Board" is deleted as surplusage.

Also in subsection (a)(2)(iii)2 of this section, the former reference to the "general" public welfare is deleted as surplusage.



In subsections (b), (c), and (d) of this section, former statements that the permit may be issued “in the same manner as any other special license” are deleted as surplusage.

In subsection (d)(4) of this section, the reference to a “place of worship” is substituted for the former narrow reference to a “church”.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“County” § 11–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

**11–1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(l)(2), (7), (9), and (5)(i).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-202(l)(1), (3), (4), (5)(ii), (6), and (8) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Defined terms: "Board" § 11-101

"License" § 1-101

"Off-sale" § 1-101

#### **11-1104. SUNDAY PERMIT.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A PERSON WHO HOLDS:**

**(1) A HOTEL-LIMITED SERVICE LICENSE; OR**

**(2) A BEACH AND AMUSEMENT PARK LICENSE.**

**(B) ESTABLISHED.**

**THERE IS A SUNDAY PERMIT.**

**(C) QUALIFICATION OF HOLDER.**

**ANY LICENSE HOLDER MAY BE ISSUED THE PERMIT.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE HOLDER OF THE PERMIT MAY SELL THE ALCOHOLIC BEVERAGES ON SUNDAY THAT ARE AUTHORIZED BY THE LICENSE ALREADY HELD.**

**(2) THE PERMIT IS SUBJECT TO THE SAME HOURS, RESTRICTIONS, AND OTHER PROVISIONS FOR THE LICENSE ALREADY HELD.**

**(E) ISSUANCE OF PERMIT.**

**AN APPLICANT SHALL BE ISSUED THE PERMIT ON:**

**(1) APPROVAL OF AN APPLICATION MADE IN THE SAME MANNER FOR A NEW LICENSE; AND**

**(2) PAYMENT OF THE REQUIRED FEE.**

**(F) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$60 FOR A BEER AND LIGHT WINE SUNDAY PERMIT; AND**

**(2) \$120 FOR A BEER, WINE, AND LIQUOR SUNDAY PERMIT.**

**(G) RENEWAL.**

**THE PERMIT MAY BE RENEWED IN THE SAME MANNER AS A LICENSE.**

**(H) EFFECT OF SECTION.**

**IF THE LICENSE HELD BY THE LICENSE HOLDER OF A SUNDAY PERMIT IS SUSPENDED OR REVOKED, THE PERMIT IS ALSO SUSPENDED OR REVOKED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202(d)(1), (3) through (6), (8), and (11).

Throughout this section, the references to a "permit" are substituted for the former references to a "license" to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (a)(1) of this section, the former reference to a hotel-limited service license "under subsection (j) of this section" is deleted as surplusage.

In subsection (e)(1) of this section, the former phrase “as provided for by §§ 10–202(d) and 10–208(b) of this article” is deleted as surplusage.

In subsection (h) of this section, the former references to “other” licenses are deleted as unnecessary in light of the substitution of the term “permit” for the former references to “license” throughout the section.

Also in subsection (h) of this section, the former phrase “by operation of law” is deleted as surplusage.

Former Art. 2B, § 8–202(d)(7), which stated that the granting of a special Sunday license in addition to a license of any other class to the same licensee shall not be deemed to be in conflict with former Art. 2B, § 9–102, is deleted as unnecessary in light of § 4–203(a) of this article, which states that the general prohibition against holding more than one license applies “except as otherwise provided in Division II of this article”.

Former Art. 2B, § 8–202(d)(9), which stated that former Art. 2B, § 9–203(c) did not prohibit any person who holds any other class of alcoholic beverages license from obtaining a special Sunday license is deleted as unnecessary. Under subsection (c) of this section, a Sunday permit, formerly a special Sunday license, may be issued to any license holder.

Former Art. 2B, § 8–202(d)(10), which stated that the former Art. 2B, § 8–202(d) did not apply “in the sixth district, which is the City of Annapolis”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101”

## **SUBTITLE 12. CATERER’S LICENSES.**

**11–1201. RESERVED.**

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

**11–1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

**(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

**(B) EXCEPTION.**

**SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11–1311 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11–1312 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 11–101

**11–1302. RESERVED.**

**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**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR THE FESTIVAL;

(2) MAY NOT CHOOSE A WEEKEND THAT OCCURS WITHIN 14 DAYS BEFORE OR AFTER THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;

(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;  
AND

(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.

(G) HOLDING ANOTHER LICENSE ALLOWED.

THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(H) INVOICING AND DELIVERY.

BEER AND WINE DISPLAYED AND SOLD SHALL BE:

(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, A CLASS 3 WINERY, OR A CLASS 4 LIMITED WINERY; AND

(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.

(I) DELIVERY AGREEMENT.

A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:

(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND

(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.

(J) FEE.

THE BOARD MAY SET THE LICENSE FEE.

**(K) REGULATIONS.****THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–302(a)(1) and (3) and (c) through (i).

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (b) 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 a “retail” license is substituted for the former reference to an “existing” State retail alcoholic beverages license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former reference to a limit on the display and sale of wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the phrase “within 14 days before or after the Maryland Wine Festival” is substituted for the former phrase “within 14 days on either side of the Maryland Wine Festival” for clarity.

Also in subsection (f)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (f)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(3) of this section, the former reference to a location “for this Festival” is deleted as surplusage.



Also in subsection (f)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this section,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivering beer and wine “not earlier than” 2 days before the effective date of the license, is added for clarity. Similarly in subsection (i)(2) of this section, the reference to accepting returns “not later than” 2 days after the expiration date of the license is added.

Former Art. 2B, § 8–302(a)(2), which defined “Board” to mean the Anne Arundel County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 11–101 of this title.

Former Art. 2B, § 8–302(b), which stated that former Art. 2B, § 8–302 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**11-1305. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

**(A) ESTABLISHED.**

**THERE IS A CLASS WS WINE SAMPLING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:**

**(I) ON PREMISES FOR WHICH A CLASS B BEER AND WINE OR BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED, WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR**

**(II) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(2) THE LICENSE HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.**

**(D) LICENSE APPLICATION.**

**THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.**

**(G) FEE.**

**THE LICENSE FEE IS \$15 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(e) and, as it related to the Class WS license, (c).

Throughout this section, the former references to a “bona fide” nonprofit organization are deleted as surplusage.

In the introductory language of subsection (c) and in subsection (c)(1) of this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsection (c)(1)(i) of this section, the reference to the consent of the “holder of the license for the premises” is substituted for the former reference to the consent of the “licensee” to clarify who is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**11–1306. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS WT WINE TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS BW LICENSE OR CLASS BWL LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION FOR TASTING OF LIGHT WINE.**

**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING TO AN INDIVIDUAL.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS:**

- (1) \$50 FOR A HOLDER OF A CLASS BW LICENSE; AND**
- (2) \$150 FOR A HOLDER OF A CLASS BWL LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-402(f), and, as it related to the Class WT license, (c).

In subsection (c) of this section, the former phrase "or sampling purposes only" is deleted as surplusage.

In subsection (d) of this section, the reference to "an individual" is substituted for the former, overly broad reference to "any one person" for clarity.

Also in subsection (d) of this section, the reference to each "offering" is substituted for the former reference to each "given brand" for clarity.

Former Art. 2B, § 8-402(a), which stated that former Art. 2B, § 8-402 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-402(b), which defined "Board" to mean the Anne Arundel County Board of License Commissioners, is deleted as redundant in light of the defined term "Board" in § 11-101 of this title.

Former Art. 2B, § 8-402(g), which stated that this section is not restricted by former Art. 2B, § 9-102 or § 12-107(b), is deleted as unnecessary in light of § 1-202 of this article.

Defined terms: "Board" § 11-101  
 "License" § 1-101

“License holder” § 1-101

“Wine” § 1-101

**11-1307. BEER AND WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BWT BEER AND WINE TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

**(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND**

**(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

**(E) FEE.**

**IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-402(d)(1)(ii), (2), and (6) and, as they related to the Class BWT license, (c) and (d)(4).

In subsection (c) of this section, the former phrase “or sampling purposes” is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad references to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**11–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS A BEER AND WINE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A LICENSE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

**(1) LIQUOR IN A QUANTITY OF NOT MORE THAN ONE–HALF OUNCE EACH FROM ANY OF FIVE OFFERINGS PER DAY;**

**(2) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING; AND**

**(3) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES.**

**(E) FEE.**

**IN ADDITION TO THE CLASS A ANNUAL FEE, THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–402(d)(1)(i), (3), and (5) and, as they related to the Class BWLT license, (c) and (d)(4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the reference to “beer, light wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In the introductory language of subsection (d) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

In subsection (d)(1) of this section, the reference to “offerings” is substituted for the former reference to “brands” for clarity. Similarly, in subsection (d)(2) of this section, the reference to each “offering” is substituted for each “given brand”.

Defined terms: “Beer” § 1–101  
 “Board” § 11–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**11–1309. RESERVED.**

**11–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**11–1311. FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$25 PER DAY.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(2)(i) and (d)(2)(ii).

**11-1312. LICENSE REQUIREMENTS AND BEER PURCHASING REQUIREMENTS.**

**(A) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

**SECTION 3-102 OF THE GENERAL PROVISIONS ARTICLE AND PROVISIONS REGARDING APPLICATIONS FOR LICENSES UNDER SUBTITLE 14 OF THIS TITLE AND ISSUANCE OF LICENSES UNDER SUBTITLE 15 OF THIS TITLE DO NOT APPLY TO AN APPLICANT FOR:**

- (1) A CLASS C PER DIEM BEER LICENSE;**
- (2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND**
- (3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) PURCHASING BEER FROM WHOLESALER ALLOWED.**

**A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE HOLDER MAY PURCHASE BEER FROM A WHOLESALER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(a)(3), (b)(2)(ii), and (d)(2)(i) and (iii).

In subsection (a) of this section, the former reference to a Class C per diem beer license, beer and wine license, or beer, wine, and liquor license "for a period not to exceed 7 consecutive days from the effective date of the license" is deleted as redundant of §§ 4-1203 and 4-1204 of this article.

Defined terms: "Beer" § 1-101  
 "License holder" § 1-101  
 "Wholesaler" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**11-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**



- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);
- (5) § 4-111 (“PAYMENT OF LICENSE FEES”); AND
- (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) EXCEPTIONS.**

(1) SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-1407 OF THIS SUBTITLE.

(2) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY EXCEPT FOR RACETRACK LICENSES OR BEACH AND AMUSEMENT PARK LICENSES:

- (I) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (II) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (III) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”); AND
- (IV) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”).

**(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 11-1403 AND 11-1404 OF THIS SUBTITLE; AND**

**(2) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 11-1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a), (b)(1), and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, §§ 9-101(b)(5) and (c)(5)(i) and, as it related to Anne Arundel County, 10-103(b)(18)(iii).

Defined terms: “County” § 11-101

“License” § 1-101

“Local licensing board” § 1-101

**11-1402. APPLICATION NOT PRIMA FACIE EVIDENCE OF ENTITLEMENT.**

**(A) IN GENERAL.**

**AN APPLICATION FOR A LICENSE IS NOT PRIMA FACIE EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE LICENSE.**

**(B) BURDEN OF PROOF ON APPLICANT.**

**THE APPLICANT HAS THE BURDEN OF PROOF TO SHOW THE BOARD THAT APPROVAL OF THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PREMISES OF THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(c)(2).

Defined terms: “Board” § 11-101

“License” § 1-101

**11-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**(A) REQUIRED.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

**(B) RECORDS FROM COUNTY POLICE.**

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and (xv)2.

In subsection (b) of this section, the reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

Also in subsection (b) of this section, the former reference to “the liquor control board” is deleted as surplusage.

Defined terms: “Board” § 11–101

“Central Repository” § 1–101

“License” § 1–101

**11–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2 and (ii)1A.

The reference to “record information” is substituted for the former reference to “records” to conform to the terminology of CP § 10–201.

Defined term: “Board” § 11–101

**11–1405. ADMINISTRATIVE FEE FOR HEARING.**

**(A) IN GENERAL.**

**(1) AN ADMINISTRATIVE FEE SHALL BE CHARGED FOR AN ADMINISTRATIVE ACTION BY THE COUNTY THAT REQUIRES A HEARING, INCLUDING:**

**(I) AN APPLICATION FOR A NEW LICENSE; AND**

**(II) A CHANGE OF OWNERSHIP OF A MAJORITY INTEREST IN A LICENSE.**

**(2) THE ADMINISTRATIVE FEE DOES NOT APPLY TO THE RENEWAL OF A LICENSE FOR THE SAME PREMISES.**

**(B) AMOUNT.**

**THE ADMINISTRATIVE FEE IS:**

**(1) \$200 PAYABLE TO THE BOARD, IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE; AND**

**(2) NONREFUNDABLE, WHETHER THE REQUESTED ADMINISTRATIVE ACTION IS GRANTED OR DENIED.**

**(C) USE OF FEE.**

**THE BOARD SHALL USE THE ADMINISTRATIVE FEE TO COVER ITS EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(c)(1).

In subsection (a)(1) of this section, the former reference to the “transfer of a license to a third party” is deleted as duplicative of § 11–1703(b) of this title.

In subsection (b)(2) of this section, the reference to an administrative fee that is “nonrefundable” is substituted for the former reference to a fee that “may not be returned” for brevity.

In subsection (c) of this section, the former reference to expenses of the Board “in connection with its functions” is deleted as surplusage.

Defined terms: “Board” § 11–101

“County” § 1–101

“License” § 1–101

**11–1406. LICENSE FEES.**

**THE BOARD SHALL:**

**(1) COLLECT ALL LICENSE FEES REQUIRED UNDER THIS ARTICLE;**

**(2) ISSUE ALL LICENSES IN THE COUNTY; AND**

**(3) REMIT ALL FEES COLLECTED TO THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(c)(1) and (2)(i).

The former phrase “[e]xcept for licenses granted to places of business located in the City of Annapolis” is deleted as unnecessary in light of the organization of this revised article.

The former reference to licenses “authorized under this article” is deleted as included in the defined term “license”.

Defined terms: “Board” § 11-101  
“Comptroller” § 1-101  
“County” § 11-101  
“License” § 1-101

**11-1407. NO REFUND OF LICENSE FEES.**

**A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-205(b).

Defined terms: “County” § 11-101  
“License” § 1-101  
“License holder” § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**11-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-209 (“HEARING”);
- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”); AND
- (7) § 4-212 (“LICENSE NOT PROPERTY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 11-1502 THROUGH 11-1504 OF THIS SUBTITLE;**

**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 11-1505, 11-1506, AND 11-1507 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 11-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

**(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 11-1508 OF THIS SUBTITLE;**

**(5) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 11-1509 OF THIS SUBTITLE; AND**

**(6) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”), SUBJECT TO § 11-1510 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 11-101

“License” § 1-101

“Local licensing board” § 1-101

**11-1502. AUTHORITY OF BOARD NOT TO EXTEND TO CITY OF ANNAPOLIS.**

**THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN THE CITY OF ANNAPOLIS.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15-107.

The prohibition against "issu[ing] a license" in the City of Annapolis is substituted for the former statement that the Board "shall have no jurisdiction" in the City of Annapolis for clarity.

Defined terms: "Board" § 11-101  
"License" § 1-101

**11-1503. LICENSE APPLICATIONS ACCEPTED BEFORE BUILDING CONSTRUCTION.**

**(A) IN GENERAL.**

**THE BOARD SHALL ACCEPT AND PROCESS A LICENSE APPLICATION BEFORE THE CONSTRUCTION OF THE ESTABLISHMENT AT THE LOCATION DESCRIBED IN THE APPLICATION, IF THE APPLICATION INCLUDES DETAILED PLANS OF:**

- (1) THE ESTABLISHMENT TO BE CONSTRUCTED;**
- (2) THE PARKING AREA TO BE PROVIDED; AND**
- (3) THE GENERAL TRAFFIC FLOW IN THE AREA.**

**(B) PROCESSING AND APPROVAL OF APPLICATION.**

**(1) THE LICENSE APPLICATION SHALL BE PROCESSED IN THE SAME MANNER AS A LICENSE APPLICATION FOR A LOCATION ON WHICH THE ESTABLISHMENT IS ALREADY CONSTRUCTED.**

**(2) APPROVAL OF THE APPLICATION IS SUBJECT TO:**

**(i) COMPLETION OF THE ESTABLISHMENT IN ACCORDANCE WITH THE PLANS UNDER SUBSECTION (A) OF THIS SECTION; AND**

**(ii) APPROVAL BY THE COUNTY BUILDING INSPECTOR, THE COUNTY HEALTH DEPARTMENT, AND AN INSPECTOR FOR THE BOARD.**

**(C) DEADLINE FOR USE OF APPROVED LICENSE APPLICATION.**

**(1) IF AN APPROVED LICENSE APPLICATION IS NOT USED WITHIN 1 YEAR AFTER THE DATE OF APPROVAL, THE APPROVAL IS VOID UNLESS THE APPLICANT FILES A WRITTEN APPLICATION WITH THE BOARD FOR AN EXTENSION.**

**(2) THE BOARD MAY APPROVE OR DENY AN EXTENSION.**

**(3) THE BOARD SHALL PROVIDE WRITTEN NOTICE TO THE APPLICANT AT THE TIME OF APPLICATION THAT THE APPROVAL IS VOID IF THE LICENSE IS NOT IN USE WITHIN 1 YEAR AFTER THE DATE OF APPROVAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, fourth, fifth, and sixth sentences of former Art. 2B, § 10-202(d).

In the introductory language of subsection (a) of this section, the reference to the "establishment at the location described in the application" is substituted for the former reference to the "building or premises on the property for which the application is made" for consistency with terminology used throughout this article.

In subsections (a)(1) and (b)(1) and (2)(i) of this section, the references to the "establishment" are substituted for the former references to the "building" for consistency with terminology used throughout this article.

In subsection (b)(1) of this section, the reference to the "location" is substituted for the former reference to "property".

In subsection (b)(1) and (2)(i) of this section, the former references to the "premises" are deleted as included in the references to the "establishment".

In subsection (b)(2)(ii) of this section, the references to the "County" building inspector and health department are added for clarity.

In subsection (c)(1) and (2) of this section, the references to "an extension" are substituted for the former references to an "extension of time" and a "time of extension" for brevity.

In subsection (c)(1) and (3) of this section, the phrases "is void" are substituted for the former phrases "has no effect" for brevity.

In subsection (c)(2) of this section, the former phrase "solely up to" the Board is deleted as surplusage.

Defined terms: "Board" § 11-101

"County" § 11-101



“License” § 1-101

**11-1504. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(2), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 11-101

“Light wine” § 11-101

“Person” § 1-101

“State” § 1-101

“Wine” § 1-101

**11-1505. INTEREST IN MULTIPLE LICENSES — PROHIBITED.**

**UNLESS EXPRESSLY AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9-301(3)(ii) and, except as they related to the renewal of a license, the first sentence of (i) and the first sentence of the introductory language of 9-301.

The reference to interests in a license “regardless of whether that interest is” held or controlled in specified manners is added for clarity.

The phrase “[u]nless expressly authorized by this article” is substituted for the former overly narrow language exempting licenses issued under Art. 2B, §§ 8–202(i) and 9–102(h–1), for clarity.

The former reference to a “partnership, firm, or corporation” is deleted as included in the defined term “person”. Similarly, the former reference to a “franchisor, franchisee, chain store operation, firm, partnership, or corporation” is deleted.

The second sentence of the introductory language of former Art. 2B, § 9–301, which expressed the intention of the section, is deleted as unnecessary. Similarly, the second sentence of former § 9–301(3)(i), which expressed the intention of that subparagraph, is deleted.

Defined terms: “Board” § 11–101

“License” § 1–101

“Person” § 1–101

#### **11–1506. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

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

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 11–101

**11-1507. RESORT, ENTERTAINMENT, HOTEL, AND MOTEL FACILITIES AND COMPLEXES.**

**THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO AN INDIVIDUAL OR FOR USE OF AN ENTITY DOES NOT APPLY TO:**

- (1) RESORT COMPLEXES;**
- (2) ENTERTAINMENT FACILITIES, INCLUDING ENTERTAINMENT CONCESSIONS;**
- (3) MOTEL-RESTAURANT COMPLEXES; OR**
- (4) HOTEL-RESTAURANT COMPLEXES HAVING AT LEAST 100 ROOMS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(h) and (i).

**11-1508. NOTICE OF LICENSE APPLICATION.**

- (A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE, SIMILAR TO A NOTICE USED FOR ZONING PURPOSES, IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

- (B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 10-202(d) and (b)(1)(i)2 and (ii).

In subsection (a) of this section, the reference to the "location" is substituted for the former reference to the "premises" for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to "post[ing] a suitable notice ... for" at least 10 days is substituted for the former reference to "caus[ing] a suitable sign or notice to be posted and to remain posted for a

period of” at least 10 days and the former reference to “keep[ing] [it]” posted for brevity.

Also in subsection (a) of this section, the reference to the “application hearing” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 11–101  
 “License” § 1–101

### **11–1509. REPLACEMENT LICENSE FEE.**

**THE BOARD SHALL DETERMINE THE FEE FOR A REPLACEMENT LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(e).

The reference to a “replacement” license is substituted for the former reference to a “duplicate” license for consistency with § 4–213 of this article.

Defined terms: “Board” § 11–101  
 “License” § 1–101

### **11–1510. WAITING PERIODS AFTER DENIALS.**

**(A) FIRST DENIAL — 1–YEAR WAITING PERIOD.**

**IF A LICENSE APPLICATION IS DENIED, ANOTHER LICENSE APPLICATION FOR THE SAME LOCATION MAY NOT BE MADE FOR 1 YEAR AFTER THE DENIAL.**

**(B) SECOND DENIAL — 2–YEAR WAITING PERIOD.**

**IF A LICENSE APPLICATION FOR A LOCATION IS DENIED TWICE, A LICENSE MAY NOT BE ISSUED FOR THE SAME LOCATION FOR 2 YEARS AFTER THE SECOND DENIAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 10–208(b).

In this section, the references to the “location” are substituted for the former references to the “premises” for consistency with terminology used throughout this article.

In this section, the former references to “the date of” the denial are deleted as surplusage.

In subsection (b) of this section, the former phrase “a period of” 2 years is deleted as surplusage.

The first sentence of former Art. 2B, § 10–208(b), which stated that former Art. 2B, § 10–208(b) applied only in Anne Arundel 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 although former Art. 2B, § 10–208(b) prohibited a second application to be “made” until a year after the first denial, it prohibited a license from being “issued” for 2 years after the second denial. It is not clear why there are two different requirements after the first and second denials. The General Assembly may want to consider conforming these two provisions.

Defined term: “License” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

#### **11–1601. LIMIT ON LICENSES ALLOWED IN SPECIFIED AREA.**

##### **(A) IN GENERAL.**

**(1) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A SPECIFIED AREA IN THE COUNTY TO THE EXISTING NUMBER OF LICENSES IN THAT AREA OR TO ANY OTHER NUMBER OF LICENSES THAT THE BOARD CONSIDERS APPROPRIATE.**

**(2) BEFORE THE NUMBER OF LICENSES IN A SPECIFIED AREA IS RESTRICTED, THE BOARD SHALL CONDUCT A HEARING IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.**

##### **(B) HEARING.**

**(1) A HEARING ON A PROPOSED RESTRICTION OF THE NUMBER OF LICENSES IN A SPECIFIED AREA SHALL BE ADVERTISED IN THE MANNER REQUIRED FOR THE ISSUANCE OF A NEW LICENSE.**

**(2) IF, AFTER TAKING TESTIMONY FOR AND AGAINST RESTRICTING THE NUMBER OF LICENSES IN A SPECIFIED AREA, THE BOARD DECIDES TO ORDER THE RESTRICTION, THE BOARD:**

**(I) SHALL DETERMINE THE BOUNDARIES OF THE AREA; AND**

**(II) MAY PROHIBIT THE ISSUANCE OF ADDITIONAL LICENSES OR ESTABLISH THE NUMBER OF ADDITIONAL LICENSES TO BE ISSUED IN THE AREA, IF THE BOARD DETERMINES THAT THE AREA HAS:**

**1. SUFFICIENT LICENSED PREMISES TO ACCOMMODATE THE PUBLIC;**

**2. BECOME SO SATURATED WITH LICENSED PREMISES THAT SPECIAL POLICING IS REQUIRED AND TRAFFIC HAZARDS ARE CREATED; OR**

**3. CHANGED CHARACTER SO THAT THE EXISTING NUMBER OF LICENSED PREMISES IS INCONSISTENT WITH THE CURRENT USE OF THE AREA, AND AN INCREASE IN THE NUMBER OF LICENSED PREMISES WILL UNDULY DISTURB THE PEACE OF RESIDENTS.**

**(3) (I) THE BOARD MAY RESTRICT THE NUMBER OF LICENSES IN A SPECIFIED AREA FOR A PERIOD BETWEEN 1 AND 4 YEARS.**

**(II) AFTER THE PERIOD THAT THE BOARD SETS, THE RESTRICTIONS SHALL END UNLESS THE BOARD HOLDS ANOTHER HEARING AND FURTHER RESTRICTS THE NUMBER OF LICENSES.**

**(C) PETITION OF PROPERTY OWNERS.**

**THE BOARD SHALL CONDUCT A HEARING ON RESTRICTING THE NUMBER OF LICENSES IN A SPECIFIED AREA IF THE BOARD RECEIVES A PETITION THAT:**

**(1) REQUESTS THE RESTRICTION;**

**(2) DESIGNATES THE SPECIFIC AREA TO BE RESTRICTED; AND**

**(3) IS SIGNED BY AT LEAST 25 INDIVIDUALS WHO ARE PROPERTY OWNERS AND REGISTERED VOTERS OF THE PRECINCT IN WHICH THE PROPOSED RESTRICTED AREA IS LOCATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-203(b)(1) and (2).

In subsection (a)(1) and (2) of this section, the references to restricting “the number of licenses in” a specified area are added for clarity and consistency within this section. Similarly, in subsection (b)(3)(i) of this section, the reference to restricting the “number” of licenses in a specified area is substituted for the former reference to restricting the “issuance” of licenses in a specified area.

In subsection (a)(1) of this section, the reference to the number of licenses “the Board considers” appropriate is substituted for the former reference to the number of licenses “it deems” appropriate for clarity.

In subsection (a)(2) of this section, the former reference to a hearing “on the proposed restricted area” is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the clause “[i]f ... the Board decides to order the restriction” is added for clarity.

In subsection (b)(2)(i) of this section, the reference to the “boundaries” of the area is substituted for the former reference to the “limits” of the area for clarity.

In the introductory language of subsection (b)(2)(ii) of this section, the phrase “if the Board determines” is substituted for the former phrase to “when, in the opinion of the Board” for clarity.

In subsection (b)(3)(ii) of this section, the reference to the restrictions “end[ing]” is substituted for the former reference to the restrictions “terminat[ing] and be[ing] of no further effect” for brevity.

Also in subsection (b)(3)(ii) of this section, the former phrase “as provided in this section” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to “prohibiting additional licenses” is deleted as surplusage. Correspondingly, in subsection (c)(1) of this section, the former reference to the restriction “or prohibition” is deleted.

In subsection (c)(3) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only human beings may be registered voters.

Former Art. 2B, § 9–203(a), which stated that former Art. 2B, § 9–203 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

**11–1602. RESTRICTION ON OFF–SALE LICENSES.**

**(A) IN GENERAL.**

**THE BOARD MAY ISSUE A CLASS A (OFF–SALE), CLASS B (OFF–SALE), OR CLASS D (OFF–SALE) LICENSE BASED ON ITS DETERMINATION OF WHETHER THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC.**

**(B) FACTORS IN DETERMINATION.**

**IN MAKING ITS DETERMINATION, THE BOARD MAY CONSIDER WHETHER THE ESTABLISHMENT FOR WHICH THE LICENSE WOULD BE ISSUED IS IN:**

**(1) A DISTRICT IN WHICH THE RATIO OF OFF–SALE LICENSES PER INDIVIDUAL IS MORE THAN ONE PER 4,000 INDIVIDUALS; OR**

**(2) A DISTRICT IN WHICH THE RATIO OF OFF–SALE LICENSES PER INDIVIDUAL IS LESS THAN ONE PER 4,000 INDIVIDUALS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(b)(3)(ii) and (i)2 and 3.

In the introductory language of subsection (b) of this section, the reference to the “establishment” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b) of this section, the former phrase “but is not required to” is deleted as included in the word “may”.

In subsection (b)(1) and (2) of this section, the former definitions of “overserved district” and “underserved district”, used only once in the former law, are revised as part of the substantive provisions of subsection (b) for concision.

Also in subsection (b)(1) and (2) of this section, the references to an “individual” and “individuals” are substituted for the former references to a “person” and “persons” because the ratio is one license to a specified number of human beings.

Former Art. 2B, § 9–203(b)(3)(i)1, which stated that “[i]n this paragraph the following words have the meanings indicated”, is deleted as unnecessary since



the defined terms contained in former Art. 2B, § 9–203(b)(3)(i) have been included in the substantive provisions of subsection (b) of this section.

Defined terms: “Board” § 11–101

“License” § 1–101

“Off–sale” § 1–101

### **11–1603. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

#### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE FOR AN ESTABLISHMENT WHOSE ENTRY IS WITHIN 1,000 FEET IN A STRAIGHT LINE FROM THE ENTRY OF A PLACE OF WORSHIP OR SCHOOL.**

#### **(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) THE TRANSFER OF A LICENSE FROM THE CURRENT LICENSE HOLDER TO A NEW LICENSE HOLDER, UNLESS THE TRANSFER WOULD ALLOW THE SALE OF ALCOHOLIC BEVERAGES BY ANOTHER ESTABLISHMENT WITHIN THE 1,000–FOOT RESTRICTION;**

**(2) A NONPROFIT CLUB OR NONPROFIT ORGANIZATION;**

**(3) A RESTAURANT THAT HELD A LICENSE AT THE TIME THE RESTAURANT WAS DESTROYED BY FIRE, FLOOD, WINDSTORM, OR OTHER ACT OF GOD, IF A NEW PLACE OF WORSHIP OR SCHOOL HAS NOT BEEN CONSTRUCTED WITHIN THE 1,000–FOOT RESTRICTION;**

**(4) THE ISSUANCE OF A CLASS H BEER AND WINE (ON–SALE) LICENSE OR BEER, WINE, AND LIQUOR (ON–SALE) LICENSE; OR**

**(5) THE ISSUANCE OF A MOTEL–RESTAURANT COMPLEX OR HOTEL–RESTAURANT COMPLEX BEER, WINE, AND LIQUOR (ON–SALE) LICENSE.**

#### **(C) RENEWAL OF LICENSE OR EXTENSION OF AREA ALLOWED.**

**FOR AN ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF THE GROUNDS OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD:**

- (1) MAY RENEW A LICENSE;**
- (2) MAY EXTEND THE AREA OF THE LICENSED PREMISES; BUT**
- (3) MAY NOT CHANGE THE OPERATIONAL CLASSIFICATION OF AN EXISTING LICENSE, UNLESS THE CHANGE IS FROM A CLASS B, CLASS C, OR CLASS D LICENSE TO A CLASS H LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(c)(2), (3), and (1)(ii) and (iii).

Throughout this section, the references to an “establishment” are substituted for the former references to a “building” in instances when a license has not been issued, to conform to the terminology used throughout this article.

Also throughout this section, the references to a “place of worship” are substituted for the former narrower references to a “church” to conform to the terminology used throughout this article.

In subsection (a) and in the introductory language of subsection (c) of this section, the references to the “Board” are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In subsection (a) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”. Similarly, in subsection (b)(1) of this section, the former reference to a license “permitting the sale of alcoholic beverages” is deleted.

In subsection (b) of this section, the former reference to the “City of Annapolis” as being exempt from the distance restriction from a place of worship or school is deleted as unnecessary in light of the organization of this revised article. This section, placed in Title 11 of this article, does not apply to the City of Annapolis. Title 10 of this article, which applies to the City of Annapolis, lacks a distance restriction.

In subsection (b)(1) of this section, the former definition of “[t]ransfer or assignment” which was used only once in the former law, is revised as part of the substantive provisions of subsection (b)(1) for concision. Similarly, in subsection (c)(2) and (3) of this section, the former definition of “[e]xtended for the same building”, which was not used in the former law, is revised as part of the substantive provisions of subsection (c)(2) and (3).

Also in subsection (b)(1) of this section, the former reference to an “assignment” of a license is deleted as included in the reference to a “transfer” of a license.

Former Art. 2B, § 9–203(c)(1)(i), which stated that “[i]n this subsection the following words have the meanings indicated”, is deleted as unnecessary since the defined terms contained in former Art. 2B, § 9–203(c)(1) have been included in the substantive provisions of subsections (b)(1) and (c)(2) and (3) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

#### **11–1604. RESTRICTION ON BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

##### **THE BOARD MAY NOT ISSUE A CLASS H BEER AND LIGHT WINE LICENSE:**

**(1) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

**(2) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(c)(1)(ii).

In the introductory language of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In item (1) of this section, the reference to the “site” of a restaurant is substituted for the former reference to the “premises” of a restaurant to conform to the terminology used throughout this article. Similarly, in item (2) of this section, the reference to an “establishment” is substituted for the former reference to a “premises”.

Former Art. 2B, § 5–202(c)(1)(i), which stated that former Art. 2B, § 5–202(c)(1) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101  
“Restaurant” § 1–101

**11–1605. RESERVED.**

**11–1606. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**11–1607. MULTITYPE LICENSING PLAN.**

**(A) NUMBER OF LICENSES LIMITED TO 10.**

**(1) A LICENSE HOLDER MAY HOLD NOT MORE THAN 10 LICENSES OF ANY CLASS IN ACCORDANCE WITH THIS SECTION.**

**(2) OF THE LICENSES HELD BY A LICENSE HOLDER:**

**(i) NOT MORE THAN FOUR LICENSES MAY BE LICENSES IN WHICH THE LICENSE HOLDER HOLDS A DIRECT INTEREST; AND**

**(ii) THE REMAINING LICENSES MAY ONLY BE LICENSES IN WHICH THE LICENSE HOLDER HOLDS AN INDIRECT INTEREST, AS EVIDENCED BY ANY OF THE FOLLOWING RELATIONSHIPS INVOLVING THE LICENSE HOLDER AND ANOTHER LICENSE HOLDER OR THE LICENSE HOLDER AND AN APPLICANT FOR A LICENSE:**

- 1. A COMMON PARENT COMPANY;**
- 2. A FRANCHISE AGREEMENT;**
- 3. A LICENSING AGREEMENT;**
- 4. A CONCESSION AGREEMENT;**
- 5. MEMBERSHIP BY THE LICENSE HOLDER AND THE OTHER PERSON IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED TO THE PUBLIC;**
- 6. SHARING OF DIRECTORS OR STOCKHOLDERS OR SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENT COMPANIES OR SUBSIDIARIES;**

7. COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES;

8. SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME; OR

9. EXCEPT FOR HOTELS AND MOTELS, SHARING OF A MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.

(B) FIRST RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED ANYWHERE IN COUNTY.

THE BOARD MAY ISSUE ONE CLASS B LICENSE, CLASS BLX LICENSE, OR CLASS H LICENSE TO A PERSON FOR A RESTAURANT LOCATED ANYWHERE IN THE COUNTY.

(C) SECOND RESTAURANT LICENSE — CLASS B, BLX, OR H ALLOWED IN SPECIFIED AREAS.

THE BOARD MAY ISSUE A SECOND LICENSE TO A LICENSE HOLDER IF:

(1) THE LICENSE HOLDER HOLDS A CLASS B LICENSE THAT HAS A RESTRICTION PROHIBITING OFF-SALES, A CLASS H LICENSE, OR A CLASS BLX LICENSE;

(2) THE LICENSE SOUGHT IS A CLASS H LICENSE OR A CLASS BLX LICENSE; AND

(3) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED IN:

(I) THE GLEN BURNIE URBAN RENEWAL AREA;

(II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;

(III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;

(IV) THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS

DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;

(V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE;

(VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST;

(VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN THE SERIES "A" THROUGH "P", INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE COUNTY COUNCIL BY BILL 97-01 OF THE COUNTY ORDINANCES;

(VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF PROPERTIES DESIGNATED AS "COMMERCIAL ZONING" BY THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF THE RAILROAD RIGHT-OF-WAY OWNED BY THE NATIONAL RAILROAD PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);

(IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING DISTRICTS" ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

(X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED "COMMERCIAL ZONING AREAS", INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING DISTRICT; OR

(XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL PROPERTY.

(D) THIRD RESTAURANT LICENSE — CLASS BLX ALLOWED IN SPECIFIED AREAS.

THE BOARD MAY ISSUE A THIRD LICENSE TO A LICENSE HOLDER IF:

- (1) THE LICENSE SOUGHT IS A CLASS BLX LICENSE; AND
- (2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS LOCATED IN:

  - (I) THE GLEN BURNIE URBAN RENEWAL AREA;
  - (II) THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;
  - (III) THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;
  - (IV) THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;
  - (V) A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE;
  - (VI) THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT–OF–WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE’S COUNTY–ANNE ARUNDEL COUNTY LINE ON THE WEST;
  - (VII) A COMMUNITY REVITALIZATION ZONE WITH A DESIGNATION IN THE SERIES “A” THROUGH “P”, INCLUSIVE, AS SHOWN ON THE MAP ADOPTED BY THE COUNTY COUNCIL BY BILL 97–01 OF THE COUNTY ORDINANCES;
  - (VIII) THE SEVERN COMMERCIAL DISTRICT, CONSISTING OF PROPERTIES DESIGNATED AS “COMMERCIAL ZONING” BY THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL AND LOCATED ON THAT PORTION OF MARYLAND ROUTE 174 WEST OF MARYLAND ROUTE 100 AND EAST OF THE RAILROAD RIGHT–OF–WAY OWNED BY THE NATIONAL RAILROAD PASSENGER CORPORATION (PARCEL 117, ANNE ARUNDEL COUNTY TAX MAP 29);
  - (IX) THE EDGEWATER/MAYO COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING DISTRICTS” ON THE COMPREHENSIVE REZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE EDGEWATER/MAYO SMALL AREA PLANNING DISTRICT;

**(X) THE PASADENA COMMERCIAL DISTRICT, CONSISTING OF THOSE PROPERTIES THAT ARE DESIGNATED “COMMERCIAL ZONING AREAS”, INCLUDING LAKE SHORE CROSSING, LAKE SHORE PLAZA, AND THE MOUNTAIN MARKETPLACE SHOPPING CENTER ON THE COMPREHENSIVE ZONING MAPS ADOPTED BY THE COUNTY COUNCIL FOR THE PASADENA SMALL AREA PLANNING DISTRICT; OR**

**(XI) THE AREA IN PASADENA KNOWN AS THE BRUMWELL PROPERTY.**

**(E) FOURTH THROUGH TENTH RESTAURANT LICENSE — CLASS BLX ALLOWED ANYWHERE IN COUNTY.**

**(1) THE BOARD MAY ISSUE A FOURTH, FIFTH, SIXTH, SEVENTH, EIGHTH, NINTH, OR TENTH LICENSE TO A LICENSE HOLDER IF THE LICENSE SOUGHT IS A CLASS BLX LICENSE.**

**(2) THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT MAY BE LOCATED ANYWHERE IN THE COUNTY.**

**(F) LICENSES ISSUED ON CERTAIN DATES.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE THAT WAS ISSUED ON OR BEFORE JUNE 30, 2006, AND IN WHICH A LICENSE HOLDER HOLDS A DIRECT INTEREST OR AN INDIRECT INTEREST SHALL BE COUNTED AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY HOLD UNDER THIS SECTION BUT IS EXEMPT FROM THE RESTRICTIONS UNDER SUBSECTIONS (B) THROUGH (E) OF THIS SECTION.**

**(2) A CLASS H LICENSE THAT WAS ISSUED IN THE PERIOD BEGINNING ON MARCH 14, 2005, AND ENDING ON DECEMBER 1, 2005, MAY NOT BE COUNTED AGAINST THE MAXIMUM NUMBER OF 10 LICENSES THAT THE LICENSE HOLDER MAY HOLD UNDER THIS SECTION.**

**(G) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202.1(g) through (n) and (q).

In subsections (b) through (e) of this section, the clause “[t]he Board may issue” is substituted for the former references to the clause “[a] licensee may



be issued” to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(2)(ii)9 of this section, the meaning of the phrase “sharing of a mode of operation identifiable by the public” is unclear.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that the use of the term “Brumwell Property” in subsections (c)(3)(xi) and (d)(2)(xi) of this section is vague. The General Assembly may wish to clarify the reference with a more detailed description of the property.

Defined terms: “Board” § 11-101

“County” § 11-101

“License” § 1-101

“Person” § 1-101

## **11-1608. CLASS BLX LICENSE.**

### **(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CAPITAL INVESTMENT” MEANS AMOUNTS PAID FOR THE ACQUISITION OF PROPERTY:**

**(I) FOR A USEFUL LIFE GREATER THAN 1 YEAR; OR**

**(II) FOR A PERMANENT IMPROVEMENT OR BETTERMENT OF THE PROPERTY THAT HAS A USEFUL LIFE GREATER THAN 1 YEAR.**

**(3) “COST OF LAND” INCLUDES:**

**(I) THE PURCHASE PRICE, TAXES AND FEES INCIDENTAL TO THE PURCHASE, AND COSTS RELATED TO OBTAINING APPROPRIATE ZONING AND LICENSING;**

**(II) THE COST OF SITE GRADING, PREPARATION, PAVING, SIDEWALKS, GUTTERS, CURBS, AND LANDSCAPING; AND**

**(III) THE COST OF THE CONSTRUCTION AND INSTALLATION OF ALL UTILITIES TO THE EXTERIOR OF THE BUILDING SHELL.**

**(4) “COST OF THE BUILDING SHELL” INCLUDES THE COST ATTRIBUTABLE TO A STRUCTURE WITH A ROOF, SIDEWALLS, DOORS, AND WINDOWS COMPLETELY ENCLOSED AND WEATHERPROOFED ON A SLAB OR OTHER SUBFLOORING.**

**(B) AUTHORIZED.**

**THE BOARD MAY ISSUE A 7-DAY CLASS BLX DELUXE RESTAURANT ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE MAY ONLY BE USED IN AN ESTABLISHMENT THAT:**

**(1) QUALIFIES AS A RESTAURANT UNDER THE REGULATIONS OF THE BOARD;**

**(2) HAS A MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS FOR DINING;**

**(3) HAS A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY NOT EXCEEDING 25% OF THE SEATING CAPACITY FOR DINING;**

**(4) HAS PARKING FACILITIES TO ACCOMMODATE A MINIMUM OF 75 VEHICLES; AND**

**(5) HAS A MINIMUM CAPITAL INVESTMENT BY THE APPLICANT FOR THE LICENSE OF \$800,000, EXCLUSIVE OF THE COST OF THE LAND AND BUILDINGS.**

**(D) CAPITAL INVESTMENT.**

**(1) IF AN APPLICANT FOR THE LICENSE PURCHASES AN EXISTING BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE BUILDING SHELL WILL BE BASED ON THE FAIR MARKET VALUE OF THE STRUCTURES FOR WHICH THE COST OF THE BUILDING SHELL WAS INCURRED, DETERMINED AT THE TIME OF PURCHASE.**

**(2) THE CAPITAL INVESTMENT, EXCLUDING LAND AND BUILDING SHELL, SHALL ALSO BE EVALUATED AT THE FAIR MARKET VALUE AT THE TIME OF PURCHASE.**

**(3) IF THE PREMISES ARE LEASED, THE RENT PAID FOR THE LAND SHALL BE CONSIDERED A COST OF LAND AND ANY RENT PAID FOR A BUILDING SHALL BE CONSIDERED A COST OF THE BUILDING SHELL.**

**(E) CLASS BLX LICENSE NOT AVAILABLE FOR FAST-FOOD RESTAURANT.**

**THE LICENSE MAY NOT BE ISSUED FOR USE IN AN ESTABLISHMENT THAT IS A FAST-FOOD STYLE RESTAURANT.**

**(F) HOURS AND DAYS OF SALE.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF SALE UNDER A CLASS BLX LICENSE DURING THE SAME HOURS AND DAYS AS THOSE FOR A CLASS B ON-SALE BEER, WINE, AND LIQUOR LICENSE IN THE COUNTY.**

**(G) TRANSFER OF LICENSES.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A TRANSFER OF LICENSE HOLDERS FOR THE SAME PREMISES OR A RENEWAL OF A CLASS BLX LICENSE.**

**(2) A CLASS BLX LICENSE MAY NOT BE TRANSFERRED FROM THE LOCATION SITE OF THE FIRST ISSUANCE OF THE LICENSE.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,200.**

**(I) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-202.1(b)(1), (3), (4), and (5), (c) through (f), (o), (p), and (q).

Former Art. 2B, § 8-202.1(a), which stated that the provisions of former Art. 2B, § 8-201.1 applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–202.1(b)(2), which defined “Board” to mean the Board of License Commissioners of Anne Arundel County, is deleted as unnecessary because “Board” is already defined in § 11–101 of this title.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

“Restaurant” § 1–101

## **11–1609. CLASS H LICENSES.**

### **(A) LIMITATIONS ON ISSUANCE.**

**THE BOARD MAY ISSUE A SECOND LICENSE TO A HOLDER OF A CLASS B LICENSE THAT HAS A RESTRICTION PROHIBITING SALES FOR CONSUMPTION OFF THE PREMISES OR A HOLDER OF A CLASS H LICENSE IF:**

**(1) THE SECOND LICENSE IS A CLASS H BEER, WINE, AND LIQUOR LICENSE OR A CLASS H BEER AND WINE LICENSE; AND**

**(2) THE RESTAURANT FOR WHICH THE CLASS H LICENSE UNDER ITEM (1) OF THIS SUBSECTION IS SOUGHT OR TO WHICH THE ORIGINAL CLASS B OR CLASS H LICENSE APPLIES IS IN:**

**(i) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE COUNTY IN ACCORDANCE WITH BILL NOS. 36–96 AND 70–96 OF THE COUNTY ORDINANCES; OR**

**(ii) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION EXISTED ON OCTOBER 1, 1999:**

- 1. THE GLEN BURNIE URBAN RENEWAL AREA;**
- 2. THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;**
- 3. THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;**
- 4. THE BALTIMORE–WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6–301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

**5. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE; OR**

**6. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM MARYLAND ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST.**

**(B) MAXIMUM NUMBER OF CLASS H LICENSES.**

**THE BOARD MAY NOT ISSUE MORE THAN 60 CLASS H LICENSES UNDER THIS SECTION.**

**(C) MAXIMUM NUMBER OF CLASS H LICENSES HELD BY SAME PERSON.**

**THE BOARD MAY ISSUE A MAXIMUM OF TWO LICENSES TO A PERSON IN THE COUNTY IF:**

**(1) EACH LICENSE IS A CLASS H BEER AND WINE LICENSE OR A CLASS H BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) THE RESTAURANT FOR WHICH ONE OF THE CLASS H LICENSES UNDER ITEM (1) OF THIS SUBSECTION IS SOUGHT IS IN:**

**(I) A SUBURBAN COMMUNITY CENTER DESIGNATED BY THE COUNTY IN ACCORDANCE WITH BILL NOS. 36-96 AND 70-96 OF THE COUNTY ORDINANCES; OR**

**(II) ONE OF THE FOLLOWING LOCATIONS AS THE LOCATION EXISTED ON OCTOBER 1, 1999:**

- 1. THE GLEN BURNIE URBAN RENEWAL AREA;**
- 2. THE PAROLE TOWN CENTER GROWTH MANAGEMENT AREA;**
- 3. THE ODENTON TOWN CENTER GROWTH MANAGEMENT AREA;**
- 4. THE BALTIMORE-WASHINGTON INTERNATIONAL THURGOOD MARSHALL AIRPORT STATE PRIORITY FUNDING AREA, AS**

**DESIGNATED BY THE COUNTY IN ACCORDANCE WITH § 6-301(F)(8) OF THE ECONOMIC DEVELOPMENT ARTICLE;**

**5. A SHOPPING CENTER WITH A GROSS AREA OF AT LEAST 1,000,000 SQUARE FEET THAT IS ZONED C3 GENERAL COMMERCIAL BY THE ZONING ARTICLE OF THE COUNTY CODE; OR**

**6. THE ROUTE 198 CORRIDOR, CONSISTING OF PROPERTIES LOCATED WITHIN 500 FEET OF THE RIGHT-OF-WAY OF MARYLAND ROUTE 198, FROM ROUTE 32 ON THE EAST TO THE PRINCE GEORGE'S COUNTY-ANNE ARUNDEL COUNTY LINE ON THE WEST.**

**(D) FRANCHISORS.**

**A FRANCHISOR MAY NOT HAVE A DIRECT OWNERSHIP INTEREST, AS DEFINED BY THE BOARD, IN MORE THAN TWO LICENSES UNDER THIS SECTION.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS:**

**(1) TO CARRY OUT THIS SECTION; AND**

**(2) THAT DEFINE “DIRECT OWNERSHIP INTEREST” FOR THE PURPOSES OF SUBSECTION (D) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(h-1)(1) through (5).

In the introductory language of subsection (a) of this section, the former reference to a “current” holder is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase “or a holder as of June 1, 2002” is deleted as obsolete.

In subsection (b) of this section, the former reference to “additional” licenses is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to “[t]he Board may issue” a maximum of two licenses is added for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to a person “who does not hold a retail alcoholic beverages license” is deleted as unnecessary.

In subsection (c)(2)(ii) of this section, the clause “as the location existed” is substituted for the former clause “as they existed” for clarity.

Former Art. 2B, § 9–102(h–1)(6), which required the Anne Arundel County Economic Development Corporation, in consultation with the Board of License Commissioners for Anne Arundel County, to conduct a comprehensive study of the impact of these provisions on the economy of Anne Arundel County and submit the study’s findings on or before January 1, 2006, to the Anne Arundel County House Delegation, the Anne Arundel County Senate Delegation, the County Executive for Anne Arundel County, and the Anne Arundel County Council, is deleted as obsolete.

Defined terms: “Board” § 11–101

“County” § 11–101

“License” § 1–101

“Person” § 1–101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **11–1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**AND**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

#### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 11–1702 OF THIS SUBTITLE;**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 11-1703 OF THIS SUBTITLE; AND**

**(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”), SUBJECT TO § 11-1706 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 11-101  
“License” § 1-101

**11-1702. REQUIREMENTS FOR APPROVAL OF TRANSFER.**

**(A) TRANSFEROR TO MAKE ARRANGEMENTS FOR DEBTS AND OBLIGATIONS.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT APPROVE AN APPLICATION FOR THE TRANSFER OF A LICENSE UNLESS:**

**(I) ALL OBLIGATIONS OF THE TRANSFEROR PERTAINING TO THE LICENSED ESTABLISHMENT HAVE BEEN PAID; OR**

**(II) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS SATISFACTORY TO THE TRANSFEROR’S CREDITORS HAS BEEN MADE.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION ALSO APPLIES TO APPROVAL OF AN APPLICATION FOR A NEW LICENSE IF THE BOARD BELIEVES THAT THE APPLICATION IS BEING USED TO AVOID PROVISIONS REGARDING THE TRANSFER OF A LICENSE.**

**(B) RESTRICTIONS CONDITIONED ON CREDITOR’S CLAIM.**

**THE BOARD IS NOT BOUND BY SUBSECTION (A) OF THIS SECTION UNLESS:**

**(1) A CREDITOR SUBMITS A CLAIM, UNDER AFFIDAVIT, TO THE BOARD BEFORE THE HEARING HELD ON THE TRANSFER; AND**

**(2) THE CLAIM INVOLVES AN INDEBTEDNESS INCURRED IN THE OPERATION OF THE LICENSED PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(c)(3).



In subsection (a)(1)(i) of this section, the former parenthetical reference to “former licensee” that modified the reference to “transferrer” is deleted as surplusage.

Also in subsection (a)(1)(i) of this section, the former reference to being “fully” paid is deleted as surplusage.

In subsection (a)(2) of this section, the former phrase “as a subterfuge” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to “the prohibition in” subsection (a) of this section is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to a “bona fide” creditor is deleted as surplusage.

Defined terms: “Board” § 11–101

“License” § 1–101

## **11–1703. FEE.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A CLUB LICENSE.**

### **(B) IN GENERAL.**

**THE FEE FOR A TRANSFER OF LOCATION OR OWNERSHIP OF A LICENSE IS \$200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(c)(2).

In subsection (b) of this section, the reference to a transfer “of location or ownership” of a license is added for clarity.

Also in subsection (b) of this section, the former reference to “assignment” is deleted as included in the reference to “a transfer”.

Former Art. 2B, § 10–503(c)(1), which stated that former Art. 2B, § 10–503(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Club” § 1–101  
“License” § 1–101

#### **11–1704. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 11–1505 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE LICENSE MAY TRANSFER EACH LICENSE TO A SIMILAR TYPE OF BUSINESS ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 9–301(3)(i), as it related to the transfer of a license.

The phrase “[n]otwithstanding § 11–1505 of this title” is substituted for the former phrase “[n]othing in this section applies to or affects” to reflect the revision of the first sentence of former Art. 2B, § 9–301(3)(i) in § 11–1505 of this title.

The reference to a person who “may transfer” a license is substituted for the former reference to the “possibility of such licensee having the license transferred” for clarity.

Defined terms: “License” § 1–101  
“Person” § 1–101

#### **11–1705. TRANSFER RESTRICTIONS.**

##### **(A) IN GENERAL.**

**A LICENSE MAY NOT BE TRANSFERRED UNLESS THE LICENSE HOLDER HAS ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION FOR TRANSFER.**

##### **(B) UNAUTHORIZED TRANSFER IS VOID.**

**AN ATTEMPTED TRANSFER OF A DORMANT LICENSE NOT IN ACCORDANCE WITH THIS SECTION IS VOID.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(c)(4)(i), as it related to the transfer of a license.

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

“License holder” § 1-101

**11-1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) IN ADDITION TO THE CONDITIONS STATED UNDER § 4-306(A) OF THIS ARTICLE, A CORPORATION OR CLUB HOLDING A LICENSE MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS MOVED FROM THE COUNTY; OR**

**(II) NO LONGER HAS A FINANCIAL INTEREST IN THE CORPORATION OR CLUB.**

**(2) THE SUBSTITUTION MAY NOT BE ACCOMPANIED BY A SALE OF CORPORATE STOCK THAT RESULTS IN A CHANGE OF THE CONTROLLING INTEREST OF THE CORPORATION OR CLUB.**

**(B) SUBMISSION OF LETTER.**

**THE CORPORATION OR CLUB MAY APPLY TO THE BOARD FOR A SUBSTITUTION BY SUBMITTING A LETTER THAT IS SIGNED BY THE NEW LICENSE APPLICANT AND THE TWO REMAINING LICENSE HOLDERS.**

**(C) CONDITIONS FOR APPROVAL OF SUBSTITUTION.**

**THE BOARD MAY NOT APPROVE THE APPLICATION FOR THE SUBSTITUTION UNLESS:**

**(1) ALL OBLIGATIONS OF THE CORPORATION OR CLUB HAVE BEEN PAID; OR**

**(2) AN ARRANGEMENT CONCERNING DEBTS AND OBLIGATIONS SATISFACTORY TO THE CREDITORS OF THE CORPORATION OR CLUB HAS BEEN MADE.**

**(D) CORRECTED LICENSE TO BE ISSUED.**

**(1) ON THE APPROVAL OF THE BOARD AND THE PAYMENT OF THE NECESSARY COSTS AND FEES, A CORRECTED LICENSE SHALL BE ISSUED.**

**(2) IN ALL OTHER CASES A FORMAL TRANSFER OF THE LICENSE SHALL BE ACCOMPLISHED IN ACCORDANCE WITH §§ 4-302, 4-304, AND 4-305 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(c)(4).

In subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

Also in subsection (a)(1) of this section, the former references to an officer who has "died" or has "retired" are deleted as redundant of provisions in § 4-306(a) of this article.

In subsection (d)(1) of this section, the reference to a "corrected license" is substituted for the former reference to a "new license ... with the correct names on it" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the references to a "corporation or club" throughout this section may be too narrow because a license may be held for the use of other types of business entities, such as limited liability companies. The General Assembly may want to consider using a term that encompasses all of the types of business entities for the use of which a license may be held.

Defined terms: "Board" § 11-101

"Club" § 1-101

"County" § 11-101

"License" § 1-101

"License holder" § 1-101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **11-1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: "County" § 11-101

"License" § 1-101

### **11-1802. RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR A LICENSE RENEWAL SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF \$50 IN ADDITION TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(u).

Defined terms: “License” § 1–101  
 “Local collecting agent” § 1–101

**11–1803. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 11–1504 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(2), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 11–1504 of this title,” is added to clarify that this section is an exception to § 11–1504.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101  
 “Beer” § 1–101  
 “Board” § 11–101  
 “State” § 1–101  
 “Wine” § 1–101

**11–1804. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 11–1505 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE LICENSE MAY RENEW THE LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-301(3)(i), as it related to the renewal of a license.

The phrase “[n]otwithstanding § 11-1505 of this title,” is added to clarify that this section is an exception to § 11-1505.

Defined terms: “License” § 1-101

“Person” § 1-101

#### **11-1805. RENEWAL AND REISSUANCE RESTRICTIONS.**

##### **(A) IN GENERAL.**

**(1) (I) A LICENSE MAY NOT BE RENEWED UNLESS THE LICENSE HOLDER HAS ACTIVELY ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE WITHIN 1 YEAR BEFORE THE DATE OF APPLICATION FOR RENEWAL.**

**(II) AN ATTEMPTED RENEWAL OF A DORMANT LICENSE NOT IN ACCORDANCE WITH THIS SECTION IS VOID.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE REISSUANCE OF A DORMANT LICENSE IS SUBJECT TO THE HEARING, NOTICE, AND OTHER PROVISIONS OF TITLE 4, SUBTITLE 2 OF THIS ARTICLE.**

**(3) THE BOARD MAY RENEW OR REISSUE THE DORMANT LICENSE OF A LICENSE HOLDER WITHOUT HOLDING A HEARING IF:**

**(I) THE MAIN BUILDING OF THE LICENSED PREMISES HAS BEEN DESTROYED BY FIRE, WIND, OR FLOOD; AND**

**(II) THE LICENSE HOLDER PROVES THAT SUBSTANTIAL EFFORTS ARE BEING MADE TO RESTORE, REPLACE, OR REPAIR THE LICENSED PREMISES.**

##### **(B) REISSUANCE OF LICENSE.**

**(1) A LICENSE REISSUANCE IS IN EFFECT FOR 1 YEAR AFTER THE BOARD APPROVES THE REISSUANCE.**

**(2) THE LICENSE HOLDER MAY SEEK A REISSUANCE FOR AN ADDITIONAL YEAR BY FOLLOWING THE PROCEDURES OF THIS SECTION.**

**(3) THE LICENSE HOLDER SHALL PAY THE ANNUAL LICENSE FEE FOR EACH YEAR OF THE REISSUANCE, INCLUDING ANY YEAR THAT THE LICENSED PREMISES IS NOT OPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–203(c)(4)(ii) and, as it related to the renewal of a license, (i).

In subsection (a)(1)(ii) of this section, the former reference to an attempted renewal being “null and” void is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a “dormant license” is substituted for the former reference to a “license to any licensee whose license has been nonrenewed under the provisions of this section” for brevity.

In the introductory language of subsection (a)(3) of this section, the reference to renewing or reissuing the dormant license “without holding a hearing” is added for clarity.

In subsection (a)(3)(ii) of this section, the reference to “the license holder prov[ing] that substantial efforts are being made” to restore, replace, or repair the “licensed premises” is substituted for the former reference to the requirement that “it has been proven that the licensee is making substantial efforts” to restore, replace, or repair the “building” for clarity.

In subsection (b)(1) of this section, the reference to a “license reissuance” is substituted for the former reference to an “extension” for consistency.

In subsection (b)(2) of this section, the reference to the authority for the “license holder” to “seek a reissuance for an additional year by following the procedures of this section” is substituted for the former requirement that “[i]f the licensee desires another extension, the licensee shall follow the same procedure” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

### **11–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 11-101

“License” § 1-101

“License holder” § 1-101

**11-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.****(A) INDIVIDUALS AT LEAST 16 YEARS OLD.**

**A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 16 YEARS OLD TO STOCK ALCOHOLIC BEVERAGES.**

**(B) INDIVIDUALS AT LEAST 18 YEARS OLD.**



**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER.**

**(C) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN ANY SOLELY BAR-RELATED CAPACITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-202(d) and 12-302(b)(1).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (b) of this section, the reference to a "server" is substituted for the former reference to a "waiter or waitress" for brevity.

Also in subsection (b) of this section, the former phrase "in the capacity of" is deleted as surplusage.

In subsection (c) of this section, the former phrase "notwithstanding any provisions in this article to the contrary" is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (c) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the phrase "bar-related capacity" is unclear.

Defined term: "Alcoholic beverage" § 1-101

**11-1903. WINDOW REQUIRED ON PREMISES WITH CLASS D LICENSE.**

**(A) WINDOW MUST FACE STREET.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE PROVIDED ONLY IN A ROOM WITH AT LEAST ONE PLAIN GLASS WINDOW FACING THE STREET.**

**(B) UNOBSTRUCTED VIEW OF INTERIOR OF PREMISES.**

**(1) THE WINDOW SHALL ENABLE AN INDIVIDUAL STANDING ON THE GROUND TO OBSERVE THE INTERIOR OF THE PREMISES WHEN SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.**

**(2) THE VIEW AFFORDED BY THE WINDOW MAY NOT BE OBSTRUCTED WHEN SALES OF ALCOHOLIC BEVERAGES ARE PROHIBITED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-202.1.

In subsection (a) of this section, the reference to alcoholic beverages being "provided" is substituted for the former reference to alcoholic beverages being "sold or furnished" for brevity.

Also in subsection (a) of this section, the former reference to a "highway" is deleted as included in the reference to a "street".

Also in subsection (a) of this section, the former phrase "for the sale of alcoholic beverages on any premises" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

Also in subsection (b)(1) of this section, the former phrase "at all hours" is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to the "highway" is deleted as included in the reference to the "ground".

In subsection (b)(2) of this section, the phrase "when sales of alcoholic beverages are prohibited" is substituted for the former phrase "[d]uring those hours" for clarity.

Also in subsection (b)(2) of this section, the former reference to "windows" is deleted in light of the reference to "window" and GP § 1-202, which provides that the singular generally includes the plural.

Also in subsection (b)(2) of this section, the former prohibition against the view not being obstructed by "any curtain, blind, or other obstruction" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**11-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Anne Arundel County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found

consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

## **11–2002. BEER LICENSES.**

**RESERVED.**

## **11–2003. BEER AND LIGHT WINE LICENSES.**

### **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

### **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT WINE IS ALLOWED BY LAW.

(C) CLASS C BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER AND LIGHT WINE AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER AND LIGHT WINE IS ALLOWED BY LAW.

(D) CLASS D BEER AND LIGHT WINE LICENSE.

(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.

(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.

**(E) CLASS H BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER AND LIGHT WINE ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–202(d)(2), 11–502(a) and (d), and, as it related to the sale of alcoholic beverages, 11–403(a)(2)(ii).

Throughout this section, the references to “beer and light wine” are substituted for the broader former references to “alcoholic beverages” in accordance with the scope of this section.

In subsections (b)(4) and (c)(4) of this section, the references to “sell” are substituted for the former references to “vend, serve, deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 11–502(c), which stated that the hours established by the article for the sale of alcoholic beverages in the County are declared to be in accordance with Eastern Standard Time on the last Sunday of October in each year, is deleted as obsolete and unnecessary. Since 2007, Eastern Standard Time begins in Maryland on the first Sunday in November; thus, on the last Sunday of October, the State now observes Eastern Daylight Savings Time.

Former Art. 2B, § 11–502(f), which stated that the provisions of former Art. 2B, § 11–502 applied only to the first, second, third, fourth, fifth, seventh, and eighth districts of Anne Arundel County, is deleted as unnecessary. The only election district not stated in former § 11–502 is the sixth, which covers the City of Annapolis. Throughout this revised article, the City of Annapolis is always treated as a jurisdiction separate from Anne Arundel County.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1-101

**11-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

**(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE, AND LIQUOR IS ALLOWED BY LAW.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

**(4) THE LICENSE HOLDER MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON ANY DAY ON WHICH THE SALE OF BEER, WINE, AND LIQUOR IS ALLOWED BY LAW.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

**(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 2 A.M. ON SUNDAY.**

**(3) THE BOARD MAY ISSUE TO THE LICENSE HOLDER A SUNDAY LICENSE THAT AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY ACCORDING TO TERMS THAT THE LICENSE STATES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-202(d)(2), 11-502(a) and (d), and, as it related to the sale of alcoholic beverages, 11-403(a)(2)(ii).



Throughout this section, the references to “beer, wine, and liquor” are substituted for the broader former references to “alcoholic beverages” in accordance with the scope of this section.

In subsections (b)(4) and (c)(4) of this section, the references to “sell or provide” alcoholic beverages are substituted for the former references to “vend, serve, [or] deliver” alcoholic beverages to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “Board” § 11–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

#### **11–2005. SUNDAY HOURS.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–202(d)(2).

The former reference to “§ 6–501 of this article”, which refers to the Class E beer, wine, and liquor license issued for water vessels, is deleted as outside the scope of this title because the Class E license is issued by the Comptroller and not by the Anne Arundel Board of License Commissioners.

The former phrase “[n]otwithstanding any other provisions of this article and except for ‘special licenses’ provided for in § 6–501 of this article” is deleted as unnecessary in light of the organization of this revised article.

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

#### **11–2006. HOURS FOR JANUARY 1.**

**A HOLDER OF AN ON–SALE LICENSE 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(c).

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.

The former reference to January 1 “of any year” is deleted as surplusage.

Former Art. 2B, § 11–402(c)(1), which stated that former Art. 2B, § 11–402(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1–101

## **11–2007. SALES AFTER HOURS — IN GENERAL.**

### **(A) 15–MINUTE RULE FOR REMAINING OPEN AFTER HOURS.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND § 11–2006 OF THIS SUBTITLE, A LICENSED PREMISES MAY NOT REMAIN OPEN TO THE PUBLIC OR TO A PRIVATE PERSON FOR ANY PURPOSE FOR MORE THAN 15 MINUTES AFTER THE HOURS AND DAYS OF SALE SPECIFIED IN THIS TITLE, EVEN IF ALCOHOLIC BEVERAGES ARE NOT SOLD.**

**(B) PERMISSION TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS AFTER HOURS.**

**(1) THE BOARD MAY ALLOW A LICENSE HOLDER TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS UNTIL A SPECIFIED TIME IF:**

**(i) THE APPLICANT SATISFIES THE BOARD THAT SUITABLE PRECAUTIONS HAVE BEEN TAKEN TO PREVENT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES AFTER THE HOURS OF CLOSING; AND**

**(ii) THE APPLICANT HOLDS:**

- 1. A CLASS B LICENSE;**
- 2. A MOTEL/HOTEL–RESTAURANT COMPLEX LICENSE, AS DESCRIBED IN § 11–907 OF THIS TITLE;**
- 3. A CLASS A LICENSE, WITH RETAIL SALES OF ALCOHOLIC BEVERAGES NOT EXCEEDING 25% OF THE LICENSE HOLDER’S TOTAL RETAIL VOLUME; OR**

**4. A CLASS H LICENSE.**

**(2) THE BOARD SHALL ISSUE A PERMIT TO A LICENSE HOLDER WHO RECEIVES PERMISSION TO SELL NONALCOHOLIC ITEMS UNDER THIS SUBSECTION.**

**(C) FEE.**

**THE ANNUAL FEE FOR THE PRIVILEGE TO SELL FOOD OR OTHER NONALCOHOLIC ITEMS AFTER HOURS IS \$10.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE SAME PENALTY IMPOSED FOR SELLING ALCOHOLIC BEVERAGES AFTER HOURS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-502(b).

In subsection (b) of this section, the defined term "Board" is substituted for the former reference to "license commissioners" to conform to the terminology used throughout this title.

In subsection (c) of this section, the phrase "for the privilege to sell food or other nonalcoholic items after hours" is added for clarity.

In subsection (d) of this section, the reference to a "person who violates this section" is substituted for the former reference to "[a]ny violation of this subsection" to conform to the terminology used throughout this article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 11-101

"License" § 1-101

"License holder" § 1-101

"Person" § 1-101

"Restaurant" § 1-101

**11-2008. SALES AFTER HOURS — BOWLING ALLEYS.**

**(A) BOWLING ALLEY MAY REMAIN OPEN UNTIL SPECIFIED HOUR.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY AUTHORIZE A BOWLING ALLEY WITH 20 LANES OR MORE THAT HAS A CLASS B OR CLASS D LICENSE TO STAY OPEN FOR BOWLING AND SERVE FOOD UNTIL A SPECIFIED HOUR.**

**(B) RESTRICTIONS.**

**(1) ALL ALCOHOLIC BEVERAGES SHALL BE KEPT UNDER LOCK AND KEY FROM 2 A.M. TO 6 A.M.**

**(2) AN INDIVIDUAL UNDER 18 YEARS OLD MAY NOT BE ON THE PREMISES FROM 2 A.M. TO 6 A.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A SPOUSE, PARENT, OR GUARDIAN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-502(h).

In subsection (b)(2) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the provision applies only to human beings.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 11-101

"License" § 1-101

#### **11-2009. PER DIEM LICENSES.**

**NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, WHEN A PER DIEM LICENSE IS ISSUED UNDER SUBTITLE 11, PART 3 OF THIS TITLE, A HOLDER OF A WHOLESALER'S LICENSE MAY AGREE WITH THE HOLDER OF THE CLASS C LICENSE TO DELIVER BEER ON THE EFFECTIVE DATE OF THE LICENSE AND ACCEPT RETURNS ON THE SAME DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-502(i).

The reference to a "per diem license ... issued under Subtitle 11, Part 3 of this title" is substituted for the former reference to a "special Class C license ... issued under the provisions of § 7-101 of this article" for clarity.

Defined terms: "License" § 1-101

"Wholesaler's license" § 1-101

#### **11-2010. RESTRICTIONS ON CONSUMPTION.**

**(A) "PREMISES" DEFINED.**

**IN THIS SECTION, "PREMISES" MEANS:**

**(1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, OR PLACE OF PUBLIC ENTERTAINMENT;**

**(2) A PLACE OPEN TO THE PUBLIC; OR**

**(3) A PLACE LICENSED BY THE STATE OR THE COUNTY.**

**(B) CONSUMPTION PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT PROVIDE OR ALLOW TO BE CONSUMED ON THE PREMISES OR ON PREMISES UNDER ITS POSSESSION OR CONTROL ANY ALCOHOLIC BEVERAGES OTHER THAN AS SPECIFICALLY ALLOWED UNDER THIS ARTICLE.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE.**

**(C) PENALTY.**

**A PERSON WHO KNOWINGLY ALLOWS CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(c)(1)(ii) and (iii) and (3).

In subsection (a)(3) of this section, the former phrase "in any way" is deleted as surplusage.

In subsection (c) of this section, the defined term "person" is substituted for the former reference to "[a]ny owner, operator, manager, or employee of the premises" for brevity and to conform to other similar provisions of the Code.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 11-101

"Restaurant" § 1-101

"State" § 1-101

**11-2011. CONSUMPTION AT BAR OR COUNTER.**

**A PATRON MAY CONSUME AN ALCOHOLIC BEVERAGE AUTHORIZED BY LAW TO BE SOLD AT A BAR OR COUNTER ON A DAY ON WHICH THE SALE OF THE ALCOHOLIC BEVERAGE IS AUTHORIZED BY LAW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(a)(2)(ii), as it related to the consumption of alcoholic beverages.

Defined term: "Alcoholic beverage" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **11-2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 ("POWER OF LOCAL LICENSING BOARD");**
- (2) § 4-604 ("GROUNDS FOR REVOCATION OR SUSPENSION");**
- (3) § 4-605 ("NUDITY AND SEXUAL DISPLAYS"); AND**
- (4) § 4-606 ("EFFECTS OF REVOCATION").**

#### **(B) VARIATION.**

**SECTION 4-603 ("REVOCATION AND SUSPENSION PROCEDURES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 11-2102 AND 11-2103 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(2), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "County" § 11-101

"License" § 1-101

"Local licensing board" § 1-101

### **11-2102. IMMEDIATE SUSPENSION OF LICENSE.**

#### **(A) IN GENERAL.**

**(1) IN ADDITION TO THE REVOCATION AND SUSPENSION PROCEDURES PROVIDED UNDER § 4-603 OF THIS ARTICLE, THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF IT IS ALLEGED BY A PERSON SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE LICENSE HOLDER HAS SOLD OR PROVIDED ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS WITH SUCH FREQUENCY AND DURING SUCH A LIMITED TIME SO AS TO DEMONSTRATE A WILLFUL FAILURE TO COMPLY WITH § 6-304 OF THIS ARTICLE.**

**(2) AN ALLEGATION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE MADE BY:**

**(I) THE COMPTROLLER OR AN AGENT OR EMPLOYEE OF THE COMPTROLLER;**

**(II) THE BOARD OR AN AGENT OR EMPLOYEE OF THE BOARD; OR**

**(III) A PEACE OFFICER.**

**(B) 7-DAY LIMIT ON SUSPENSION.**

**A SUSPENSION UNDER THIS SECTION MAY NOT EXCEED 7 DAYS.**

**(C) HEARING AND NOTICE REQUIRED AFTER SUSPENSION.**

**IF A LICENSE IS SUSPENDED UNDER THIS SECTION, THE BOARD SHALL:**

**(1) HOLD A HEARING ON THE MATTER WITHIN 7 DAYS AFTER THE SUSPENSION BEGINS; AND**

**(2) GIVE NOTICE TO THE LICENSE HOLDER AT LEAST 2 DAYS BEFORE THE HEARING.**

**(D) FAILURE TO PROVIDE NOTICE.**

**IF THE BOARD FAILS TO PROVIDE THE LICENSE HOLDER WITH NOTICE OF A HEARING BEFORE THE END OF THE FIFTH DAY AFTER A SUSPENSION BEGINS:**

**(1) THE SUSPENSION SHALL END; AND**

**(2) THE LICENSE HOLDER SHALL BE ALLOWED TO RESUME THE SALE OF ALCOHOLIC BEVERAGES ON THE NEXT DAY ALLOWED UNDER THE LICENSE.**

**(E) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PREVENT A LICENSE HOLDER WHOSE LICENSE IS SUSPENDED UNDER THIS SECTION FROM SEEKING AN INJUNCTION OR OTHER APPROPRIATE RELIEF.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–403(a)(2)(ii) and 15–112(c)(6).

In subsection (a)(1) of this section, the phrase “[i]n addition to the revocation and suspension procedures provided under § 4–603 of this article,” is added for clarity.

Also in subsection (a)(1) of this section, the former phrase “[n]othing contained in this section shall prevent the immediate suspension” of a license is deleted as included in the reference to the power of the Board to immediately suspend a license.

In subsection (c)(1) and the introductory language of subsection (d) of this section, the references to a suspension “begin[ning]” are added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“Comptroller” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**11–2103. LESSER LICENSE AS ALTERNATIVE TO SUSPENSION OR REVOCATION.****(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, INSTEAD OF ORDERING THE REVOCATION OR SUSPENSION OF A LICENSE, THE BOARD MAY ORDER A LICENSE HOLDER TO EXCHANGE THE LICENSE FOR A LESSER LICENSE:**

**(1) UNDER WHICH ONLY ALCOHOLIC BEVERAGES OF A LOWER ALCOHOLIC CONTENT OR OF A MORE LIMITED KIND THAN UNDER THE LICENSE ORDERED EXCHANGED MAY BE SOLD; AND**

**(2) THAT HAS FEWER PRIVILEGES OR MORE OR GREATER RESTRICTIONS THAN THE LICENSE ORDERED EXCHANGED.**

**(B) CONDITIONS FOR ISSUANCE OF LESSER LICENSE.**



**SUBSECTION (A) OF THIS SECTION APPLIES ONLY IF:**

**(1) AFTER A HEARING, THE BOARD FINDS THAT A LICENSE HOLDER OR THE OPERATION OF A LICENSED PREMISES HAS VIOLATED OR IS VIOLATING THIS ARTICLE; AND**

**(2) THE PENALTY FOR THE VIOLATION REQUIRES OR ALLOWS A LICENSE TO BE REVOKED OR SUSPENDED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(c)(2) and (3).

Throughout this section, former references to a “more restricted” license are deleted as included in the reference to a “lesser” license.

In subsection (a) of this section, the references to a license that is “exchanged” are substituted for the former references to a license that is “transferred” for clarity and consistency throughout this section.

In the introductory language of subsection (a) of this section, the former reference to “direct” a license holder is deleted in light of the reference to “order” a license holder.

In subsection (b)(1) of this section, the former reference to a licensed premises “operating under a license issued by the Board” is deleted as implicit in the reference to a “licensed premises”.

Former Art. 2B, § 10–401(c)(1), which stated that former Art. 2B, § 10–401(c) applied in all election districts in Anne Arundel County except the sixth, is deleted as unnecessary in light of the organization of this revised article. In the past, the sixth district consisted of the City of Annapolis. The City of Annapolis is not covered by this section but instead is covered under Title 10 of this article.

Former Art. 2B, § 10–401(c)(4), which stated that “[t]he Board may determine if any license is to be suspended or revoked for the violation of any of the provisions of this section or any other provisions of this article, the penalty for a violation of which provision requires or permits licenses to be suspended or revoked”, is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License” § 1–101

“License holder” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.****11-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 11-101  
“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.****11-2301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4-806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 11-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 11-101

“License” § 1-101

“License holder” § 1-101

**11-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(1).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 11–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **11–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 11–101

**11-2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)1.

The reference to the "circuit court for the County" is substituted for the former reference to the "court" for clarity.

Defined terms: "Board" § 11-101  
"County" § 11-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**11-2501. SERVING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT GIVE OR ALLOW TO BE CONSUMED ON THE PREMISES OR ON PREMISES UNDER ITS CONTROL OR POSSESSION AN ALCOHOLIC BEVERAGE OTHER THAN AS AUTHORIZED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(c)(1)(iii)1.

The former reference to a "corporation, club, or organization" is deleted as included in the defined term "person".

The former reference to "specifically" authorized is deleted as surplusage.

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

**11-2502. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES FROM SUPPLIES HELD FOR CUSTOMER.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO AN ESTABLISHMENT THAT:**

**(1) INCLUDES A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO, DISCO, PLACE OF PUBLIC ENTERTAINMENT, AND PLACE OPEN TO THE PUBLIC; AND**

**(2) IS SUBJECT TO A LICENSE ISSUED BY THE STATE OR THE COUNTY OTHER THAN A LICENSE ISSUED UNDER THIS ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS SECTION MAY NOT SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER ALCOHOLIC BEVERAGES FROM SUPPLIES THAT THE CUSTOMER PURCHASED, RESERVED, OR BROUGHT TO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–101(a), (c), and (d).

Subsection (a) of this section is revised as an enumeration of establishments to which this section applies, rather than as the definition of “bottle club,” for clarity and brevity. In the former law, a “bottle club” was defined as a certain type of unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In subsection (b) of this section, actions that were formerly included within the former defined term “bottle club” are prohibited.

Also in subsection (b) of this section, the former prohibition against “giv[ing]” and “dispens[ing]” are deleted as included in the reference to “serv[ing]”.

Also in subsection (b) of this section, the former provision prohibiting an owner or operator of an unlicensed establishment from “[e]vad[ing] the alcoholic beverages laws in the county, including laws governing the hours of operation” is deleted as unnecessary.

Former Art. 2B, § 20–101(b), which provided that former Art. 2B, § 20–101 applied only in Anne Arundel County is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“County” § 11–101

“License” § 1–101

“Person” § 1-101

**11-2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE.**

**(B) PROHIBITION AGAINST INDIVIDUAL.**

**EXCEPT AS PROVIDED ELSEWHERE IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, OR DISCO;**
- (2) A PLACE OPEN TO THE PUBLIC;**
- (3) A PLACE OF PUBLIC ENTERTAINMENT;**
- (4) A PLACE THAT IS LICENSED BY THE STATE OR THE COUNTY; OR**
- (5) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(C) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (B) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS PROVIDED IN SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and (2)(i) and (c)(1)(ii) and (iii)2.

In subsection (b)(2) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b)(4) of this section, the former reference to a place that is “in any way” licensed by the State or county is deleted as surplusage.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (d) of this section, the former minimum penalty is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11–304(c)(1)(i), which provided that former Art. 2B, § 11–304(c) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Club” § 1–101

“County” § 11–101

“Person” § 1–101

“Restaurant” § 1–101

“State” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **11–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6–202 (“INSPECTIONS”);**

**(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–205 (“PEACE OFFICERS”);**

**(4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**



(5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(8) § 6-211 (“FINES AND FORFEITURES”).

**(B) EXCEPTION.**

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 11-2602 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 6-204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 11-2604 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 11-101  
“State” § 1-101

**11-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) **ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND**

(2) **REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(1).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 11–101

### **11–2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

#### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

#### **(C) FEES AND COSTS.**

**(1) THE BOARD SHALL CHARGE FEES FOR THE PRODUCTION AND SERVICE OF A SUMMONS.**

**(2) THE FEES MAY BE ASSESSED ONLY AGAINST A LICENSE HOLDER OR PARTY WHOM THE BOARD HAS ADJUDICATED RESPONSIBLE FOR A VIOLATION OF A LAW CONCERNING ALCOHOLIC BEVERAGES.**

#### **(3) THE FEES ARE:**

**(I) \$20, FOR THE PRODUCTION OF A SUMMONS BY THE CLERK TO THE BOARD;**

**(II) \$5, FOR AN ADDRESS PROVIDED BY THE CLERK TO THE BOARD AND THE SERVICE IS BY MAIL; AND**

**(III) \$30, FOR EACH ADDRESS IF THE SERVICE IS BY AN INVESTIGATOR EMPLOYED BY THE BOARD.**

**(4) IN ADDITION TO OTHER FINES, PENALTIES, OR COSTS THAT MAY BE IMPOSED, THE BOARD SHALL ALSO IMPOSE COSTS OF \$100 AGAINST A LICENSE HOLDER OR PARTY WHOM THE BOARD HAS FOUND TO HAVE VIOLATED A LAW CONCERNING ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(i), (2), and (3) and (d)(2), (3), and (4).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

In subsection (c)(2) and (4) of this section, the former references to a “statute, rule, or regulation” are deleted as included in the references to a “law”.

Former Art. 2B, § 16–410(d)(1), which stated that former Art. 2B, § 16–410(d) applied only in Anne Arundel County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“License holder” § 1–101

#### **11–2604. SERVICE OF SUMMONS.**

**IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS AND COUNTY POLICE MAY SERVE A SUMMONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)2.

The reference to “County police” is substituted for the former reference to the “Anne Arundel County Police Department” for brevity.

Defined terms: “Board” § 11–101  
 “County” § 11–101

### **11–2605. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Anne Arundel County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

### **11–2606. ADDITIONAL RESOURCES AVAILABLE TO BOARD.**

**THE BOARD MAY CALL ON OTHER COUNTY ADMINISTRATIVE DEPARTMENTS AND ALL PROSECUTING OFFICERS TO PROVIDE INFORMATION AND ASSISTANCE THAT THE BOARD CONSIDERS NECESSARY TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–412.

The former statement that “[n]othing in this section shall apply to the sixth district of Anne Arundel County” is deleted as unnecessary. The Board of License Commissioners for Anne Arundel County does not have jurisdiction in the “sixth district of Anne Arundel County”, which is an obsolete reference to the City of Annapolis. *See* § 10–202(b) of this article.

Defined terms: “Board” § 11–101  
 “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”);**
- (14) § 6–327 (“TAX EVASION”);**
- (15) § 6–328 (“DESTRUCTION OF EVIDENCE”); AND**

**(16) § 6-329 (“PERJURY”).****(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

**(2) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”); AND**

**(4) § 6-322 (“POSSESSION OF OPEN CONTAINER”).**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 11-2702 OF THIS SUBTITLE; AND**

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 11-2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 11-101

“License holder” § 1-101

“Retail dealer” § 1-101

**11-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11–101

“License holder” § 1–101

“State” § 1–101

**11–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.



In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 11-101

“License holder” § 1-101

“State” § 1-101

**11-2704. ON-PREMISES CONSUMPTION, DISPLAY, OR POSSESSION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

**(A) “PREMISES” DEFINED.**

**IN THIS SECTION, “PREMISES” INCLUDES A BUILDING, PARKING LOT, PICNIC GROUNDS, TERRACE, OR GROUNDS THAT FORM AN INTEGRAL PART OF THE LICENSED PREMISES.**

**(B) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

**(1) AN INDIVIDUAL MAY NOT CONSUME, DISPLAY, OR POSSESS ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT PURCHASED FROM THE LICENSE HOLDER; AND**

**(2) A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CONSUME, DISPLAY, OR POSSESS ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE THAT IS NOT PURCHASED FROM THE LICENSE HOLDER.**

**(C) BEACH AND AMUSEMENT PARK LICENSE.**

**A HOLDER OF A BEACH AND AMUSEMENT PARK LICENSE MAY GRANT WRITTEN PERMISSION TO A PATRON OF THE LICENSE HOLDER’S BEACH OR PARK TO BRING AND CONSUME ON THE LICENSED PREMISES AN ALCOHOLIC BEVERAGE NOT PURCHASED FROM THE LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Art. 2B, § 16–201.

In subsection (b) of this section, the references to “consum[ing]” are substituted for the former references to “drink[ing]” to conform to the terminology used throughout this article.

The third sentence of former Art. 2B, § 16–201, which stated that this section applied “to the first, second, third, fourth, fifth, seventh, and eighth districts of Anne Arundel County only” is deleted as unnecessary in light of the organization of this revised article. The reference to all of the districts of Anne Arundel County except the sixth district is an obsolete way of referring to all of Anne Arundel County except the City of Annapolis, which in the past was congruent with the sixth district.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **11–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 11–101

### **11–2802. PENALTY IMPOSED BY BOARD.**

#### **(A) IN GENERAL.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

#### **(B) PENALTY IN ADDITION TO TERM OR CONDITION.**

**A FINE OR SUSPENSION UNDER SUBSECTION (A) OF THIS SECTION IS IN ADDITION TO ANY TERM OR CONDITION THAT THE BOARD MAY IMPOSE AS A RESULT OF THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(c)(1).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 11–101

“County” § 11–101

“License” § 1–101

**TITLE 12. BALTIMORE CITY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**12–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE CITY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Baltimore City”.

**(C) CITY.**

**“CITY” MEANS BALTIMORE CITY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Baltimore City”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (d).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**(E) RESTAURANT.**

**THE DEFINITION OF “RESTAURANT” UNDER § 1–101 OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This subsection is new language added to state explicitly what was implied by the former law, that the statewide definition of “restaurant” applies in the City.

Defined terms: “City” § 12–101  
“Restaurant” § 1–101

**(F) TOTAL DAILY RECEIPTS.**

**“TOTAL DAILY RECEIPTS” DOES NOT INCLUDE:**

- (1) SALES OF NOVELTY ITEMS;**
- (2) INCOME FROM VENDING MACHINES; OR**
- (3) OTHER RECEIPTS NOT RESULTING FROM THE SALE OF FOOD OR BEVERAGES.**

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

**12-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN BALTIMORE CITY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**12-103. RESTRICTIONS ON ADVERTISING.**

**(A) CITY ORDINANCE AUTHORIZED.**

**SUBJECT TO SUBSECTIONS (B) AND (C) THIS SECTION, THE MAYOR AND CITY COUNCIL MAY ADOPT AN ORDINANCE RESTRICTING THE PLACEMENT ON THE SIDE OF A BUILDING OR ANY OTHER PUBLICLY VISIBLE LOCATION OF ANY FORM OF ADVERTISING FOR ALCOHOLIC BEVERAGES, INCLUDING A SIGN, A POSTER, A PLACARD, A DEVICE, A GRAPHIC DISPLAY, AN OUTDOOR BILLBOARD, AND A FREESTANDING SIGNBOARD.**

**(B) REQUIREMENTS FOR ADOPTION.**

**AN ORDINANCE MAY BE ADOPTED IF:**

**(1) THE ORDINANCE IS NECESSARY TO PROMOTE THE WELFARE AND TEMPERANCE OF MINORS EXPOSED TO ADVERTISEMENTS FOR ALCOHOLIC BEVERAGES PLACED IN PUBLICLY VISIBLE LOCATIONS, INCLUDING OUTDOOR BILLBOARDS, SIDES OF BUILDINGS, AND FREESTANDING SIGNBOARDS; AND**

**(2) THE RESTRICTIONS DO NOT UNDULY BURDEN LEGITIMATE BUSINESS ACTIVITIES OF A LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES AT RETAIL.**

**(C) EXCEPTIONS FROM ORDINANCE.**

**THE ORDINANCE MAY NOT RESTRICT:**

**(1) THE PLACEMENT OF A SIGN, INCLUDING AN ADVERTISEMENT:**

**(I) INSIDE LICENSED PREMISES;**

**(II) ON A COMMERCIAL VEHICLE USED TO TRANSPORT ALCOHOLIC BEVERAGES; OR**

**(III) IN CONJUNCTION WITH A TEMPORARY LICENSE;**

- (2) A SIGN THAT CONTAINS THE NAME OR SLOGAN OF THE LICENSED PREMISES THAT HAS BEEN PLACED TO IDENTIFY THE LICENSED PREMISES;
- (3) EXCEPT FOR A BILLBOARD AND FREESTANDING SIGNBOARD, A SIGN FOR WHICH ZONING BOARD APPROVAL OR A MINOR PRIVILEGE PERMIT IS REQUIRED;
- (4) A SIGN THAT CONTAINS A GENERIC DESCRIPTION OF BEER, WINE, OR LIQUOR, OR ANY OTHER GENERIC DESCRIPTION OF ALCOHOLIC BEVERAGES;
- (5) A NEON OR ELECTRICALLY CHARGED SIGN ON LICENSED PREMISES THAT IS PROVIDED AS PART OF A PROMOTION OF A PARTICULAR BRAND OF ALCOHOLIC BEVERAGE;
- (6) A SIGN ON AN MTA VEHICLE OR A TAXICAB;
- (7) A SIGN ON PROPERTY OWNED, LEASED, OR OPERATED BY THE MARYLAND STADIUM AUTHORITY;
- (8) A SIGN AT A FACILITY THAT OPERATES IN ACCORDANCE WITH A LICENSE ISSUED UNDER § 11-304 OF THE BUSINESS REGULATION ARTICLE; OR
- (9) A SIGN ON PROPERTY ADJACENT TO AN INTERSTATE HIGHWAY.

(D) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21-105(b), (c), and (e).

In subsection (a) of this section, the former reference to the sides of the building "of the licensed premises" is deleted as included in the broader reference to "the side of a building".

In subsection (c) of this section, the former reference to a "sign at Memorial Stadium" is deleted as obsolete.

In subsection (c)(1)(iii) of this section, the former reference to a "1-day alcoholic beverages license" is deleted as included in the reference to a "temporary license".

Also in subsection (c)(1)(iii) of this section, the former reference to a temporary license “granted by the Board of License Commissioners” is deleted as surplusage.

In subsection (c)(4) of this section, the former reference to “spirits” is deleted as included in the reference to “liquor”.

In subsection (d) of this section, the phrase “on conviction” is added to conform to other similar provisions of the Code.

Former Art. 2B, § 21–105(a), which stated that former Art. 2B, § 21–105 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

## **12–104. REQUIREMENTS FOR RESTAURANTS.**

### **(A) IN GENERAL.**

**TO BE CONSIDERED A RESTAURANT, AN ESTABLISHMENT SHALL MEET THE REQUIREMENTS OF THIS SECTION.**

### **(B) FOOD SALE RATIO.**

**AN ESTABLISHMENT SHALL HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 40% OF ITS TOTAL DAILY RECEIPTS.**

### **(C) LIMITATION.**

**THE BOARD MAY NOT CONSIDER AS FOOD AN INGREDIENT OR A GARNISH USED WITH OR MIXED WITH AN ALCOHOLIC BEVERAGE THAT IS PREPARED AND SERVED FOR ON–PREMISES CONSUMPTION.**

### **(D) WAIVER.**

**THE BOARD MAY WAIVE THE FOOD REQUIREMENT SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION FOR A RESTAURANT OWNED AND OPERATED BY A NOT–FOR–PROFIT ORGANIZATION IN THE AREA BOUNDED BY SOUTH ELLWOOD**

**AVENUE ON THE WEST, BANK STREET ON THE NORTH, SOUTH BOULDIN STREET ON THE EAST, AND FLEET STREET ON THE SOUTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1-102(a)(22)(ii) and (i)3 and 4.

In subsection (c) of this section, the former reference to food "as used in the definition of 'restaurant', whether the definition is established by State law or by regulations adopted by the Board of License Commissioners" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101  
 "Board" § 12-101  
 "Restaurant" §§ 1-101, 12-101  
 "Total daily receipts" § 12-101

**12-105. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE MAYOR AND CITY COUNCIL UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to the "Mayor and City Council" is substituted for the former reference to the "local governing body" for clarity.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101  
 "City" § 12-101

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**12-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE CITY.**



REVISOR'S NOTE: This section is new language added to state expressly what was only implicit in the former law, that an entity known as the Board of License Commissioners for Baltimore City exists.

The name "Board of License Commissioners for Baltimore City" is used instead of the commonly used name "Baltimore City Board of Liquor License Commissioners" for clarity and to conform with the terminology used throughout this article to refer to local licensing boards.

Former Art. 2B, § 10-204(d)(1), which provided that "[i]n this subsection, 'Board' means the Board of Liquor License Commissioners of Baltimore City", is deleted as unnecessary in light of the defined term "Board" in § 12-101 of this title.

Former Art. 2B, § 10-204(d)(2), which provided that former Art. 2B, § 10-204(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

## **12-202. MEMBERSHIP.**

### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER TO THE BOARD.**

#### **(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

### **(B) QUALIFICATIONS.**

#### **(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE CITY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) AT LEAST ONE MEMBER OF THE BOARD SHALL BE A MEMBER OF THE BAR OF THE COURT OF APPEALS OF MARYLAND.**

**(C) SUBSTITUTE MEMBER.**

**THE SUBSTITUTE MEMBER MAY SERVE ON THE BOARD IF A REGULAR MEMBER IS ABSENT OR RECUSED.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(4) and (d)(2) and (3) and 15–110(a).

In subsections (a)(1) and (c) of this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection (b)(1) and in subsection (b)(2) of this section, the references to a “member of the Board” are substituted for the former references to an “appointee”, and in subsection (c) of this section, the reference to a “regular” member is substituted for the former reference to a “permanent” member.

In subsection (a)(1) of this section, the former reference to the “Board of Liquor License Commissioners consist[ing] of” specified members is deleted as unnecessary in light of the requirement that the Governor “appoint” the specified members “to the Board”. Similarly, the former requirement that the Governor appoint “all of the members” is deleted.

In subsection (d) of this section, the references to a successor who is appointed “and qualifies” are added for clarity.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(d)(1), which provided that “[t]his subsection applies in Baltimore City”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–101(d)(1), which provided that former Art. 2B, § 15–101(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101  
“City” § 12–101

**12-203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

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

The reference to a "chair" is substituted for the former reference to a "chairman" because SG § 2-1238 requires the use of words that are neutral as to gender to the extent practicable.

The defined term "Board" is substituted for the former reference to "Baltimore City and each of the counties" because this section applies only to the Board of License Commissioners for Baltimore City. Correspondingly, the former phrase "of the respective boards" is deleted.

The reference to "regular members" is substituted for the former reference to "appointees" for clarity and to conform to the terminology used throughout this subtitle.

Defined term: "Board" § 12-101

**12-204. DUTIES OF BOARD OR BOARD'S DESIGNEE.****(A) GOVERNANCE, ADMINISTRATION, AND ENFORCEMENT OF ARTICLE.**

**THE BOARD OR THE BOARD'S DESIGNEE GOVERNS, ADMINISTERS, AND ENFORCES THIS ARTICLE IN THE CITY, INCLUDING:**

**(1) SUPERVISING THE ACTIVITIES AND INVESTIGATIONS OF THE INSPECTORS AND OTHER EMPLOYEES OF THE BOARD;**

**(2) EXAMINING THE LOCATION AND GENERAL CHARACTER OF LICENSE HOLDERS IN THE CITY;**

**(3) REVIEWING THE ZONING OF APPLICANTS AND LICENSE HOLDERS DURING THE LICENSE APPLICATION, LICENSE TRANSFER, AND LICENSE RENEWAL PROCESSES; AND**

**(4) SUBJECT TO § 12-210 OF THIS SUBTITLE, ADOPTING REGULATIONS CONCERNING ZONING OF LICENSE HOLDERS AND METHODS OF ENFORCEMENT TO CARRY OUT THE PURPOSES AND ENFORCEMENT OF THIS ARTICLE.**

**(B) ESTIMATE OF APPROPRIATIONS.**

**(1) IN ACCORDANCE WITH ARTICLE VI, § 4 OF THE BALTIMORE CITY CHARTER, THE BOARD SHALL PROVIDE TO THE DIRECTOR OF FINANCE OF THE CITY THE ESTIMATES OF THE BOARD FOR THE NEXT FISCAL YEAR OF THE APPROPRIATIONS NEEDED TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THE MISSION AND GOALS OF THE BOARD.**

**(2) THE BOARD SHALL:**

**(I) SUBMIT A BUDGET REQUEST TO THE CITY ANNUALLY IN THE FORM THAT THE DIRECTOR OF FINANCE OF THE CITY REQUIRES; AND**

**(II) PROVIDE ADDITIONAL BUDGET JUSTIFICATION MATERIAL THAT THE DIRECTOR OF FINANCE OF THE CITY REQUESTS.**

**(C) ESTABLISHMENT OF PERFORMANCE MEASURES.**

**(1) THE BOARD SHALL ESTABLISH ANNUAL PERFORMANCE MEASURES USING THE CITISTAT PROGRAM OF THE CITY FOR ACTIVITIES SUCH AS:**

**(I) FINANCIAL MANAGEMENT;**

**(II) ISSUANCE OF LICENSES; AND**

**(III) ENFORCEMENT OF ALCOHOLIC BEVERAGES LAWS.**

**(2) THE BOARD SHALL MAKE THE PERFORMANCE MEASURES AVAILABLE TO THE PUBLIC ON THE OPEN BALTIMORE WEB SITE.**

**(3) ON REQUEST, THE BOARD SHALL SUBMIT TO THE OFFICE OF LEGISLATIVE AUDITS PERFORMANCE ACCOUNTABILITY REPORTS TO ENSURE THAT THE BOARD IS ON TRACK TO MEET ITS ANNUAL PERFORMANCE MEASURES.**

**(D) INFORMATION TO BE POSTED ON WEB SITE.**

**THE BOARD SHALL:**

**(1) (I) DIGITIZE AND POST ONLINE ALL RECORDS FOR PUBLIC REVIEW; AND**

**(II) ADOPT REGULATIONS TO CARRY OUT THIS PARAGRAPH;  
AND**

**(2) PROMINENTLY LIST ON THE WEB SITE OF THE BOARD EACH FEE OR FINE THAT THE BOARD IMPOSES AND COLLECTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-202(a)(4)(viii), 10-204(d)(4), (5), (7), and (8), and 15-112(d)(8) and (14)(i).

In the introductory language of subsection (a) of this section, the former phrase "performing such tasks as" is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to the "several" inspectors is deleted as surplusage.

In subsection (a)(3) of this section, the reference to "applicants and" license holders is added for accuracy because subsection (a)(3) of this section requires the review of zoning during the license application process, at which time an individual is not a license holder, as well as during the license transfer and renewal processes.

Also in subsection (a)(3) of this section, the reference to the zoning of "license holders" is substituted for the former reference to the zoning of "licenses" for accuracy and consistency with subsection (a)(4) of this section.

In subsection (a)(4) of this section, the introductory language "subject to § 12-210 of this subtitle" is added to reflect that conditions to the adoption of regulations are stated in § 12-210 of this subtitle.

In subsection (b) of this section, the references to the Director of Finance "of the City" are added for clarity.

In subsection (d) of this section, the former reference to "[s]tarting on July 1, 2015," is deleted as obsolete.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 12-101

"City" § 12-101

"License" § 1-101

"License holder" § 1-101

**12-205. REVENUE FROM FEES PAYABLE TO DIRECTOR OF FINANCE.**

**THE REVENUE FROM LICENSE FEES, PERMIT FEES, FINES, AND ADVERTISING FEES SHALL BE PAYABLE TO THE DIRECTOR OF FINANCE OF THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(d)(3).

The reference to the Director of Finance "of the City" is added for clarity.

Defined terms: "City" § 12-101  
"License" § 1-101

**12-206. COMPENSATION; STAFF.**

**(A) COMPENSATION OF BOARD MEMBERS.**

**(1) (I) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY THAT:**

- 1. IS NOT LESS THAN \$28,500;**
- 2. IS SET IN THE ORDINANCE OF ESTIMATES; AND**
- 3. INCLUDES ANY COST OF LIVING INCREASE AVAILABLE TO MEMBERS OF THE CITY COUNCIL.**

**(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$16,000.**

**(2) THE CHAIR AND EACH OTHER REGULAR MEMBER OF THE BOARD ARE ELIGIBLE TO RECEIVE THE SAME HEALTH BENEFITS THAT FULL-TIME EMPLOYEES OF THE BOARD RECEIVE.**

**(B) STAFF — IN GENERAL.**

**SUBJECT TO SUBSECTIONS (C) THROUGH (E) OF THIS SECTION AND § 12-207 OF THIS SUBTITLE, THE BOARD SHALL:**

**(1) EMPLOY:**

**(I) A QUALIFIED ATTORNEY TO SERVE AS COUNSEL FOR THE BOARD IN ACTIONS SEEKING JUDICIAL REVIEW OF DECISIONS OF THE BOARD;**

**(II) AN EXECUTIVE SECRETARY AND A DEPUTY EXECUTIVE SECRETARY; AND**

**(III) INSPECTORS, CLERICAL STAFF, AND OTHER ASSISTANTS AS ARE NECESSARY TO FULFILL THE MISSION OF THE BOARD AND ENFORCE THE ALCOHOLIC BEVERAGES LAWS OF THE STATE;**

**(2) SET THE SALARIES OF THE EMPLOYEES; AND**

**(3) USE AS NEEDED THE ADVICE OF THE BALTIMORE CITY LAW DEPARTMENT.**

**(C) STAFF SALARIES.**

**(1) THE SALARY FOR THE POSITION OF ATTORNEY SPECIFIED IN SUBSECTION (B)(1)(I) OF THIS SECTION SHALL BE AT LEAST THE SALARY ASSIGNED TO THAT POSITION ON MAY 30, 2014.**

**(2) FOR CIVIL SERVICE EMPLOYEES, SALARY LEVELS AND ADJUSTMENTS SHALL CONFORM TO THE POLICIES OF THE CITY'S BOARD OF ESTIMATES, CIVIL SERVICE COMMISSION, AND DEPARTMENT OF HUMAN RESOURCES, INCLUDING THE CITY UNION OF BALTIMORE SALARY SCALES.**

**(3) IN DETERMINING THE APPROPRIATE SALARY LEVEL FOR AN EMPLOYEE, THE BOARD MAY CONSIDER THE EMPLOYEE'S LENGTH OF SERVICE, PERFORMANCE, AND EXPERIENCE.**

**(D) QUALIFICATIONS OF EMPLOYEES.**

**(1) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY SHALL BE:**

**(I) RESIDENTS OF THE CITY;**

**(II) OF HIGH CHARACTER AND INTEGRITY; AND**

**(III) EMPLOYED ON THE BASIS OF THEIR EXECUTIVE SKILL AND EXPERIENCE.**

**(2) TO THE EXTENT PRACTICABLE, ALL OTHER EMPLOYEES OF THE BOARD SHALL BE RESIDENTS OF THE CITY.**

**(E) STATUS OF EMPLOYEES.**



**(1) EXCEPT FOR THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SECRETARY, ALL EMPLOYEES OF THE BOARD:**

**(I) ARE IN THE CLASSIFIED CIVIL SERVICE OF THE CITY; AND**

**(II) MAY BE HIRED AND REMOVED ONLY IN ACCORDANCE WITH THE LAW THAT GOVERNS CLASSIFIED CIVIL SERVICE EMPLOYEES OF THE CITY.**

**(2) THE EXECUTIVE SECRETARY AND THE DEPUTY EXECUTIVE SHALL SERVE AT THE PLEASURE OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(d) and 15–112(d)(10) through (13) and (14)(ii), (iii), and (iv).

In the introductory language of subsection (a)(1)(i) and in subsection (a)(2) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(1)(ii) of this section, the reference to the “substitute” member is substituted for the former reference to the “alternate” member to conform to the terminology used throughout this subtitle.

In subsection (a)(2) of this section, the reference to the chair and each other “regular” member of the Board being eligible to receive specified benefits is added for clarity. Correspondingly, the former phrase “except the alternate member” is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the requirement that the Board perform the duties specified in subsection (b) of this section “[s]ubject to subsections (c) through (e) of this section and § 12–207 of this subtitle” is substituted for the former phrases “[s]ubject to paragraph (13) of this subsection” and “[s]ubject to subparagraphs (iii) and (iv) of this paragraph”, which modified a requirement to employ an attorney and determine the salaries of Board employees, respectively, for clarity and accuracy.

In subsection (b)(1) of this section, the reference to employing an attorney to serve as “counsel for the Board in actions seeking judicial review of decisions of the Board” is substituted for the former reference to employing an attorney to serve as “appellate counsel for the Board in actions of appeal” for accuracy.

In subsection (c)(3) of this section, the reference to the appropriate salary level “for an employee” is added for clarity.

In subsection (d)(2) of this section, the reference to all “other” employees is added for clarity.

Former Art. 2B, § 15–112(d)(1), which provided that former Art. 2B, § 15–112(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–112(d)(17), which provided that a person who violates former Art. 2B, § 15–112(d) is subject to the penalties specified in former Art. 2B, § 16–503, is deleted as unnecessary. Former Art. 2B, § 16–503, which is revised in § 6–402 of this article, contains general penalties for a violation of any provision of this article for which no other penalty, other than the suspension or revocation of a license or permit, is provided.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(i)3 of this section, which awards the chair and each other regular member of the Board a cost of living increase available to members of the City Council, may violate Article III, § 35 of the Maryland Constitution. Section 35 prohibits the salary or compensation of any public officer whose term of office is not more than 4 years from being increased or decreased during the officer’s term of office.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“City” § 12–101

“State” § 1–101

## **12–207. MEMBERS AND EMPLOYEES — RESTRICTIONS AND REQUIREMENTS.**

### **(A) IN GENERAL.**

**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS:**

**(I) PROPRIETARY;**

**(II) OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER; OR**

**(III) BENEFICIALLY OWNED THROUGH AN INVESTMENT VEHICLE, ESTATE, TRUST, OR OTHER INTERMEDIARY WHEN THE BENEFICIARY DOES NOT CONTROL THE INTERMEDIARY OR MAY SUPERVISE OR PARTICIPATE IN THE INTERMEDIARY’S INVESTMENT DECISIONS.**

**(2) A MEMBER OR AN EMPLOYEE OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED, DISTRIBUTED, OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN:**

**1. A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED, DISTRIBUTED, OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;**

**(IV) RECEIVE A SALARY OR OTHER COMPENSATION OR ANY OTHER THING OF VALUE FROM A BUSINESS ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES;**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY OR ON BEHALF OF ANOTHER PERSON, A COMMISSION, POLITICAL CONTRIBUTION, REMUNERATION, OR GIFT FROM A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**(VI) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**2. A LICENSE HOLDER.**

**(B) OTHER PUBLIC EMPLOYMENT BY MEMBERS AND EMPLOYEES.**

**(1) UNLESS THE PUBLIC OFFICE OR EMPLOYMENT POSES A CONFLICT OF INTEREST, A MEMBER OR AN EMPLOYEE OF THE BOARD MAY HOLD ANY OTHER FEDERAL, STATE, OR LOCAL PUBLIC OFFICE OR EMPLOYMENT.**

**(2) A MEMBER OF THE BOARD WHO APPLIES FOR GOVERNMENT EMPLOYMENT THAT POSES A CONFLICT OF INTEREST AS DETERMINED BY THE BALTIMORE CITY BOARD OF ETHICS SHALL RESIGN FROM THE BOARD BY A LETTER ADDRESSED TO THE GOVERNOR.**

**(3) (I) IF AN INDIVIDUAL WHO IS A MEMBER OR AN EMPLOYEE OF THE BOARD SEEKS ELECTION TO AN OFFICE THAT WOULD POSE A CONFLICT OF INTEREST, ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION OR WITHIN 30 DAYS BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR THE OFFICE SOUGHT, WHICHEVER OCCURS LATER, THE INDIVIDUAL SHALL CERTIFY TO THE CITY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OR AN EMPLOYEE OF THE BOARD.**

**(II) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER FROM THE BOARD.**

**(C) REQUIREMENTS AND RESTRICTIONS FOR EMPLOYEES.**

**(1) AN EMPLOYEE OF THE BOARD SHALL DEVOTE THE EMPLOYEE'S WHOLE TIME AND ATTENTION TO THE BUSINESS OF THE BOARD DURING THE HOURS DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF OFFICIAL DUTIES.**

**(2) AN EMPLOYEE OF THE BOARD MAY NOT:**

**(I) ENGAGE IN AN OCCUPATION, A BUSINESS, OR A PROFESSION THAT IN ANY WAY IS CONNECTED OR ASSOCIATED, DIRECTLY OR INDIRECTLY, WITH THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) TRANSACT ANY BUSINESS BEYOND THE OFFICIAL DUTIES OF THE EMPLOYEE:**

**1. WITH A LICENSE HOLDER; OR**

**2. IN CONNECTION WITH THE OPERATION OF AN ESTABLISHMENT LICENSED FOR THE MANUFACTURE, DISTRIBUTION, OR SALE OF ALCOHOLIC BEVERAGES.**

**(3) SUBJECT TO § 12-206(E)(1) OF THIS SUBTITLE, AN EMPLOYEE OF THE BOARD WHO VIOLATES THIS SUBSECTION SHALL BE REMOVED.**

**(D) COMPLIANCE WITH PUBLIC ETHICS LAWS FINANCIAL DISCLOSURE PROVISIONS AND OPEN MEETING REQUIREMENTS.**

**(1) A MEMBER OR AN EMPLOYEE OF THE BOARD SHALL COMPLY WITH THE PUBLIC ETHICS LAWS OF THE CITY AND THE FINANCIAL DISCLOSURE PROVISIONS ENACTED BY THE MAYOR AND CITY COUNCIL.**

**(2) AN ACTION OF A MEMBER OR AN EMPLOYEE OF THE BOARD IS SUBJECT TO STATE REQUIREMENTS FOR OPEN OR PUBLIC MEETINGS, INCLUDING REQUIREMENTS FOR OPEN SESSIONS UNDER TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(d)(2) through (6), (16), and (7)(i).

In the introductory language of subsection (a)(2)(vi) of this section, the former phrase “[a]s to any entity licensed under the provisions of this article” is deleted for accuracy.

Also in the introductory language of subsection (a)(2)(vi) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsections (a)(2)(vi)1 and (c)(2)(i) and (ii)2 of this section, the references to the “distribution” of alcoholic beverages are added for consistency within this section.

In subsection (a)(2)(vi)1 of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in subsection (a)(2)(vi)1 of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In subsection (a)(2)(vi)2 of this section, the defined term “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article” to conform to the terminology used throughout this article.

In subsection (b)(3)(i) of this section, the introductory phrase “[i]f an individual who is a member or an employee of the Board seeks election to an office that would pose a conflict of interest,” is added for clarity.

In the introductory language of subsection (c)(2)(ii) of this section, the former reference to business “of any kind whatsoever” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(1) of this section provides that a member or an employee of the Board may hold any other federal, State, or local public office or employment, unless the public office or employment poses a conflict of interest. However, Article 35 of the Maryland Declaration of Rights prohibits a person from holding “at the same time, more than one office of profit, created by the Constitution or Laws of this State”. The General Assembly may wish to consider amending subsection (b)(1) of this section to eliminate any potential conflict between that provision and Article 35.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

## **12–208. POWERS OF INSPECTORS.**

### **(A) EXAMINATION OF PROOF OF IDENTIFICATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED AS PROOF OF AGE BY AN INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.**

**(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.**

### **(B) SERVICE OF SUMMONSES.**

**AN INSPECTOR MAY SERVE A SUMMONS UNDER § 12–2603 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(d)(15) and 16–410(b)(2)(i)3.

In subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because only a human being and not the other entities included in the definition of “person” can show proof of age to purchase alcoholic beverages.

Also in subsection (a)(1) of this section, the former reference to an inspector “employed by the Board” having authority to examine specified identification is deleted as unnecessary because all inspectors in Baltimore City are employed by the Board. Similarly, in subsection (b) of this section, the former reference to an inspector “employed by the Board of Liquor License

Commissioners for Baltimore City” having authority to serve a summons is deleted.

Also in subsection (a)(1) of this section, the former reference to purchasing alcoholic beverages “in the City” is deleted as surplusage.

In subsection (b) of this section, the reference to serving a summons “under § 12–2603 of this title” is added for clarity.

**12–209. PAYMENT OF SALARIES AND EXPENSES OF BOARD AND EMPLOYEES.**

**THE MAYOR AND CITY COUNCIL SHALL:**

**(1) PAY FROM THE GENERAL FUND OF THE CITY THAT INCLUDES REVENUE FROM THE BOARD THE SALARIES AND EXPENSES OF THE BOARD AND ITS EMPLOYEES; AND**

**(2) DEVOTE THE BALANCE OF THE REVENUE FROM THE BOARD TO THE GENERAL PURPOSES OF THE CITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(d)(6).

Defined terms: “Board” § 12–101  
“City” § 12–101

**12–210. REGULATIONS.**

**(A) AUTHORIZED.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

**(B) PUBLIC COMMENT PERIOD AND REVIEW BY CITY SOLICITOR.**

**BEFORE THE BOARD MAY ADOPT A REGULATION:**

**(1) THE BOARD SHALL PROVIDE A PERIOD OF AT LEAST 30 DAYS FOR PUBLIC COMMENT; AND**

**(2) THE CITY SOLICITOR SHALL REVIEW THE REGULATION TO ENSURE THAT THE REGULATION COMPLIES WITH THE AUTHORITY GRANTED TO THE BOARD BY THE STATE.**

**(C) REGULATIONS TO BE PUBLISHED, POSTED, AND DISTRIBUTED.**

**(1) THE BOARD SHALL PUBLISH AND POST ONLINE REGULATIONS THAT THE BOARD ADOPTS AND DISTRIBUTE THEM TO THE LICENSE HOLDERS WHOM THE REGULATIONS AFFECT.**

**(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO DISPLAY PROMINENTLY IN THE LICENSE HOLDER'S PLACE OF BUSINESS ANY REGULATION OF THE BOARD OR EXCERPT FROM THIS ARTICLE.**

**(D) REVIEW BY BOARD.**

**AT LEAST ONCE EVERY 5 YEARS AFTER OCTOBER 31, 2015, THE BOARD SHALL REVIEW ITS REGULATIONS TO ENSURE THAT THE REGULATIONS COMPLY WITH:**

**(1) THE CURRENT POLICIES AND PRACTICES OF THE BOARD; AND**

**(2) FEDERAL, STATE, AND LOCAL LAW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(d)(9) and 16–301(a), as it related to the authority of the Board to adopt regulations.

In subsection (a) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Baltimore City.

Also in subsection (a) of this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Also in subsection (a) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

In subsection (c)(2) of this section, the former reference to a “statement” is deleted as included in the reference to an “excerpt”.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101



**SUBTITLE 3. LIQUOR CONTROL.**

**12-301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE CITY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the City.

Defined term: "City" § 12-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**12-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-208 ("CLASS 6 PUB-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**

**(12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);**

**(13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);**

**(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

**(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 12-403 OF THIS SUBTITLE; AND**

**(2) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”), SUBJECT TO § 12-404 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the City.

Defined terms: “City” § 12-101  
 “Manufacturer’s license” § 1-101

**12-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Manufacturer’s license” § 1–101

**12–403. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE CITY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE CITY; OR**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT OF THE CITY.**

**(C) BREWING IN TWO LOCATIONS.**

**(1) SUBJECT TO PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION, THE HOLDER OF A CLASS 7 MICRO–BREWERY LICENSE MAY:**

**(I) BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO–BREWERY LICENSE; AND**

**(II) OBTAIN A CLASS 2 RECTIFYING LICENSE FOR THE PREMISES AT THE TWO LOCATIONS AUTHORIZED UNDER ITEM (I) OF THIS PARAGRAPH.**

**(2) THE HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE IF THE LICENSE HOLDER:**

**(I) REQUESTS PERMISSION BY SUBMITTING A WRITTEN APPLICATION TO THE COMPTROLLER; AND**

**(II) OBTAINS WRITTEN APPROVAL FROM THE COMPTROLLER.**

**(3) BEFORE AUTHORIZING A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE TO BREW IN TWO LOCATIONS USING THE SAME CLASS 7 MICRO-BREWERY LICENSE, THE COMPTROLLER SHALL:**

**(I) MAKE A DETERMINATION THAT A SECOND LOCATION TO BREW ADDITIONAL CAPACITY IS NECESSARY DUE TO INSUFFICIENT SPACE AT THE EXISTING CLASS 7 LICENSE LOCATION; AND**

**(II) CONSIDER ANY OTHER FACTOR RELEVANT TO APPROVAL OF THE APPLICATION.**

**(4) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT SERVE OR SELL BEER FOR ON- OR OFF-PREMISES CONSUMPTION AT THE SECOND BREWING LOCATION AUTHORIZED UNDER THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(ii) and (3)(i) and (iii)4, and (c)(5).

In subsection (c) of this section, the references to "the same Class 7 micro-brewery license" are substituted for the former references to "the same license" for clarity.

Also in subsection (c) of this section, the reference to the second brewing location "authorized under this subsection" is added for clarity.

Defined terms: "Beer" § 1-101

"City" § 12-101

"Comptroller" § 1-101

"License" § 1-101

**12-404. OWNERSHIP INTERESTS AND ADVERTISEMENT RESTRICTIONS — CLASS A2 LIGHT WINE LICENSES.**

**SECTION 2-216(B) AND (D) OF THIS ARTICLE DOES NOT APPLY TO A HOLDER OF A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE WHO IS ISSUED A CLASS A2 LIGHT WINE ON-SALE AND OFF-SALE LICENSE WITH RESPECT TO THE WINE MANUFACTURED OR BOTTLED ON THE WINERY PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-104(e)(1).

The reference to a "Class 3 winery license or Class 4 limited winery license" is substituted for the former reference to a "Class 3 or Class 4 winery manufacturer's license" for clarity.

Defined terms: "Off-sale" § 1-101  
"On-sale" § 1-101  
"Wine" § 1-101

**SUBTITLE 5. WHOLESALER'S LICENSES.**

**12-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "City" § 12-101  
"Wholesaler's license" § 1-101

**12-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 12-503 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

**12-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDERS.**

**(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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**12–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

**A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(d).

Defined terms: "Beer" § 1-101  
"City" § 12-101

**12-602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(d).

Defined terms: "Beer" § 1-101  
"City" § 12-101

**12-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(d).

Defined terms: "Beer" § 1-101  
"City" § 12-101

**12-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(d).

Defined terms: "Beer" § 1-101  
"City" § 12-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**12-701. CLASS A LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE CITY.**

REVISOR'S NOTE: This section is new language added to clarify that a Class A light wine license may not be issued in the City of Baltimore.

Defined terms: “City” § 12–101  
“Light wine” § 12–101

**12–702. CLASS A2 LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A2 LIGHT WINE LICENSE IN THE CITY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL LIGHT WINE PRODUCED OR BOTTLED ON THE WINERY PREMISES:**

**(1) FOR OFF–PREMISES CONSUMPTION; OR**

**(2) FOR ON–PREMISES CONSUMPTION BY THE DRINK IN A RESTAURANT THAT IS:**

**(I) OWNED AND OPERATED BY THE HOLDER OF THE CLASS 4 LIMITED WINERY LICENSE; AND**

**(II) LOCATED IMMEDIATELY ADJACENT TO THE WINERY PREMISES.**

**(D) HOURS AND DAYS OF SALE.**

**THE BOARD SHALL ESTABLISH THE HOURS AND DAYS OF SALE UNDER THE LICENSE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–202(b) through (e) and (g).



Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to authorize a license to be issued to certain persons, rather than state qualifications that an applicant for a license must meet, for consistency with similar provisions of this article.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 winery manufacturer’s license ... [w]ho makes and bottles wine made from Maryland agriculture products” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 limited winery manufacturer’s license”.

In the introductory language of subsection (c) of this section, the reference to “light” wine is added for clarity.

In subsection (c)(2)(i) of this section, the reference to a “Class 4 limited” winery license is added for accuracy.

Former Art. 2B, § 4–202(a), which stated that the provisions of former § 4–202 applied to Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 4–202(f), which stated that wine taxes shall be imposed as provided under Title 5 of the Tax – General Article, is repealed as unnecessary, as the tax on alcoholic beverages, including wine, imposed under Title 5 of the Tax – General Article is generally applicable, including in Baltimore City.

Defined terms: “Board” § 12–101

“City” § 12–101

“Light wine” § 12–101

“Restaurant” § 12–101

## **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

### **12–801. CLASS A BEER AND LIGHT WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$110.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(2) of this section, the word "sell" is substituted for the former word "deliver" to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101

"Light wine" § 12-101

## **12-802. CLASS B BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$165.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Light wine" § 12-101

"Restaurant" § 1-101

**12-803. CLASS C BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$82.50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Light wine” § 12–101

#### **12–804. CLASS D BEER AND LIGHT WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

##### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

##### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$165.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Light wine” § 12–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**12-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$858.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(d) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the former phrase "to keep for sale" is deleted as implicit in the phrase "to sell".

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

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

**12–902. CLASS A–2 BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A–2 BEER, WINE, AND LIQUOR (PACKAGE GOODS) LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) CONVERSION OR SUBSTITUTION OF LICENSE PROHIBITED.**

**(1) A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE MAY NOT BE REISSUED AS A CLASS A–2 LICENSE.**

**(2) A CLASS A–2 LICENSE MAY NOT BE CONVERTED OR SUBSTITUTED FOR ANY OTHER CLASS OF LICENSE, INCLUDING A CLASS B–D–7 BEER, WINE, AND LIQUOR LICENSE.**

**(D) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE FOR THE LICENSE ARE FROM 9 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$858.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-102(c) through (e) and (g).

Subsection (b) of this section is revised in standard language for clarity and consistency within this article.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as included in the reference to "sell".

In subsection (b)(2) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

Also in subsection (b)(2) of this section, the reference to "licensed premises" is substituted for the former reference to "premises where it is sold" for brevity.

In subsection (c) of this section, the former reference to "a reversion to" a Class B-D-7 license is deleted as surplusage.

In subsection (d) of this section, the reference to the "hours and days of sale for the license" is substituted for the former reference to the "hours during which the privileges conferred by this 6-day license may be exercised" for brevity.

Former Art. 2B, § 6-102(a), which stated that former Art. 2B, § 6-102 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-102(b), which stated that the Board may renew a Class B-D-7 beer, wine, and liquor license that is expiring and reissue it as a Class A-2 beer, wine, and liquor license is deleted as obsolete. Under former Art. 2B, § 8-203(d)(9), the holder of an expiring B-D-7 beer, wine, and liquor license seeking to renew the expiring license as a Class A-2 beer, wine, and liquor off-sale package goods license was required to file with the Board a declaration of intent on or before April 22, 1996.

Former Art. 2B, § 6-102(f), which stated that a substitute license may not be granted after May 1, 1996, is deleted as obsolete.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**12-903. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(1) IN THIS SUBSECTION, “46TH ALCOHOLIC BEVERAGES DISTRICT” MEANS AN AREA THAT HAS THE SAME BOUNDARIES AS THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(2) IN ADDITION TO MEETING ALL OTHER REQUIREMENTS OF THIS SECTION, A RESTAURANT FOR WHICH THE LICENSE IS ISSUED IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT SHALL HAVE:**

**(I) CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF:**

- 1. THE LAND;**
- 2. THE BUILDING; OR**
- 3. IMPROVEMENTS OTHER THAN TO THE INTERIOR OF A BUILDING ON THE LICENSED PREMISES; AND**

**(II) EXCEPT AS PROVIDED IN § 12-1604(C) OF THIS TITLE:**

- 1. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 2. SEATING FOR 75 BUT NOT MORE THAN 150 INDIVIDUALS.**

**(D) 47TH ALCOHOLIC BEVERAGES DISTRICT.**



**(1) IN THIS SUBSECTION, “47TH ALCOHOLIC BEVERAGES DISTRICT” MEANS AN AREA WITH THE SAME BOUNDARIES AS THE 47TH ALCOHOLIC BEVERAGES DISTRICT AS THAT DISTRICT EXISTED BEFORE THE LEGISLATIVE DISTRICTING PLAN ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE ISSUED FOR USE BY A RESTAURANT IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT MAY NOT INCLUDE AN OFF-SALE PRIVILEGE.**

**(3) A LICENSE ISSUED BEFORE JULY 1, 1991, WITH ON- AND OFF-SALE PRIVILEGES MAY CONTINUE TO BE RENEWED OR TRANSFERRED IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT WITH BOTH PRIVILEGES.**

**(4) THE LICENSE MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER PERMIT ISSUED IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEES ARE:**

**(I) \$1,320 FOR A LICENSED PREMISES WITH A SEATING CAPACITY OF NOT MORE THAN 200 INDIVIDUALS; AND**

**(II) \$1,800 FOR A LICENSED PREMISES WITH A SEATING CAPACITY OF MORE THAN 200 INDIVIDUALS.**

**(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:**

**(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (d)(1)(ii), (iii), and (v) through (vii) and (6).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase “for on- or off-premises consumption” is substituted for the former phrase “for consumption on the premises or elsewhere, or as provided in this section” for brevity.

Also in subsection (b) of this section, the former phrase “at retail” is deleted as surplusage.

In subsection (c)(2)(i)3 of this section, the phrase “improvements other than to the interior of a building” is substituted for the former phrase “improvements that are not to the interior of a building” for clarity, by avoiding a double negative when coupled with the introductory phrase “not including the cost of”.

In subsection (c)(2)(ii)2 of this section, the former reference to seating “capacity” is deleted as surplusage.

Subsection (d)(1) of this section is revised as a definition of “47th Alcoholic Beverages District” for clarity.

Also in subsection (d)(1) of this section, the phrase “with the same boundaries as” is substituted for the former reference to “at all times shall be coterminous with” for clarity.

In subsection (d)(2) of this section, the former phrase “after July 1, 1991” is deleted as unnecessary.

Also in subsection (d)(2) of this section, the former reference to an off-sale “alcoholic beverages” privilege is deleted as surplusage.

Also in subsection (d)(2) of this section, the former prohibition against a change or alteration to include an off-sale privilege of a license issued “[b]efore July 1, 1991 with an on-sale alcoholic privilege only” is deleted as included in the general prohibition against a license including an off-sale privilege.

Former Art. 2B, § 6-201(d)(1)(i), which stated that former Art. 2B, § 6-201(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-201(d)(1)(iv), which stated that except for the 46th Alcoholic Beverages District, the Class B license shall be issued in accordance with the provisions of subsection (a) of this section, is deleted as surplusage.

Former Art. 2B, § 6-201(d)(1)(x), which authorized the Board to issue a Class B beer, wine, and liquor license for use in a restaurant under certain conditions, is deleted as obsolete. Under the introductory language to former Art. 2B, § 6-201(d)(1)(x), the Board was authorized to issue the license “[u]ntil

July 1, 2005". No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a holder of a license, such as this Class B license, is considered for all purposes to be licensed for the duration of the term for which the license was issued and may renew that authorization in accordance with the appropriate renewal provisions of this article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 12-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Restaurant" §§ 1-101, 12-101

"Wine" § 1-101

**12-904. CLASS B-BWL (H-M) LICENSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A RESTAURANT NOT LOCATED IN A HOTEL OR MOTEL; OR**

**(2) A CATERING ESTABLISHMENT.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B-BWL (H-M) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT HAS:**

**(1) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING;**

**(2) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC;**  
**AND**

**(3) A CAPITAL INVESTMENT OF NOT LESS THAN \$500,000.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$6,500.**

**(2) IN ADDITION, THE LICENSE HOLDER ANNUALLY SHALL PAY:**

**(I) \$1,000, IF THE LICENSED PREMISES HAS FEWER THAN 100 ROOMS;**

**(II) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(III) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(d)(2), (5), and (6).

In the introductory language of subsection (c) of this section, the reference to "the Board" is added for clarity.

Also in the introductory language of subsection (c) of this section, the former references to "the minimum criteria of subparagraph (iv) of this paragraph" and "[t]he minimum criteria for the issuance of a Class B-BWL (H-M) license are as follows" are deleted as surplusage.

In subsection (c)(1) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection refers only to human beings.

In subsection (d)(2)(iii) of this section, the former reference to "cafe" service is deleted as included in the reference to "outdoor" service.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that whether the license authorizes the holder to sell alcoholic beverages for on-premises consumption, off-premises consumption, or on- and off-premises consumption is not stated in statutory law. In addition, the hours and days of sale for the license are not stated.

Defined terms: "Board" § 1-101

"Hotel" § 1-101

"Restaurant" §§ 1-101, 12-101

#### **12-905. CLASS B-D-7 LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE.**

**(B) CONDITIONS FOR ISSUANCE.**

**(1) THE BOARD MAY ISSUE A CLASS B-D-7 LICENSE IF THE BOARD DETERMINES THAT THE LICENSE IS REASONABLY NECESSARY FOR THE CONVENIENCE OF THE PUBLIC.**

**(2) IN MAKING THE DETERMINATION, THE BOARD SHALL CONSIDER THE NUMBER OF BEER, WINE, AND LIQUOR OUTLETS IN A GIVEN AREA AND THE NUMBER OF DAYS THE OUTLETS ARE OPEN, RATHER THAN THE NATURE OF THE OUTLETS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS SET OUT UNDER § 12-2004(C) OF THIS TITLE.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO DETERMINE THE MANNER OF OPERATION OF A LICENSED PREMISES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,320.**

REVISOR'S NOTE: Subsections (a) through (c), (e), and (f) of this section are new language derived without substantive change from former Art. 2B, § 8-203(d)(1), (2), (8), the second and third sentences of (5), the second sentence of (7), and, as it related to the scope of authorization, (3)(i).

Subsection (d) of this section is new language added for clarity.

Throughout this section, references to "Class B-D-7" have been added to distinguish between the Class B-D-7 license and other licenses that are referenced in the section.

In subsection (b)(1) of this section, the reference to “Class B–D–7 license” is substituted for the former reference to “additional beer, wine and liquor license” for clarity, because the Class B–D–7 license is the additional beer, wine, and liquor license the board may issue under the section.

In subsection (c) of this section, the reference to “[t]he license authorizes the license holder” is substituted for the former reference to “licensees may sell” to conform to the style used throughout this revised article.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

In subsection (e) of this section, the reference to “a licensed premises” is substituted for the former reference to “an establishment that is operated under a Class B–D–7 beer, wine and liquor license” for brevity.

Former Art. 2B, § 8–203(a), which stated that former Art. 2B, § 8–203 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–203(b), which defined the term “Board”, is deleted as unnecessary in light of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 8–203(d)(4), which specified that certain licenses could be exchanged for a Class B–D–7 license, is deleted as obsolete because the Baltimore City Board of Liquor License Commissioners no longer exchanges any licenses for a Class B–D–7 license.

The first sentence of former Art. 2B, § 8–203(d)(5), which provided that the Board prescribe the procedure for issuing certain Class B–D–7 licenses on June 1, 1967, is deleted as obsolete.

Former Art. 2B, § 8–203(d)(6), which stated that licenses issued under former Art. 2B, § 8–203 are subject to all the provisions of this article relating to licenses in Baltimore City to the extent that those provisions are not inconsistent with this section, is deleted as unnecessary in light of the organization of this revised article.

The first sentence of former Art. 2B, § 8–203(d)(7), which stated that all Class B–D–7 licenses shall be issued by the Board of Liquor License Commissioners upon certification of the Board, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–203(d)(9), which required a holder of an expiring Class B–D–7 beer, wine, and liquor license to file a certain declaration of intent on or before April 22, 1996, is deleted as obsolete.

Defined term: “Board” § 12–101

**12–906. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(d) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

**12–907. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$825.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(d) and (a)(1).

Subsection (a) of this section is revised to explicitly establish the Class D beer, wine, and liquor license and conform with standard language used throughout this article to establish a license.

In subsection (d) of this section, the former reference to “[i]n Baltimore City,” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (d) of this section, the former phrase “[s]ubject to § 11-503(b)(2) of this article” is deleted as unnecessary. The former phrase referred to the Sunday permit, which is revised in § 12-908 of this subtitle.

Former Art. 2B, § 6-401(d)(2), which stated that “[i]n Baltimore City, the hours and days for sale for the license are as provided under [former Art. 2B] § 11-503”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Wine” § 1-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 6-201(d)(1)(xi), which allowed a not-for-profit arts center in the Highlandtown arts and entertainment district to apply to the Board to convert its



Class C license to a Class B beer, wine, and liquor license, is deleted as obsolete. The conversion has already occurred.

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**12-1001. ARENA LICENSE.**

**(A) "ARENA" DEFINED.**

**IN THIS SECTION, "ARENA" MEANS:**

- (1) AN ATHLETIC FACILITY;**
- (2) AN AUDITORIUM;**
- (3) A BANQUET HALL;**
- (4) A CATERING HALL;**
- (5) A CONCERT FACILITY;**
- (6) A THEATER; OR**
- (7) A STADIUM.**

**(B) ESTABLISHED.**

**THERE IS AN ARENA LICENSE.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE ONLY TO:**

**(I) THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE ARENA; OR**

**(II) A CONCESSIONAIRE DESIGNATED BY THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE ARENA.**

**(2) AT LEAST ONE OF THE INDIVIDUALS WHO APPLY FOR AND ARE ISSUED THE LICENSE ON BEHALF OF THE PERSON THAT OWNS OR LEASES THE ARENA IS REQUIRED TO BE A RESIDENT OF THE STATE.**

**(3) A CONCESSIONAIRE TO WHOM A LICENSE IS ISSUED NEED NOT BE A RESIDENT OF THE STATE.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER IS AUTHORIZED TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE WITHIN THE ARENA, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION.**

**(2) (I) THE LICENSE MAY NOT BE ISSUED IN THE SECOND OR THIRD WARD AFTER OCTOBER 1, 1994.**

**(II) A LICENSE ISSUED BEFORE OCTOBER 1, 1994, IS VALID AND MAY BE TREATED LIKE ANY OTHER LICENSE.**

**(E) ARENA REQUIREMENTS.**

**THE ARENA SHALL HAVE:**

**(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING ANY REAL PROPERTY, OF \$1,000,000; AND**

**(2) A MINIMUM CAPACITY OF 1,000 PEOPLE, AS DETERMINED BY THE CITY FIRE DEPARTMENT.**

**(F) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$12,000.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL PAY ANNUALLY:**

**(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE OR CAFE SERVICE.**

**(G) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING ALCOHOLIC BEVERAGES, THE NUMBER OF OUTLETS AUTHORIZED TO DISPENSE ALCOHOLIC BEVERAGES, AND THE HOURS AND DAYS OF SALE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d)(3)(i)1 and 2, (ii) through (vi), and (viii) and, as it related to an arena license, (6).

Former Art. 2B, § 6–201(d)(3)(i)3, which defined the term “Board” to mean the Board of License Commissioners, is deleted in light of the defined term “Board” in § 9–101 of this title.

Former Art. 2B, § 6–201(d)(3)(i)4, which defined “person” to mean a natural person, an association, a firm, a partnership, a corporation, or the Mayor and City Council of Baltimore, is deleted in light of the defined term “person” in § 1–101 of this article.

Former Art. 2B, § 6–201(d)(3)(vii), which stated that “[t]he licensee is subject to all of the provisions of this article and to the regulations of the Board of License Commissioners”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (c)(2) of this section 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 classifies 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). Additionally, the requirement contradicts the requirement in § 4–103(b) of this article, which states that all partners of a partnership must be residents of the city or county in which the place of business is located.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“City” § 12–101

“License holder” § 1–101

“Person” § 1–101

“Wine” § 1–101

**12–1002. MUNICIPAL GOLF COURSE LICENSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A MUNICIPAL GOLF COURSE THAT IS:**

**(1) ON LAND THAT IS OWNED BY THE CITY; AND**

**(2) OPERATED BY A CITY GOLF COURSE MANAGER OR A GOLF COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE CITY.**

**(B) ESTABLISHED.**

**THERE IS A CLASS M-G BEER, WINE, AND LIQUOR LICENSE FOR USE AT A MUNICIPAL GOLF COURSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A MANAGER OF A MUNICIPAL GOLF COURSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR GOLFING PURPOSES.**

**(E) AGENT.**

**(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE MUNICIPAL GOLF COURSE.**

**(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR PURPOSES OF COLLECTING AND REMITTING THE SALES AND USE TAX.**

**(F) TRANSFER.**

**ON REQUEST OF THE CITY AND SUBJECT TO § 12-1703 OF THIS TITLE, THE BOARD MAY TRANSFER THE LICENSE TO A DIFFERENT GOLF COURSE MANAGER.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-508.

Subsection (b) of this section is revised in standard language used throughout this title to establish a license.

In subsection (e)(1) of this section, the reference to a "municipal" golf course is added to conform to the terminology used throughout this section.

The Alcoholic Beverage Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: "Beer" § 1-101

"Board" § 12-101

"City" § 12-101

"Wine" § 1-101

**12-1003. RACETRACK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A RACETRACK LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY LICENSED RACING ESTABLISHMENT OR THE CONCESSIONAIRE OR CATERING ORGANIZATION AT THE ESTABLISHMENT.**

**(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE APPLICANT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE LOCATIONS IN THE CONFINES OF THE RACING PARK.**

**(D) FEES.**

**(1) THE LICENSE FEE IS \$55 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:**

**(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; OR**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE OR CAFE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d)(4)(i) through (iii) and, as it related to a racetrack license, (6).

In subsection (b)(1) of this section, the reference to the owner “or owners” of a regularly licensed racing establishment is deleted as unnecessary because under § 1–202 of the General Provisions Article, the singular always includes the plural, except where such construction would be unreasonable.

Also in subsection (b)(1) of this section, the former reference to an owner or concessionaire “whether an individual, association or corporation” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant of the reference to “residential”.

In subsection (d)(1) of this section, the reference to each day “that the racing park is open and operating” is added for clarity and to conform to current practice.

In subsection (d)(2) of this section, the former reference to a license holder “issued a license under this subsection” is deleted as unnecessary.

Former Art. 2B, § 6–201(d)(4)(iv), which stated that the licenses and license holders “are subject to all laws and regulations applicable in Baltimore City to the sale of alcoholic beverages that are not inconsistent with the provisions of subsection”, is deleted as an unnecessary statement of law.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory form.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“Wine” § 1–101

**12-1004. VIDEO LOTTERY CONCESSIONAIRE LICENSE.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "CONCESSIONAIRE" MEANS A LESSEE, A SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

**(I) ENGAGES IN THE SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND**

**(II) IS OPERATED AS A CONCESSION INDEPENDENT OF A HOLDER OF A CLASS BWL-VLF LICENSE.**

**(3) "VIDEO LOTTERY FACILITY" MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(B) ESTABLISHED.**

**THERE IS A CLASS BWL-VLC (VIDEO LOTTERY CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN A VIDEO LOTTERY FACILITY.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION:**

**1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

**2. ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE;**

**(II) THE PLAYING OF MUSIC AND DANCING; AND**

**(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE CLASS BWL–VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL–VLF LICENSE HOLDER, AS DEFINED IN THE CLASS BWL–VLF LICENSE.**

**(E) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$5,000.**

**(2) THE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

**(F) PENALTY.**

**A PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A HOLDER OF A CLASS BWL–VLC LICENSE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(d–1)(1), (3), (4)(ii) and (iii), (8), and, as they related to this section, (5)(ii) and (6).

In subsection (e)(2) of this section, the reference to on “or before” May 1 is added for clarity.

The part of former Art. 2B, § 6–201(d–1)(5)(i) that stated that an off–sale privilege is not conferred by a Class BWL–VLC license is deleted as surplusage.

Former Art. 2B, § 6–201(d–1)(7), which stated that “Class BWL–VLF and Class BWL–VLC licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this subsection”, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“Wine” § 1–101



**12-1005. VIDEO LOTTERY FACILITY LICENSE.**

**(A) “VIDEO LOTTERY FACILITY” DEFINED.**

**IN THIS SECTION, “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(B) ESTABLISHED.**

**THERE IS A CLASS BWL-VLF (VIDEO LOTTERY FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE TO AN INDIVIDUAL OR ENTITY THAT:**

**(I) OWNS A VIDEO LOTTERY FACILITY THAT CONTAINS AT LEAST ONE FOOD SERVICE FACILITY, BAR, OR LOUNGE; AND**

**(II) HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

**(2) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED NOT MEET ANY VOTING OR RESIDENCY REQUIREMENT.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY FOR CONSUMPTION:**

**1. ANYWHERE IN THE VIDEO LOTTERY FACILITY; OR**

**2. ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE LICENSE;**

**(II) THE PLAYING OF MUSIC AND DANCING; AND**

**(III) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE**

**LICENSE HOLDER DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

**(2) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSE HOLDER, AS DEFINED IN THE CLASS BWL-VLF LICENSE.**

**(E) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$15,000.**

**(2) THE ANNUAL LICENSE FEE SHALL BE PAID TO THE BOARD ON OR BEFORE MAY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(d-1)(2) and (1)(i) and (iii) and (4)(i) and (iii) and, as they related to Class BWL-VLF licenses, (5)(ii) and (6).

In subsection (c)(2) of this section, the former reference to any "location" requirement is deleted as redundant.

In subsection (e)(2) of this section, the reference to on "or before" May 1 is added for clarity.

The part of former Art. 2B, § 6-201(d-1)(5)(i) that stated that an off-sale privilege is not conferred by a Class BWL-VLF license is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 12-101

"Wine" § 1-101

**12-1006. ZOO LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BWL-MZ LICENSE FOR USE AT A ZOO IN DRUID HILL PARK.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE FACILITIES USED BY THE ZOO.**

**(2) ON APPROVAL BY THE BOARD, BEER, WINE, AND LIQUOR MAY BE SOLD AT THE ZOO IN MULTIPLE LOCATIONS.**

**(C) AGENT OF LICENSE HOLDER.**

**(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE ZOO.**

**(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR COLLECTING AND REMITTING THE SALES AND USE TAX.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM NOON TO 11 P.M.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-204.1(h)(1) and (2) and (4) through (7).

In subsection (a) of this section, the reference "[t]here is a Class BWL-MZ license" is substituted for the former reference "[t]he Board may issue a special Class BWL-MZ license" to conform to the terminology used throughout this article.

Former Art. 2B, § 9-204.1(h)(3), which required an applicant with a license previously issued by the Board to exchange that license for a Class BWL-MZ license, is deleted as obsolete.

Defined terms: "Beer" § 1-101

"Board" § 12-101

"License" § 1-101

"Wine" § 1-101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**12-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“City” § 12-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**12-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE OR A CLASS M-G LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

**RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 12-104 OF THIS TITLE.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(F) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-203(e)(2), (7), (8), (10), and (5)(i).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Also in subsection (a) of this section, the former reference to any class of license "issued by the Board" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-203(e)(1), (3), (4), (5)(ii), (6), and (9) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“Off–sale” § 1–101

**12–1103. SPECIAL AMUSEMENT PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A SPECIAL AMUSEMENT PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY GRANT THE PERMIT TO A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE WHO REGULARLY SPECIALIZES IN THE ENTERTAINMENT OF CUSTOMERS BY PROVIDING APPROVED TYPES OF AMUSEMENT, SUCH AS:**

**(1) SINGING;**

**(2) DANCING;**

**(3) MUSIC THAT IS OTHER THAN RECORDED MUSIC OR RADIO PROGRAMS;**

**(4) FLOOR SHOWS;**

**(5) ACROBATIC ACTS;**

**(6) THEATRICALS; AND**

**(7) MOVIES.**

**(C) HOURS OF SALE.**

**THE PERMIT HOLDER MAY SELL BEER, WINE, AND LIQUOR AT THE HOURS THAT THE BOARD SPECIFIES.**

**(D) PERMIT GRANTED ONLY FOR RESTAURANTS.**

**THE BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT THAT PROVIDES ENTERTAINMENT UNDER SUBSECTION (B)**

**OF THIS SECTION UNLESS THE BOARD FINDS THAT THE ESTABLISHMENT IS A RESTAURANT.**

**(E) FEE.**

**IN ADDITION TO THE ANNUAL FEE FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL PERMIT FEE IS \$750.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS FOR ISSUING THE PERMIT TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–203(c)(3), (6), (1)(i) through (iii), and the first sentence of (2).

Throughout this section, the references to a “permit” are substituted for the former references to a “license” to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (b) of this section, the reference to “customers” is substituted for the former reference to “patrons” to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to the hours “that the Board specifies” is substituted for the former reference to hours “provided” for clarity.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Former Art. 2B, § 8–203(c)(1)(iv), which provided an exemption for amusement licenses from former Art. 2B, § 12–302, is deleted as obsolete. Former Art. 2B, § 12–302(b)(2)(iii), now revised as § 12–1904(2)(ii) of this title, prohibits a license holder from employing or allowing a person under the age of 18 years to provide entertainment on the licensed premises, was enacted after former Art. 2B, § 8–203(c)(1)(iv) and thus supersedes it.

Former Art. 2B, § 8–203(c)(1)(v), which stated that a person under the age of 18 years may not be employed in establishments to sell alcoholic beverages, is deleted as redundant of § 12–903 of this title.

The second sentence of former Art. 2B, § 8–203(c)(2), which required the Board to determine if a license that is applied for is reasonably necessary for the

convenience of the public, is deleted as redundant of § 4–210(a)(1) and (b)(1)(i) of this article.

Former Art. 2B, § 8–203(c)(4), which stated that licenses issued are subject to all of the provisions of this article related to licenses in Baltimore City to the extent that the provisions are not inconsistent with this section, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8–203(c)(5), which stated that all licenses shall be issued by the Clerk of the Circuit Court for Baltimore City on certification by the Board, is deleted as obsolete. The Clerk no longer issues licenses.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**12–1104. BELVEDERE SQUARE — AREAS FOR CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**IN THE PLANNED UNIT DEVELOPMENT FOR BELVEDERE SQUARE AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 84–187, ALCOHOLIC BEVERAGES PURCHASED FROM A LICENSED ESTABLISHMENT LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE MAY BE CONSUMED:**

**(1) WITHIN ANY INDOOR OR OUTDOOR SEATING AREA LOCATED AT 511 THROUGH 529 EAST BELVEDERE AVENUE; AND**

**(2) WHILE CROSSING FROM THE SOUTH SIDE OF EAST BELVEDERE AVENUE TO THE NORTH SIDE OF EAST BELVEDERE AVENUE DURING A PERMITTED SPECIAL EVENT THAT RESULTS IN THE CLOSURE OF EAST BELVEDERE AVENUE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(i)(2).

In the introductory language of this section, the former reference to Ordinance 84–187 “, as amended” is deleted as unnecessary in light of GP § 1–209.

Defined term: “Alcoholic beverage” § 1–101

**SUBTITLE 12. CATERER’S LICENSES.**

**12–1201. OFF–SALE CATERER PRIVILEGE.**



**(A) ESTABLISHED.**

**THERE IS AN OFF-SALE CATERER PRIVILEGE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF AN ON-SALE:**

**(I) BEER AND WINE LICENSE OF ANY CLASS; OR**

**(II) BEER, WINE, AND LIQUOR LICENSE OF ANY CLASS.**

**(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS INCORPORATED IN THE HOLDER'S BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE.**

**(3) BEFORE THE BOARD GRANTS OR RENEWS THE PRIVILEGE, AN APPLICANT OR A HOLDER OF THE PRIVILEGE SHALL:**

**(I) HAVE THE FACILITIES TO PREPARE AND DELIVER FOOD TO THE SITE OF A CATERED EVENT; AND**

**(II) OBTAIN A CATERER'S LICENSE FROM THE CITY HEALTH DEPARTMENT AFTER THE DEPARTMENT APPROVES THE FACILITIES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PRIVILEGE AUTHORIZES A HOLDER TO:**

**(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE EVENT; AND**

**(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S LICENSE.**

**(D) RENEWAL.**

**THE PRIVILEGE MAY BE RENEWED.**

**(E) FEE.**

**THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a special off-sale caterer privilege exists in Baltimore City.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6-701.1(b) through (i).

Subsection (b)(1) of this section is revised as a statement specifying the eligible recipients of a special caterer privilege, rather than as part of the former definition of "caterer", for clarity and to conform to the format used in licensing provisions throughout this article.

In subsection (b)(1) of this section, the references to a license of "any class" are added for clarity.

Also in subsection (b)(1) of this section, the former phrase "for the sole purpose of authorizing a licensee to be a caterer" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a "beer and wine license" is added for clarity and consistency.

Also in subsection (b)(2) of this section, the former clause "if it is granted" is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the "existing" license is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "premises of the holder" is substituted for the former reference to the "licensed premises" for clarity.

In subsection (c)(2) of this section, the reference to the hours and days "authorized for the holder's" license is substituted for the former reference to the hours and days "that are permitted under this article for the existing" license for brevity.

In subsection (e) of this section, the reference to the "license to which the privilege is incorporated" is substituted for the former reference to the "existing beer and wine or beer, wine and liquor license" for brevity.

Former Art. 2B, § 6-701.1(a), which stated that former Art. 2B, § 6-701.1 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“City” § 12–101

“License” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

##### **12–1301. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(5) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

**(6) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

###### **(B) EXCEPTION.**

**SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1311 OF THIS SUBTITLE.**

###### **(C) VARIATION.**

**SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12-1312 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “City” § 12-101

**12-1302. RESERVED.**

**12-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**12-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A BEER FESTIVAL LICENSE.**

**(2) THE BOARD MAY DESIGNATE NOT MORE THAN TWO TIMES EACH CALENDAR YEAR FOR WHICH A BEER FESTIVAL LICENSE MAY BE ISSUED.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) IF THE BEER FESTIVAL IS HELD ON A CLASS B LICENSED PREMISES, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:**

**(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL LICENSE HOLDER; OR**

**(II) PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.**

**(2) IF THE BEER FESTIVAL IS HELD ON A LOCATION THAT IS NOT ALREADY LICENSED, THE PRODUCTS DISPLAYED AND SOLD SHALL BE:**

**(I) OWNED, PRODUCED, AND PROVIDED BY THE BEER FESTIVAL LICENSE HOLDER; OR**

**(II) DIRECTLY OBTAINED FROM A LICENSED WHOLESALER.**

**(D) TIME AND LOCATION OF FESTIVAL.**

**EACH FESTIVAL SHALL BE HELD:**

**(1) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED;**  
**OR**

**(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**THE LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) DURATION OF LICENSE.**

**THE LICENSE FOR EACH FESTIVAL MAY BE IN EFFECT FOR A PERIOD OF NOT MORE THAN 3 DAYS.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 8-801(c) through (j).

Throughout this section, the former references to a “special” festival license are deleted as surplusage.

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the reference to a “beer festival license” is substituted for the former reference to a “special festival license for participation in a beer festival” for brevity.

In subsection (b)(1) of this section, the former reference to an “existing” license “issued under this article” is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the references to “beer” are substituted for the former references to “products” for clarity.

In the introductory language of subsection (c)(1) and (2) of this section, the former reference to the products displayed and sold “by a special festival licensee” is deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the reference to the “beer festival” is substituted for the former reference to the “event” for clarity and consistency within this section.

In subsections (c)(1)(ii) and (c)(2)(ii) of this section, the former references to products “not owned and produced by the licensee” are deleted as surplusage.

In subsection (c)(1)(ii) of this section, the reference to the “holder of the Class B license” is substituted for the former reference to the “retail licensee” for clarity.

In the introductory language of subsection (c)(2) and subsection (d)(2) of this section, the references to a “location that is not already licensed” are substituted for the former references to “nonlicensed premises” for consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the former reference to a “locat[ion] in Baltimore City” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his

section does not prohibit the holder ... from holding” another license for clarity.

Former Art. 2B, § 8–801(a), which defined “Board” to mean the Board of License Commissioners of Baltimore City, is deleted as redundant in light of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 8–801(b), which stated that former Art. 2B, § 8–801 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–801(k), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 12–210 of this article.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wholesaler” § 1–101

## **12–1305. WINE FESTIVAL LICENSE.**

### **(A) ESTABLISHED.**

**(1) THERE IS A BALTIMORE WINE FESTIVAL (WF) LICENSE.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN FOUR LICENSES EACH YEAR.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.**

### **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR A WINE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD:**

**(1) MAY SELECT FOUR 4-DAY PERIODS ANNUALLY FOR THE WINE FESTIVAL;**

**(2) EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION, SHALL CHOOSE A LOCATION FOR A FESTIVAL FOR WHICH A LICENSE HAS NOT BEEN ISSUED; AND**

**(3) MAY NOT ISSUE A LICENSE FOR USE IN ELECTION DISTRICT 46, EXCEPT FOR THE 1ST PRECINCT OF THE 22ND WARD.**

**(F) ADDITIONAL LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-303.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a)(1) of this section is standard language added to establish a license.

In subsection (a)(2) of this section, the reference to a limit of four licenses "each year" is added for clarity.



In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(2) and (e)(2) of this section, the former references to a festival or location “in Baltimore City” are deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (e)(3) of this section, the reference to “election district 46, except for the 1st precinct of the 22nd ward” may no longer describe the same area as intended when enacted because election districts are redrawn every 10 years.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

## **12–1306. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

### **(A) ESTABLISHED.**

**THERE IS A WINE SAMPLING (WS) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

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

**THE LICENSE AUTHORIZES THE TRANSPORTATION AND CONSUMPTION OF WINE FOR SAMPLING:**

**(1) ON PREMISES FOR WHICH A CLASS B OR CLASS B–D–7 LICENSE HAS BEEN ISSUED, WITH THE AUTHORIZATION OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR**

**(2) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(D) LICENSE APPLICATION.**

**THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

**(F) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF WINE FROM AN OFFERING TO AN INDIVIDUAL.**

**(G) FEE.**

**THE LICENSE FEE IS \$15 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-403.

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (b) and (e) of this section, the former references to a "bona fide" nonprofit organization are deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "holder of the license for the premises" is substituted for the former reference to the "respective holder" to clarify which license holder may give the authorization.

In subsection (c)(2) of this section, the reference to a "location that is not already licensed" is substituted for the former reference to a "premises that is not permanently licensed under this article" for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to "an offering" is substituted for the former reference to "a given brand" for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

Defined terms: “Board” § 12-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**12-1307. BEER AND WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A 1-DAY CLASS BWT BEER AND WINE TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER AND LIGHT WINE FOR TASTING.**

**(D) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES PER YEAR TO EACH LICENSE HOLDER.**

**(E) HOURS AND DAYS OF OPERATION.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER’S CLASS A LICENSE.**

**(F) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL:**

**(1) LIGHT WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM AN OFFERING; AND**

**(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM AN OFFERING.**

**(G) DISPOSAL OF REMAINING BEER OR WINE.**

**AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.**

**(H) FEE.**

**(1) THE BOARD SHALL SET THE LICENSE FEE.**

**(2) THE LICENSE FEE IS IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–403.1(a) through (f) and (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (h) of this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

In subsection (e) of this section, the reference to the “license holder’s” Class A license is substituted for the former reference to the “respective” Class A license for clarity.

In the introductory language of subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any one person” for clarity.

In subsection (f) of this section, the references to “an offering” are substituted for the former references to “a given brand” for clarity.

In subsection (h) of this section, the reference to “any beer and wine that remains” in a container is substituted for the former reference to “unconsumed alcoholic beverages remaining” for clarity.

Former Art. 2B, § 8–403.1(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the limit on the number of licenses that the Board may issue under former Art. 2B, § 8–403.1(b) was ambiguous as to whether it applied to the total number of Class BWT licenses that the Board may issue each year or the number of Class BWT licenses that the Board may issue to each license holder. Subsection (d) of this section has been revised to clarify that the limit applies to the number of licenses that may be issued to each license holder, and the Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

Defined terms: “Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**12–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES IN:**

**(1) WARD 27, PRECINCTS 42 AND 44 OF THE 41ST LEGISLATIVE DISTRICT OF THE CITY;**

**(2) WARD 27, PRECINCTS 41 AND 48 OF THE 43RD LEGISLATIVE DISTRICT OF THE CITY;**

**(3) WARD 11, PRECINCT 5 OF THE 44TH LEGISLATIVE DISTRICT OF THE CITY; AND**

**(4) THE 3000 BLOCK OF FREDERICK AVENUE IN WARD 20, PRECINCT 9 OF THE 44A LEGISLATIVE DISTRICT OF BALTIMORE CITY, BASED ON THE LEGISLATIVE DISTRICTING PLAN OF 2012.**

**(B) ESTABLISHED.**

**THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR (ON PREMISES) TASTING LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER, LIGHT WINE, AND LIQUOR FOR TASTING.**

**(E) TYPES OF LICENSE.**

**THE LICENSE MAY BE ISSUED AS:**

**(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR;**

**(2) A 26-DAY OR 52-DAY TASTING LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY; AND**

**(3) A TASTING LICENSE THAT MAY BE USED DAILY THROUGHOUT THE YEAR.**

**(F) LICENSE APPLICATION.**

**(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE TASTING IS REQUESTED TO OCCUR.**

**(3) THE APPLICATION AND PAYMENT FOR THE DAILY LICENSE SHALL BE SUBMITTED AT LEAST 7 DAYS BEFORE THE TASTING EVENT.**

**(4) THE APPLICATION AND PAYMENT FOR THE 26-DAY TASTING LICENSE AND THE 52-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST PROPOSED TASTING EVENT.**

**(5) THE HOLDER OF A 26-DAY TASTING LICENSE AND THE HOLDER OF A 52-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.**

**(G) HOURS AND DAYS OF OPERATION.**

**THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S CLASS A LICENSE.**

**(H) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER, LIGHT WINE, OR LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

- (1) 1 OUNCE OF LIGHT WINE FROM AN OFFERING IN A DAY;**
- (2) 3 OUNCES OF BEER FROM AN OFFERING IN A DAY; AND**
- (3) ONE-HALF OUNCE OF LIQUOR FROM AN OFFERING IN A DAY.**

**(I) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.**

**AT THE END OF EACH DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.**

**(J) FEE.**

**IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:**

- (1) \$20 FOR A DAILY TASTING LICENSE;**
- (2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**
- (3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**
- (4) \$750 ANNUALLY FOR A TASTING LICENSE THAT MAY BE USED DAILY THROUGHOUT THE YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-403.2(a) through (f) and (h).

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsections (d) and (j) of this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

In subsection (e)(1) of this section, the reference to “a single license holder” is added for clarity.

In subsection (f)(1) of this section, the reference to the “applicant” is substituted for the former reference to “[e]ach Class A license holder that seeks issuance of a Class BWLT license for which the holder is eligible” for brevity.

In subsection (f)(2) of this section, the former reference to the forms “provided by the Board of Liquor License Commissioners for Baltimore City under paragraph (1) of this subsection for licenses issued under subsection (c)(1)(i) through (iii) of this section” is deleted as surplusage.

In subsection (f)(3) of this section, the former reference to the requirement that the application be submitted “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to the requirement that the application be submitted “7 days before the tasting event”.

In the introductory language of subsection (h) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (h) of this section, the references to “an offering” are substituted for the former references to “a given brand” for clarity.

In subsection (i) of this section, the former reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Former Art. 2B, § 8–403.2(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**12–1309. RESERVED.**

**12–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**



**12-1311. FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$25 PER DAY.**

**(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 PER DAY.**

**(2) THE BOARD MAY COLLECT FROM THE LICENSE HOLDER REIMBURSEMENT FOR COSTS INCURRED WHILE MONITORING THE EVENT FOR WHICH THE LICENSE IS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(3) and (d)(3)(ii).

Defined terms: "Board" § 12-101  
"License holder" § 1-101

**12-1312. PURCHASING OPTION FOR HOLDER OF CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY PURCHASE BEER AND LIGHT WINE FROM A WHOLESALER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(d)(3)(i).

Defined terms: "Beer" § 1-101  
"Light wine" § 12-101  
"Wholesaler" § 1-101  
"Wine" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**12-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (5) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (6) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (7) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTION.**

**SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12-1405 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

- (1) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 12-1402 OF THIS SUBTITLE;**
- (2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 12-1403 OF THIS SUBTITLE; AND**
- (3) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 12-1404 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined terms: "City" § 12-101  
"License" § 1-101  
"Local licensing board" § 1-101

**12-1402. EXCEPTION TO VOTER REQUIREMENT.**

**AN AUTHORIZED PERSON OF A LIMITED LIABILITY COMPANY WHO HOLDS A LICENSE FOR THE USE OF THE LIMITED LIABILITY COMPANY THAT WAS GRANTED ON OR BEFORE JUNE 1, 2012, NEED NOT BE A REGISTERED VOTER IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(c)(1)(ii).

Defined terms: "City" § 12-101  
"License" § 1-101

**12-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiv)1A.

The reference to "criminal history record information" is substituted for the former reference to "criminal records" to conform to the terminology used in CP § 10-201.

Defined terms: "Board" § 12-101  
"Central Repository" § 1-101  
"License" § 1-101

**12-1404. APPLICANT AS LESSEE OF CERTAIN PREMISES.**

**THE STATEMENT AND ACKNOWLEDGMENT REQUIRED UNDER § 4-109(B) OF THIS ARTICLE AUTHORIZING INSPECTION AND SEARCH WITHOUT WARRANT OF THE PREMISES IS NOT REQUIRED WHEN AN APPLICANT APPLIES FOR A LICENSE UNDER § 12-1603(C) OF THIS TITLE IF THE APPLICANT:**

**(1) FILES AN AFFIDAVIT THAT THE APPLICANT IS THE LESSEE OF THE PREMISES; AND**

**(2) PROVIDES A COPY OF THE EXECUTED LEASE WITH THE AFFIDAVIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(17)(iii).

Defined term: "License" § 1-101

**12-1405. PETITION OF SUPPORT.**

**THE APPLICATION SHALL INCLUDE A PETITION SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE CITY STATING THAT:**

**(1) THE APPLICANT:**

**(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;**

**AND**

**(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2 YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION;**

**(2) IF THE APPLICANT IS A CORPORATION, AT LEAST ONE OF THE APPLICANTS:**

**(I) IS PERSONALLY KNOWN TO THE SIGNERS OF THE PETITION;**

**(II) HAS BEEN A RESIDENT OR TAXPAYER OF THE CITY FOR 2 YEARS AND A RESIDENT OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION; AND**

**(III) IS A REGISTERED VOTER IN THE STATE; AND**

**(3) IF THE APPLICANT IS A PARTNERSHIP, ALL MEMBERS OF THE PARTNERSHIP HAVE BEEN RESIDENTS OR TAXPAYERS OF THE CITY FOR 2 YEARS AND RESIDENTS OF THE STATE FOR 2 YEARS PRECEDING THE PRESENTATION OF THE APPLICATION TO THE SIGNERS OF THE PETITION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(d)(1).

In this section, the references to the "signers of the petition" are substituted for the former references to "them" for clarity.

In the introductory language of this section, the reference to “residents” is substituted for the former reference to “citizens ... of the City” because the meaning of the word “citizens” in this context is unclear.

In item (2)(iii) of this section, the reference to a registered voter “in the State” is added for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements in item (3) of this section that all members of a partnership be residents or taxpayers of the City for 2 years and residents of the State for 2 years preceding the presentation of the application to the signers of the petition 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: “City” § 12–101  
 “State” § 1–101

## **12–1406. CONDITIONS OF ISSUANCE OR RENEWAL.**

### **(A) “COMMUNITY ASSOCIATION” DEFINED.**

**IN THIS SECTION, “COMMUNITY ASSOCIATION” MEANS:**

**(1) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:**

**(I) COMPOSED OF RESIDENTS OF A COMMUNITY WITHIN WHICH A NUISANCE IS LOCATED;**

**(II) OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE AND GENERAL NEIGHBORHOOD IMPROVEMENT AND ENHANCEMENT; AND**

**(III) EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL REVENUE CODE; OR**

**(2) A NONPROFIT ASSOCIATION, CORPORATION, OR OTHER ORGANIZATION THAT IS:**

**(I) COMPOSED OF RESIDENTS OF A CONTIGUOUS COMMUNITY THAT IS DEFINED BY SPECIFIC GEOGRAPHIC BOUNDARIES, WITHIN WHICH A NUISANCE IS LOCATED;**

**(II) OPERATED FOR THE PROMOTION OF THE WELFARE, IMPROVEMENT, AND ENHANCEMENT OF THAT COMMUNITY; AND**

**(III) IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.**

**(B) IN GENERAL.**

**IF A COMMUNITY ASSOCIATION AND AN APPLICANT FOR THE ISSUANCE OR RENEWAL OF A CLASS B OR D ALCOHOLIC BEVERAGES LICENSE HAVE ENTERED INTO A MEMORANDUM OF UNDERSTANDING THAT EXPRESSLY ACKNOWLEDGES THE AUTHORITY OF THE BOARD UNDER THIS ARTICLE, THE BOARD MAY MAKE THE ISSUANCE OR RENEWAL OF THE LICENSE CONDITIONAL ON THE SUBSTANTIAL COMPLIANCE OF THE APPLICANT WITH THE MEMORANDUM OF UNDERSTANDING.**

**(C) MEMORANDUM OF UNDERSTANDING.**

**THE EXISTENCE OF A MEMORANDUM OF UNDERSTANDING DOES NOT AFFECT ANY REQUIREMENT OF ANY INDIVIDUALS TO FILE A PROTEST UNDER § 4-406 OF THIS ARTICLE OR A COMPLAINT UNDER § 4-603 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(d)(2).

In subsection (b) of this section, the former reference to “[i]n Baltimore City” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to “a complaint” is added for clarity.

Defined terms: “Board” § 12-101  
“License” § 1-101

## **12-1407. APPLICATIONS EXAMINATION AND HEARING.**

**(A) DETERMINATION OF WHETHER APPLICATION IS COMPLETE.**

**(1) THE BOARD OR THE BOARD'S DESIGNEE SHALL EXAMINE EACH APPLICATION FOR THE ISSUANCE OR TRANSFER OF A LICENSE WITHIN 45 DAYS OF**

**RECEIPT OF THE APPLICATION TO DETERMINE WHETHER THE APPLICATION IS COMPLETE.**

**(2) AN APPLICATION FOR THE ISSUANCE, TRANSFER, OR RENEWAL IS NOT COMPLETE UNLESS THE APPLICANT HAS:**

**(I) OBTAINED ZONING APPROVAL OR VERIFICATION OF ZONING IF THE APPLICATION IS FOR RENEWAL;**

**(II) SUBMITTED ALL DOCUMENTS REQUIRED IN THE APPLICATION; AND**

**(III) PAID ALL FINES AND FEES THAT ARE DUE.**

**(B) HEARING TO BE SCHEDULED AFTER APPLICATION IS COMPLETE.**

**(1) A LICENSE HEARING MAY NOT BE SCHEDULED UNLESS THE BOARD DETERMINES THAT THE APPLICATION IS COMPLETE.**

**(2) A COMPLETE APPLICATION WITH ALL SUBMITTED DOCUMENTS SHALL BE POSTED ONLINE AT LEAST 14 DAYS BEFORE THE HEARING DATE.**

**(3) THE POSTPONEMENT OF A HEARING SHALL BE POSTED ONLINE NOT LESS THAN 72 HOURS BEFORE THE HEARING DATE.**

**(C) CHANGES IN APPLICATION.**

**(1) TO INCORPORATE A CHANGE IN THE APPLICATION DOCUMENT AFTER THE BOARD OR THE BOARD'S DESIGNEE HAS DETERMINED THE APPLICATION TO BE COMPLETE, THE APPLICANT SHALL SUBMIT THE CHANGE TO THE BOARD NOT LATER THAN 15 DAYS BEFORE THE SCHEDULED HEARING.**

**(2) AFTER THE HEARING ON THE APPLICATION, AN APPLICANT MAY CHANGE THE APPLICATION ONLY AT A NEW HEARING.**

**(D) FINE.**

**THE BOARD SHALL IMPOSE A FINE THAT IT DETERMINES FOR FAILURE TO COMPLY WITH THE REQUIREMENTS UNDER THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(4)(iii) through (vii) and (ix).

Former Art. 2B, § 10–202(a)(4)(i), which stated that former Art. 2B, § 10–202(a)(4) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–202(a)(4)(ii), which defined the term “Board” to mean the Board of Liquor License Commissioners, is deleted as redundant of the term defined in § 12–101 of this title.

Defined terms: “Board” § 12–101  
 “License” § 1–101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **12–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (7) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (8) § 4–213 (“REPLACEMENT LICENSES”).**

##### **(B) EXCEPTION.**

**SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–1507 OF THIS SUBTITLE.**



**(C) VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 12–1502 AND 12–1503 OF THIS SUBTITLE;**

**(2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 12–1504 AND 12–1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

**(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 12–1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(4) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 12–1506 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “City” § 12–101

“License” § 1–101

“Local licensing board” § 1–101

**12–1502. EVIDENCE OF PAID TAXES REQUIRED FOR ISSUANCE OF LICENSE.**

**(A) CERTIFICATE OF APPROVAL TO DIRECTOR OF FINANCE.**

**ON APPROVING A LICENSE APPLICATION, THE BOARD SHALL PRESENT A CERTIFICATE OF APPROVAL FOR LICENSURE TO THE DIRECTOR OF FINANCE.**

**(B) PAYMENTS OF TAXES.**

**THE BOARD MAY NOT ISSUE A LICENSE UNTIL IT RECEIVES CLEARANCE FROM THE DIRECTOR OF FINANCE THAT ALL PERSONAL PROPERTY TAXES DUE TO THE CITY OR THE STATE ARE PAID.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(3)(i).

In subsection (a) of this section, the reference to “present[ing] a certificate of approval for licensure” is substituted for the former reference to “issu[ing] a certificate of approval for presentation” for clarity.

In subsection (b) of this section, the prohibition against the Board issuing a license “until it receives clearance from the Director of Finance that all personal property taxes due to the City or the State are paid” is substituted for the former prohibition against the Director of Finance issuing a license “unless and until there is presented to the Director also a certificate, issued by the Bureau of Assessments, that shows there are no unpaid taxes due the City or State on the merchandise, fixtures, and stock of the applicant” for clarity and accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that according to the Baltimore City Board, under current procedures the Board issues alcoholic beverages licenses in the City and may not issue a license until it receives clearance from the City Department of Law (and the State) that all personal taxes due to the City and the State by the applicant are paid. The Director of Finance does not issue licenses. Subsection (b) of this section has been revised to reflect the current practice.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

### **12–1503. HOLDERS OF OUT–OF–STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(3), except as it related to the renewal of a license by a person that holds an out–of–state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state” for clarity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101  
 “Board” § 12–101  
 “Light wine” § 12–101  
 “Person” § 1–101  
 “State” § 1–101  
 “Wine” § 1–101

**12–1504. INTEREST IN MULTIPLE LICENSES — PROHIBITED.**

**A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, FRANCHISE OPERATION, CHAIN STORE OPERATION, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9–301(5)(i).

The reference to interests in a license “regardless of whether that interest is” held or controlled in specified manners is added for clarity.

The former reference to a “franchisor, franchisee, chain store operation, partnership, firm or corporation” is deleted as included in the defined term “person”.

The second sentence of former Art. 2B, § 9–301(5)(i), which expressed the intention of the subparagraph, is deleted as unnecessary. Similarly, former § 9–301(5)(ii), which expressed the intention of the subparagraph, is deleted.

Defined terms: “Board” § 12–101  
 “Person” § 1–101

**12–1505. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Light wine" § 12-101

## **12-1506. NOTICE OF LICENSE APPLICATION.**

### **(A) PUBLICATION IN NEWSPAPER.**

**THE NOTICE OF LICENSE APPLICATION REQUIRED UNDER § 4-208 OF THIS ARTICLE SHALL BE PUBLISHED IN THREE NEWSPAPERS OF GENERAL CIRCULATION IN THE CITY.**

### **(B) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

**(1) THIS SUBSECTION APPLIES TO AN APPLICATION FOR A NEW LICENSE, A CHANGE IN THE CLASS OF A LICENSE, A REQUEST FOR LIVE ENTERTAINMENT ON THE LICENSED PREMISES, AND AN EXTENSION OF THE LICENSED PREMISES.**

**(2) IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE HOLDING A HEARING ON THE APPLICATION.**

**(3) A NOTICE UNDER THIS SUBSECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND PLACE SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(1)(i)1, (b)(1)(i)3 and (ii) and, except as it related to the transfer of a license, (e)(2).

In subsection (b)(2) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (b)(2) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (b)(2) of this section, the reference to the “hearing on the application” is substituted for the former reference to “action upon the application” for consistency with subsection (b)(2) of this section.

In subsection (b)(3) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

## **12–1507. WAITING PERIOD AFTER DENIAL.**

### **(A) SIX–MONTH WAITING PERIOD.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF AN APPLICATION FOR A LICENSE IS DENIED, THE BOARD MAY NOT ISSUE THE SAME CLASS OF LICENSE TO THE SAME APPLICANT OR FOR THE SAME LOCATION FOR 6 MONTHS AFTER THE DENIAL.**

### **(B) EXCEPTION.**

**THE RESTRICTION AGAINST THE ISSUANCE OF A LICENSE FOR THE SAME LOCATION DOES NOT APPLY IF THE BOARD DECIDES THAT THE DENIAL WAS DIRECTED AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(c)(2) and (3).

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section” is added for clarity.

Also in subsection (a) of this section, the reference to “the Board” is added for clarity.

Also in subsection (a) of this section, the phrase “if an application for a license is denied” is substituted for the former reference to a class of “license for which application was previously made” for clarity.

Also in subsection (a) of this section, the reference to “the same applicant” is substituted for the former reference to “any person who has been refused the issue of any such class of license” for brevity. Similarly, the reference to “the same location” is substituted for the former reference to “any premises for which a license has been so refused”.

Also in subsection (a) of this section, the former phrase “for the retail sale of alcoholic beverages” is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “a period of” 6 months is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the “Circuit Court” is deleted as inaccurate because the circuit court does not issue alcoholic beverages licenses.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (b) of this section, the reference to the “same location” is substituted for the former reference to “any premises” for clarity and consistency with subsection (a) of this section.

Also in subsection (b) of this section, the reference to a restriction that “does not apply” is substituted for the former reference to a restriction that “is not effective” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to the “applicant” is substituted for the former reference to the “person or persons applying for the prior license” for brevity.

Also in subsection (b) of this section, the reference to the “location” is substituted for the former reference to the “premises in question” for clarity and consistency with subsection (a) of this section.

Former Art. 2B, § 10–208(c)(1), which stated that former Art. 2B, § 10–208(c) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101  
“License” § 1–101

**12-1508. DENIAL RESULTING FROM PROTEST OF OWNER OR OWNERS AND TENANTS.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) (I) "OWNERS OF REAL OR LEASEHOLD PROPERTY" INCLUDES HOLDERS OF LEASEHOLD IMPROVEMENTS SUBJECT TO A GROUND RENT, THE CITY, AND THE STATE.**

**(II) "OWNERS OF REAL OR LEASEHOLD PROPERTY" DOES NOT INCLUDE THE OWNER OF THE LOCATION DESCRIBED IN THE APPLICATION.**

**(3) "TENANT" MEANS AN INDIVIDUAL WHO RENTS A SINGLE-FAMILY DWELLING AND IS RESIDING THERE FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION HEARING.**

**(B) GROUNDS FOR DENIAL.**

**A LICENSE APPLICATION SHALL BE DENIED IF:**

**(1) MORE THAN 50% OF THE OWNERS OF REAL OR LEASEHOLD PROPERTY WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION OPPOSE THE ISSUING OF THE LICENSE; OR**

**(2) MORE THAN 50% OF THOSE OWNERS AND TENANTS, IN COMBINATION, OF REAL OR LEASEHOLD PROPERTY LOCATED WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION OPPOSE THE ISSUING OF THE LICENSE.**

**(C) VOTE COUNTING.**

**(1) IF AN OWNER OF A DWELLING PARTICIPATES AS A PROTESTANT OR PROPONENT OF THE APPLICATION, THE OWNER AND THE TENANT OF THE DWELLING SHALL EACH HAVE ONE-HALF VOTE.**

**(2) IF PROPERTY IS RENTED JOINTLY AND ONE TENANT APPEARS IN PERSON AT THE HEARING AS A PROTESTANT, THE OTHER TENANTS' PROTEST MAY BE RECORDED BY AFFIDAVIT.**

**(D) RIGHTS OF CITY AND STATE.**

**(1) IF THE CITY OR THE STATE OWNS MORE THAN ONE BUILDING WITHIN 200 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION, PROTEST MAY BE MADE SOLELY FOR THE BUILDING THAT IS CLOSEST TO THE LOCATION DESCRIBED IN THE APPLICATION.**

**(2) THE CITY OR THE STATE MAY PROTEST THROUGH AN AUTHORIZED REPRESENTATIVE OF THE MAYOR AND CITY COUNCIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first and fourth through ninth sentences of former Art. 2B, § 10-202(e)(1).

In subsection (a)(2)(i) of this section, the reference to improvements “subject to” ground rent is substituted for the former reference to improvements “upon” ground rents for clarity.

In subsection (a)(2)(ii) of this section, the reference to the “location described in the application” is substituted for the former reference to the “subject premises” for consistency with terminology used throughout this article. Similarly, in subsection (b)(1) and (2) of this section, the references to the “location described in the application” are substituted for the former references to the “place of business for which application is made” and “the place of business for which an application for a license is made”. Also, in subsection (d)(1) of this section, the references to the “location described in the application” are substituted for the former references to the “place of business for which application is made”.

In the introductory language of subsection (b) of this section, the former reference to the prohibition against “approv[ing]” a license application is deleted as implied in the requirement to “deny[ing]” an application.

In subsection (b)(1) of this section, the former reference to 50% “in numbers” of the owners is deleted as surplusage.

In subsection (d)(1) of this section, the reference to the protest “be[ing] made solely” for certain buildings is substituted for the former reference to those buildings “be[ing] the basis for making protest under this subsection” for brevity.

In subsection (d)(2) of this section, the former reference to “[t]he City of Baltimore and the State of Maryland each shall be included as an owner of real or leasehold property when it owns title to a building” is deleted as unnecessary in light of the definition of “owners of real or leasehold property”.

Defined terms: “City” § 12-101



“License” § 1–101

“Person” § 1–101

“State” § 1–101

**12–1509. ABSTRACT OF TITLE NOT REQUIRED TO ACCOMPANY PROTEST.**

**(A) IN GENERAL.**

**THE BOARD:**

**(1) MAY NOT REQUIRE THAT PROTESTS AGAINST THE ISSUANCE OF A LICENSE BE ACCOMPANIED BY AN ABSTRACT OF TITLE FROM THE LAND RECORDS OF THE CITY SUBSTANTIATING THE PROTESTANTS’ OWNERSHIP OF THE REAL OR LEASEHOLD PROPERTY; BUT**

**(2) MAY REQUIRE THAT A QUALIFIED PERSON FAMILIAR WITH THE LAND RECORDS OF THE CITY APPEAR AT THE HEARING AND TESTIFY AS TO WHO IS THE HOLDER OF FULL LEGAL TITLE AS SHOWN BY THE LAND RECORDS.**

**(B) PROPERTY OWNED JOINTLY.**

**IF AN OWNER OF PROPERTY THAT IS OWNED JOINTLY APPEARS IN PERSON AT THE HEARING AS A PROTESTANT, THE OTHER OWNERS’ PROTEST MAY BE RECORDED BY AN AFFIDAVIT.**

**(C) BOARD TO PROVIDE AFFIDAVIT.**

**ON REQUEST, THE BOARD SHALL PROVIDE AN AFFIDAVIT FORM TO ANY PERSON WHO CLAIMS TO BE A PROTESTANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(b), except as it related to the transfer of a license.

In subsection (c) of this section, the reference to any person “who claims to be” a protestant is substituted for the former reference to any person “representing himself” to be a protestant to conform to the style of revised articles of using gender–neutral language.

Also in subsection (c) of this section, the former reference to an “acceptable” affidavit is deleted as surplusage.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“Person” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**12–1601. NONCONFORMING USE RESTRICTION.**

**THE BOARD MAY NOT ISSUE A NEW LICENSE TO A LOCATION WITH A NONCONFORMING USE IN AN AREA ZONED AS “RESIDENTIAL”.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.2.

Defined terms: “Board” § 12–101

“License” § 1–101

**12–1602. ISSUANCE OF LICENSES IN SPECIFIED AREAS PROHIBITED.**

**(A) NEW LICENSES OR AMUSEMENT LICENSES.**

**IN THE AREA BOUNDED BY TWENTY–FIFTH (25TH) STREET ON THE NORTH, CENTRE STREET ON THE SOUTH, HOWARD STREET ON THE WEST, AND GUILFORD AVENUE ON THE EAST, THE BOARD MAY NOT ISSUE:**

**(1) A NEW LICENSE OTHER THAN A CLASS B LICENSE; OR**

**(2) AN AMUSEMENT LICENSE TO THE HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) CLASS A OR CLASS D LICENSE.**

**THE BOARD MAY NOT ISSUE A CLASS A (OFF–SALE) OR A CLASS D (ON– AND OFF–SALE) LICENSE IN THE AREA THAT IS BOUNDED:**

**(1) ON THE NORTH BY THIRTY–NINTH (39TH) STREET, THEN FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;**

**(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;**

**(3) ON THE SOUTH BY NORTH AVENUE; AND**

**(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–204(b) and, except as they related to the transfer of a license, (a) and 9–204.1(g).

In the introductory language of subsection (a) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Former Art. 2B, § 9–204(c), (d), and (e), which authorized the issuance of three new licenses in specified areas of Baltimore City, are deleted as obsolete. The licenses have been issued.

Defined terms: “Board” § 12–101

“License” § 1–101

**12–1603. NEW LICENSES PROHIBITED IN THE 40TH, 41ST, 43RD, 44TH, AND 45TH ALCOHOLIC BEVERAGES DISTRICTS.**

**(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) ISSUANCE OF LICENSES PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE IN:**

- (1) THE 40TH ALCOHOLIC BEVERAGES DISTRICT;**
- (2) THE 41ST ALCOHOLIC BEVERAGES DISTRICT;**
- (3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;**

**(4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND**

**(5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

**(C) LICENSES ALLOWED.**

**THE BOARD MAY ISSUE:**

**(1) IN THE ALCOHOLIC BEVERAGES DISTRICTS SPECIFIED IN SUBSECTION (B) OF THIS SECTION:**

**(I) A 1-DAY LICENSE; OR**

**(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE TO A RESTAURANT THAT:**

**1. HAS A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$200,000 FOR RESTAURANT FACILITIES; AND**

**2. HAS A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;**

**(2) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 45TH ALCOHOLIC BEVERAGES DISTRICT; OR**

**(3) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN WARD 5, PRECINCT 1 OF THE 44TH ALCOHOLIC BEVERAGES DISTRICT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-204.1(c) and (d)(1)(i) through (v) and, except as it related to the 46th alcoholic beverages district, (2).

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the former reference to a license "for the sale of alcoholic beverages" is deleted as included in the defined term "license".

In the introductory language of subsection (c)(1)(ii) of this section, the former reference to a “bona fide” restaurant is deleted as included in the defined term “restaurant”.

Defined terms: “Board” § 12–101

“License” § 1–101

“Restaurant” § 12–101

**12–1604. LICENSES IN 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO THE 46TH ALCOHOLIC BEVERAGES DISTRICT, WHICH AT ALL TIMES IS COTERMINOUS WITH THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(B) GENERAL PROHIBITION AGAINST ISSUANCE OF LICENSES.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(C) LICENSES ALLOWED.**

**(1) THE BOARD MAY ISSUE:**

**(I) A 1–DAY LICENSE; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE BY A RESTAURANT IF THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.**

**(2) THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE:**

**(I) FOR A RESTAURANT IN WARD 26, PRECINCT 8, WARD 4, PRECINCT 1, OR WARD 3, PRECINCT 3 THAT HAS:**

**1. SEATING FOR MORE THAN 150 INDIVIDUALS;**

**2. A MINIMUM CAPITAL INVESTMENT OF \$700,000; AND**

**3. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT;**

**(II) FOR A RESTAURANT IN WARD 4, PRECINCT 1, OR WARD 22, PRECINCT 1, IF THE RESTAURANT HAS:**

- 1. SEATING FOR MORE THAN 75 INDIVIDUALS;**
- 2. A MINIMUM CAPITAL INVESTMENT OF \$700,000;**
- 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION;**

**(III) FOR NOT MORE THAN THREE RESTAURANTS IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04-697 ON JUNE 23, 2004, IF EACH RESTAURANT HAS:**

- 1. A MINIMUM CAPITAL INVESTMENT OF \$700,000;**
- 2. SEATING FOR MORE THAN 75 INDIVIDUALS;**
- 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**
- 4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO SALES FOR OFF-PREMISES CONSUMPTION; AND**

**(IV) FOR NOT MORE THAN THREE RESTAURANTS IN A BUSINESS PLANNED UNIT DEVELOPMENT IN WARD 24, PRECINCT 5, IF EACH RESTAURANT:**

- 1. HAS A MINIMUM CAPITAL INVESTMENT OF \$700,000;**
- 2. HAS SEATING FOR MORE THAN 75 INDIVIDUALS, BUT NOT MORE THAN 150 INDIVIDUALS;**

**3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 65% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT; AND**

**4. EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, MAY NOT SELL FOR OFF-PREMISES CONSUMPTION.**

**(3) WHEN A LICENSES IS RENEWED, THE LICENSE HOLDER SHALL FILE WITH THE BOARD A STATEMENT OF AVERAGE DAILY RECEIPTS AND AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT THAT VERIFY THAT THE LICENSE HOLDER HAS MET THE REQUIREMENT UNDER PARAGRAPH (1)(II) OR (2)(I)3 OF THIS SUBSECTION.**

**(4) (I) A LICENSE MAY NOT BE ISSUED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION FOR USE IN AN ESTABLISHMENT THAT IS A FAST FOOD STYLE RESTAURANT.**

**(II) A LICENSE ISSUED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MAY NOT BE TRANSFERRED FROM THE LOCATION OF ITS FIRST ISSUANCE.**

**(5) A LICENSE SPECIFIED UNDER THIS SUBSECTION, INCLUDING A LICENSE THAT DOES NOT ALLOW SALES FOR OFF-PREMISES CONSUMPTION, MAY INCLUDE AN OFF-SALE PRIVILEGE FOR SALES OF REFILLABLE CONTAINERS UNDER A REFILLABLE CONTAINER LICENSE ISSUED IN ACCORDANCE WITH § 12-1102 OF THIS TITLE.**

**(D) PROHIBITED LICENSES.**

**NOTWITHSTANDING SUBSECTION (C)(1) AND (2) OF THIS SECTION, THE BOARD MAY NOT ISSUE A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE IN:**

**(1) THE AREA COVERED BY THE KEY HIGHWAY EAST INDUSTRIAL AREA URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 986 ON JUNE 29, 1987;**

**(2) THE AREA COVERED BY THE KEY HIGHWAY URBAN RENEWAL PLAN, AS ADOPTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 622 ON MARCH 12, 1986;**

**(3) (I) WARD 1, PRECINCT 4 OR 5;**

**(II) WARD 23, PRECINCT 1; AND**

**(III) WARD 24, PRECINCT 5; AND**

**(4) THE AREA KNOWN AS PEN LUCY, WARD 9, PRECINCTS 1 AND 2.**

**(E) ISSUANCE OF LICENSE PROHIBITED FOR SPECIFIED WARDS AND PRECINCTS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR:**

**(I) WARD 1, PRECINCTS 4 AND 5;**

**(II) WARD 23, PRECINCT 1; OR**

**(III) WARD 24, PRECINCT 5.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829 THROUGH 919 E. FORT AVENUE ONLY IF THE BOARD:**

**(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT REGARDING THE NATURE OF THE ESTABLISHMENT; AND**

**(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER THIS PARAGRAPH AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-201(d)(1)(viii) and (ix) and 9-204.1(c), (d)(1)(iv), (2)(i) and (ii)3 and (3), (f)(1), (2), (5), and (8), and, except as they related to the transfer of a license, (3)(i) and (iii)1 and 2.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (b) of this section, the former reference to a license "for the sale of alcoholic beverages" is deleted as included in the defined term "license".



In subsection (c) of this section, the former phrase “[n]otwithstanding § 6–201(d)(1)(vii) of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Off–sale” § 1–101

“Restaurant” § 12–101

**12–1605. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

**(A) IN GENERAL.**

**(1) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A NEW LICENSE MAY NOT BE ISSUED FOR AND AN EXISTING LICENSE MAY NOT BE MOVED TO A BUILDING THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.**

**(II) IN THE 45TH LEGISLATIVE DISTRICT, A NEW CLASS A LICENSE OF ANY TYPE MAY NOT BE ISSUED FOR A BUILDING THAT IS WITHIN 500 FEET OF THE NEAREST POINT OF THE BUILDING OF A PLACE OF WORSHIP OR SCHOOL.**

**(2) PARAGRAPH (1)(I) OF THIS SUBSECTION DOES NOT APPLY TO:**

**(I) A CLASS B BEER AND WINE LICENSE OUTSIDE THE 46TH LEGISLATIVE DISTRICT;**

**(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE OUTSIDE THE 46TH LEGISLATIVE DISTRICT;**

**(III) A CLASS C BEER AND WINE LICENSE; AND**

**(IV) A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(3) A LICENSE FOR USE IN A BUILDING THAT IS WITHIN 300 FEET OF THE GROUNDS OF A PLACE OF WORSHIP OR SCHOOL MAY BE RENEWED OR EXTENDED FOR THE SAME BUILDING.**

**(4) (I) THIS PARAGRAPH APPLIES ONLY TO AN AREA BOUNDED BY:**

**1. HIGH STREET ON THE WEST, FAWN STREET ON THE NORTH, CENTRAL AVENUE ON THE EAST, AND EASTERN AVENUE ON THE SOUTH; OR**

**2. WEST CROSS STREET AND AMITY STREET ON THE WEST, CLIFFORD STREET ON THE NORTH, SCOTT STREET ON THE EAST, AND CARROLL STREET ON THE SOUTH.**

**(II) THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS IN PARAGRAPH (1)(I) OF THIS SUBSECTION FOR AN APPLICATION FOR THE TRANSFER OF A LICENSE INTO AN AREA SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IF:**

**1. THE APPLICATION IS APPROVED BY:**

**A. EACH COMMUNITY ASSOCIATION REPRESENTING THE AREA;**

**B. EACH BUSINESS ASSOCIATION IN THE AREA; AND**

**C. THE ORDAINED LEADER AND THE BOARD OR COUNCIL FOR EACH PLACE OF WORSHIP THAT IS WITHIN 300 FEET OF THE PROPOSED LOCATION OF THE ESTABLISHMENT FOR WHICH THE LICENSE TRANSFER IS SOUGHT; AND**

**2. A MEMORANDUM OF UNDERSTANDING IS EXECUTED BY THE APPLICANT FOR THE LICENSE TRANSFER AND EACH COMMUNITY ASSOCIATION IN THE AREA.**

**(B) 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(1) THIS SUBSECTION:**

**(I) APPLIES ONLY IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT; AND**

**(II) DOES NOT APPLY TO A LICENSED RESTAURANT IN:**

**1. WARD 4, PRECINCT 1;**

**2. WARD 22, PRECINCT 1;**

**3. A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT AS APPROVED BY THE MAYOR AND CITY COUNCIL IN ORDINANCE 04-697 ON JUNE 23, 2004; OR**

**4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET, NORTH ON RACE STREET TO SELDNER PLACE, THEN EAST ON SELDNER PLACE TO CLARKSON STREET, THEN NORTH ON CLARKSON STREET TO WEST CROSS STREET, THEN EAST ON WEST CROSS STREET TO SOUTH HANOVER STREET, THEN NORTH ON SOUTH HANOVER STREET TO RACE STREET (ALSO KNOWN AS WINTER STREET), THEN WEST/SOUTHWEST ON RACE STREET TO WEST CROSS STREET, THEN WEST ON WEST CROSS STREET TO LEADENHALL STREET, THEN SOUTH ON LEADENHALL STREET TO WEST OSTEND STREET, THEN EAST ON WEST OSTEND STREET BACK TO THE INTERSECTION OF WEST OSTEND STREET AND RACE STREET.**

**(2) THE BOARD MAY NOT ISSUE OR APPROVE THE TRANSFER OF A LICENSE IF THE LICENSED PREMISES WOULD BE:**

**(I) WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL; OR**

**(II) CLOSER TO THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL THAN THE LICENSED PREMISES WAS ON JUNE 1, 2004.**

**(3) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)4 OF THIS SUBSECTION ONLY IF THE BOARD:**

**(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)4 OF THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND**

**(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH (1)(II)4 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–204.1(f)(1) and (6) and 9–204.3(a), (b), and (d).

Throughout this section, the references to a “place of worship” are substituted for the former narrower references to a “church” to conform to the terminology used throughout this article.

In subsection (a)(1)(i) and (ii) of this section, the former references to a building “located” within a certain number of feet of the nearest point of a building of a place of worship or school are deleted as surplusage.

In subsection (a)(1)(i) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”. Similarly, in subsection (a)(1)(ii) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted.

In the introductory language of subsection (a)(2) of this section, the former reference to licenses specified in this subsection “which may be issued within the 300 feet limitation” is deleted as surplusage.

In subsection (a)(2)(i) and (ii) of this section, the references to “outside” the 46th Legislative District are substituted for the former references to “[e]xcept in” the 46th Legislative District for clarity.

In subsection (a)(4)(ii)1C of this section, the reference to the “ordained leader” for each place of worship is substituted for the former narrower reference to the “pastor” for each place of worship for accuracy.

Also in subsection (a)(4)(ii)1C of this section, the former reference to the board “of directors” or “pastoral” council for each place of worship is deleted as surplusage.

In the introductory language of subsection (b)(2) and (3) of this section, the references to the Board “approving the” transfer “of” a license are added for accuracy.

In the introductory language of subsection (b)(3) of this section, the former reference to a “proposed” establishment is deleted as surplusage.

Former Art. 2B, § 9–204.3(c), which authorized the governing body of a church to waive restrictions contained in this section for a certain cafe or restaurant, is deleted as obsolete. The license for which the waiver was created has long since been issued.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the Attorney General, in the Bill Review Letter dated April 28, 2014, for S.B. 846 (Ch. 346)/H.B. 831 (Ch. 314) of 2014, found that former Art. 2B, § 9–204.3(d)(2)(i)3, revised as subsection (a)(4)(ii)1C of this section, is unconstitutional under the Establishment Clause of the First Amendment to the United States Constitution and cannot be given effect. The provision, in conditioning the waiver of certain distance restrictions applicable to the transfer of specified licenses on approval by places of worship, would result in an unconstitutional entanglement of religious organizations with the

operations of State government. The General Assembly may wish to consider amending subsection (a)(4)(ii)1 of this section to repeal this unconstitutional provision.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 12–101

**12–1606. RESERVED.**

**12–1607. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**12–1608. ADDITIONAL CLASS B LICENSES FOR APARTMENTS OR HOTELS.**

**A HOLDER OF A CLASS B (ON–SALE – HOTELS AND RESTAURANTS) BEER, WINE, AND LIQUOR LICENSE MAY BE ISSUED:**

**(1) NOT MORE THAN THREE ADDITIONAL CLASS B (ON–SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR AN APARTMENT HOUSE WITH AT LEAST 150 APARTMENTS; OR**

**(2) NOT MORE THAN FIVE ADDITIONAL CLASS B (ON–SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES FOR A HOTEL WITH AT LEAST 100 ROOMS.**

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

In the introductory language of this section, the former phrase “[n]otwithstanding any other provisions of this section,” is deleted as surplusage.

Also in the introductory language of this section, the former phrase “by making application in the regular manner and paying the usual fee” is deleted as an unnecessary statement of common practice.

In item (2) of this section, the former reference to “premises operated as a public” hotel is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Wine” § 1–101

**12-1609. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.****(A) IN GENERAL.****THE BOARD MAY:**

**(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION, ISSUE AN ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE FOR PREMISES USED AS A RESTAURANT THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO THE HOLDER OF A CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) DEFINE “RESTAURANT” BY REGULATION.**

**(B) RESTAURANT REQUIREMENTS.**

**(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES; AND**

**(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

**(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.**

**(C) MAXIMUM NUMBER OF LICENSES PER PERSON.**

**THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.**

**(D) ON-PREMISES CONSUMPTION ONLY.**

**ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3A)(3) and, as it related to Baltimore City, (1) and (2).

In subsection (a) of this section, the phrase “[t]he Board may” issue an additional license is added for clarity.

In subsection (a)(1) of this section, the phrase “subject to subsection (c) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section,” for accuracy.

Also in subsection (a)(1) of this section, the former references to a “bona fide” restaurant are deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “by making application in the regular manner and paying the usual fee” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “partnership, corporation, unincorporated association, or limited liability company” for brevity and consistency within the article.

Also in subsection (c) of this section, the phrase “[t]he Board may not issue” is substituted for the former phrase “[n]othing contained herein shall permit” for clarity.

In subsection (d) of this section, the former phrase “with no off–sale privileges to be exercised therewith” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “restricted” is deleted as included in the reference to “limited”.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“Person” § 1–101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **12–1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO §§ 12-1702, 12-1703, 12-1705, 12-1706, 12-1707, AND 12-1708 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 12-1704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “City” § 12-101

“License” § 1-101

**12-1702. NOTICE, PROTEST, AND HEARING PROCEDURES ON LICENSE TRANSFERS.**

**(A) NOTICE AND HEARING PROCEDURES.**

**THE BOARD SHALL PROVIDE NOTICE FOR A PUBLIC HEARING AS PROVIDED IN § 12-1506 OF THIS TITLE ON AN APPLICATION FOR A LICENSE TRANSFER IF:**

**(1) THE TRANSFER INCLUDES A TRANSFER OF LOCATION;**

**(2) THE PREMISES HAVE BEEN CLOSED FOR MORE THAN 90 DAYS**

**UNLESS:**

**(I) THE TRANSFER IS DUE TO AN ACTION OF A CREDITOR; OR**

**(II) THE CLOSING IS CAUSED BY FIRE, CASUALTY, OR ACT OF GOD; OR**

**(3) FOR AN ESTABLISHMENT IN OPERATION, THE HEARING IS REQUESTED BY AT LEAST 10 RESIDENTS IN THE IMMEDIATE AREA OF THE ESTABLISHMENT.**



**(B) PROTEST PROCEDURES.**

**(1) SECTION 12-1508 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A LICENSE TRANSFER FOR THE SAME PREMISES UNLESS THE LICENSE TO BE TRANSFERRED IS OF A BROADER SCOPE OR MORE PERMISSIVE CLASS THAN THE LICENSE PRESENTLY ISSUED FOR THE SAME PREMISES.**

**(2) SECTION 12-1509 OF THIS TITLE APPLIES TO AN APPLICATION FOR A LICENSE TRANSFER.**

**(C) FACTORS IN DECIDING ON APPLICATION FOR TRANSFER.**

**THE BOARD SHALL USE THE FACTORS SPECIFIED IN § 4-210(A) AND (B) OF THIS ARTICLE IN DECIDING WHETHER TO APPROVE AN APPLICATION FOR A LICENSE TRANSFER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(e)(3), (2)(iv) and (v), the second and third sentences of (1), and, as they related to license transfers, (2)(i) and § 16-301(b).

In the introductory language of subsection (a) of this section, the reference to the requirement that the Board “provide notice for a public hearing as provided in § 12-1506 of this title on an application for a license transfer” is substituted for the former references to the requirements that “[o]n receipt of an application for ... a transfer of a license ...” the Board shall “advertise and post notice of the application or request in accordance with this paragraph” and the Board shall “hold a public hearing on the transfer of ownership of a license” for brevity and in light of the reorganization of this article. The remainder of Art. 2B, 10-202(e)(1) is revised in § 12-1506 of this title.

In subsection (b)(1) of this section, the reference to “[s]ection 12-1508 of this title” is substituted for the former references to “[t]his subsection” to reflect the revision of the remainder of former Art. 2B, § 10-202(e)(1) in § 12-1508 of this title. Similarly, in subsection (b)(2) of this section, a cross-reference to “[s]ection 12-1509 of this title” is substituted for former Art. 2B, § 16-301(b), as it related to license transfers, to reflect the revision of the remainder of § 16-301(b), as it related to the issuance of licenses, in § 12-1509 of this title.

Defined terms: “Board” § 12-101  
 “License” § 1-101

**12-1703. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE CITY OR THE STATE ARE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(2).

The phrase “[t]he Board may not allow the transfer of a license unless” is substituted for the former phrase “[a] transfer of any license may only be made as authorized in subsection (a) of this section if” for brevity and clarity.

The reference to a requirement to show that “all personal property taxes due the City or the State are paid” is substituted for the former requirement to show that “there are no unpaid taxes on the merchandise, fixtures, or stock of the transferor due to the City of Baltimore or the State of Maryland” for clarity and consistency. *See, e.g.* § 12–1502 of this article.

Former Art. 2B, § 10–503(d)(1), which stated that former Art. 2B, § 10–503(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“State” § 1–101

## **12–1704. FEE.**

### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE FEE FOR A TRANSFER OF A LICENSE IS \$200, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE AND ANY HEARING FEES REQUIRED.**

### **(B) ONE ASSIGNMENT OR TRANSFER WITHOUT CHARGE.**

**A CLASS C LICENSE HOLDER MAY TRANSFER ONE LICENSE DURING A LICENSE YEAR WITHOUT PAYING A FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(3).

In subsection (a) of this section, the former reference to an “assignment” is deleted as included in the reference to a “transfer”. Similarly, in subsection (b) of this section, the former reference to “assign[ing]” one license is deleted as included in the reference to “transfer[ring]” one license.

Defined term: “License” § 1–101

**12–1705. TRANSFER TO BE COMPLETED IN 180 DAYS.**

**A TRANSFER OF A LICENSE SHALL BE COMPLETED ON OR BEFORE 180 DAYS AFTER THE BOARD APPROVES THE TRANSFER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(d)(4).

Defined terms: “Board” § 12–101  
“License” § 1–101

**12–1706. TRANSFERS INTO SPECIFIED AREAS PROHIBITED.**

**(A) AREA BOUNDED BY 25TH STREET, CENTRE STREET, HOWARD STREET, AND GUILFORD AVENUE.**

**THE BOARD MAY NOT TRANSFER A LICENSE INTO THE AREA BOUNDED BY TWENTY–FIFTH (25TH) STREET ON THE NORTH, CENTRE STREET ON THE SOUTH, HOWARD STREET ON THE WEST, AND GUILFORD AVENUE ON THE EAST.**

**(B) VARIOUS PRECINCTS IN WARDS 1, 23, AND 24.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY NOT TRANSFER A LICENSE INTO:**

**(I) WARD 1, PRECINCTS 4 AND 5;**

**(II) WARD 23, PRECINCT 1; OR**

**(III) WARD 24, PRECINCT 5.**

**(2) THE BOARD MAY ALLOW THE TRANSFER OF ONE CLASS D LICENSE INTO THE RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR SILO POINT LOCATED IN WARD 24, PRECINCT 5 WHICH WAS ENACTED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY IN ORDINANCE 04–697 ON JUNE 23, 2004, IF THE CLASS D LICENSE HOLDER OPERATES THE ESTABLISHMENT IN ACCORDANCE WITH THE PROVISIONS OF ORDINANCE 04–697.**

**(3) (I) THE BOARD MAY ALLOW THE TRANSFER OF NOT MORE THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES, SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED IS TWO, INTO THE AREA OF 829 THROUGH 919 E. FORT AVENUE ONLY IF:**

**1. THE BOARD HAS EXECUTED A MEMORANDUM OF UNDERSTANDING BETWEEN THE COMMUNITY ASSOCIATIONS IN RIVERSIDE AND LOCUST POINT REGARDING THE NATURE OF THE PROPOSED ESTABLISHMENT; AND**

**2. THE BOARD ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER § 12-1604 OF THIS TITLE AND SEEKS TO TRANSFER THE LICENSE.**

**(II) THE BOARD MAY NOT ALLOW A LICENSE TO BE TRANSFERRED OUT OF THE AREA DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AND INTO ANY OTHER AREA OF WARD 24, PRECINCT 5.**

**(C) 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE BOARD MAY NOT AUTHORIZE:**

**(1) THE TRANSFER OF ANY LICENSE INTO THE 46TH ALCOHOLIC BEVERAGES DISTRICT;**

**(2) THE TRANSFER OF A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE TO ANOTHER LOCATION WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT; OR**

**(3) A CHANGE OF CLASSIFICATION OF A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE WITHIN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(D) OTHER PROHIBITED TRANSFERS; EXCEPTIONS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE MAY NOT BE TRANSFERRED INTO OR WITHIN:**

**(I) WARD 1, PRECINCTS 2 AND 3;**

**(II) WARD 2 IN ITS ENTIRETY;**

**(III) WARD 3, PRECINCT 3; AND**

**(IV) WARD 26, PRECINCTS 3 AND 10.**

**(2) THIS SUBSECTION DOES NOT APPLY TO AN APPLICATION FOR A NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE NEW LICENSE OR TRANSFER IS FOR:**

**(I) A HOTEL;**

**(II) AN ESTABLISHMENT LOCATED IN A PLANNED UNIT DEVELOPMENT IF THE APPLICATION FOR THE PLANNED UNIT DEVELOPMENT WAS FILED OR APPROVED BEFORE DECEMBER 31, 1995;**

**(III) AN ESTABLISHMENT LOCATED IN AN AREA GOVERNED BY 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;**
- (3) THE 43RD ALCOHOLIC BEVERAGES DISTRICT;**
- (4) THE 44TH ALCOHOLIC BEVERAGES DISTRICT; AND**
- (5) THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

**(C) EXCEPTION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A LICENSE OF ANY CLASS MAY NOT BE TRANSFERRED INTO THE AREAS DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

**(2) A LICENSED DRUGSTORE MAY TRANSFER THE LICENSE INTO THE 45TH ALCOHOLIC BEVERAGES DISTRICT.**

**(3) ONE CLASS B-D-7 LICENSE ISSUED FOR A PROPERTY SURROUNDED BY WEST PRESTON STREET ON THE NORTH, MORTON STREET ON THE EAST, WEST BIDDLE STREET ON THE SOUTH, AND MARYLAND AVENUE ON THE WEST MAY BE TRANSFERRED TO A PROPERTY SURROUNDED BY WEST EAGER STREET AND EAST EAGER STREET ON THE NORTH, LOVEGROVE STREET ON THE EAST, WEST READ STREET AND EAST READ STREET ON THE SOUTH, AND MORTON STREET ON THE WEST.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-204.1(c), (e), and (d)(1)(i) through (v).

Former Art. 2B, § 9–204.1(a), which defined “Board” for purposes of this section, is deleted as redundant of the defined term “Board” in § 12–101 of this title.

Former Art. 2B, § 9–204.1(b), which stated that former Art. 2B, § 9–204.1 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–204.1(h)(8), which stated that the Board may adopt regulations to carry out former Art. 2B, § 9–204.1, is deleted as redundant of § 9–210 of this article.

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

**12–1708. TRANSFER INTO SPECIFIED AREAS PROHIBITED.**

**(A) CLASS A OR CLASS D LICENSES.**

**A CLASS A (OFF–SALE) OR CLASS D (ON– AND OFF–SALE) LICENSE MAY NOT BE TRANSFERRED INTO THE AREA THAT IS BOUNDED:**

**(1) ON THE NORTH BY THIRTY–NINTH (39TH) STREET, THEN FOLLOWING ELLERSLIE AVENUE, THEN FOLLOWING CHESTNUT HILL AVENUE;**

**(2) ON THE EAST BY LOCH RAVEN BOULEVARD, THEN FOLLOWING WALPERT AVENUE, THEN FOLLOWING HOMEWOOD AVENUE;**

**(3) ON THE SOUTH BY NORTH AVENUE; AND**

**(4) ON THE WEST BY HOWARD STREET, THEN FOLLOWING ART MUSEUM DRIVE, THEN FOLLOWING NORTH CHARLES STREET.**

**(B) CLASS A LICENSES.**

**A CLASS A LICENSE MAY NOT BE TRANSFERRED TO AN ESTABLISHMENT:**

**(1) ON YORK ROAD IN THE AREA BOUNDED BY NORTHERN PARKWAY ON THE NORTH AND GREENMOUNT AVENUE ON THE SOUTH; OR**

**(2) LOCATED IN THE 400 BLOCK OF EAST BELVEDERE AVENUE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–204.1(i)(1) and, as it related to the transfer of a license, (g).

In the introductory language of subsection (b) of this section, the former phrase “[b]eginning July 1, 2015,” is deleted as obsolete.

Also in the introductory language of subsection (b) of this section, the former reference to an “existing” Class A license is deleted as surplusage.

Defined terms: “License” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

## **12–1709. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 12–1504 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY TRANSFER EACH LICENSE TO A SIMILAR TYPE OF BUSINESS ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 9–301(5)(i).

The phrase “[n]otwithstanding § 12–1504 of this title” is substituted for the former phrase “[n]othing in this section applies to or affects” to reflect the revision of the first sentence of former Art. 2B, § 9–301(5)(i) in § 12–1504 of this title.

The reference to a person who “may transfer” a license is substituted for the former reference to the “possibility of such licensee having the license transferred” for clarity.

Defined terms: “License” § 1–101

“Person” § 1–101

## **12–1710. TRANSFER OF LICENSE FOR USE ON SAME LOCATION AS ANOTHER LICENSE.**

**A PERSON MAY TRANSFER A LICENSE TO A HOLDER OF ANOTHER LICENSE THAT ALREADY EXISTS FOR USE ON THE SAME LOCATION IF:**

**(1) NO PROVISION OF THIS ARTICLE PROHIBITS THE LICENSE FROM BEING TRANSFERRED TO THE LOCATION;**

**(2) THE BOARD:**



**(I) DETERMINES THAT THE EXISTING LICENSE IS INOPERATIVE; AND**

**(II) 1. REVOKES THE EXISTING LICENSE WITHIN 180 DAYS AFTER THE EFFECTIVE DATE OF THE TRANSFER; OR**

**2. APPROVES THE TRANSFER OF THE EXISTING LICENSE TO A NEW HOLDER AND LOCATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–2)(2) and (3).

In the introductory language of this section, the former phrase “[n]otwithstanding any other provision of this section, and subject to the provisions of paragraph (3) of this subsection” is deleted as unnecessary in light of the organization of this revised article.

Also in the introductory language of this section, the former reference to a license “of any class” is deleted as unnecessary.

In item (1) of this section, the former reference to the location “in which the license is to be transferred” is deleted for brevity.

In item (2)(i) and (ii)1 of this section, former references to the existing license “at the location” are deleted as unnecessary.

In item (2)(i) of this section, the phrase “is inoperative” is substituted for the former phrase “is held in inoperative status” for brevity.

Defined terms: “Board” § 12–101  
“License” § 1–101  
“Person” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**12–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**

- (2) § 4-403 (“RENEWAL APPLICATION”);
- (3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);
- (4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);
- (5) § 4-409 (“MULTIPLE LICENSES”); AND
- (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

**(B) EXCEPTION.**

**SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12-1802 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO §§ 12-1803 AND 12-1804 OF THIS SUBTITLE; AND**

**(2) § 4-406 (“PROTESTS”), SUBJECT TO § 12-1805 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “City” § 12-101  
 “License” § 1-101

**12-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN MARCH 1 AND MARCH 31, INCLUSIVE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(j)(2)(i).

Defined terms: “Board” § 12-101  
 “License” § 1-101

“License holder” § 1-101

**12-1803. CONTENTS OF RENEWAL APPLICATION — SPECIFIED TRANSFERRED LICENSES.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A LICENSE THAT IS ISSUED IN, TRANSFERRED INTO, OR TRANSFERRED TO A DIFFERENT LOCATION WITHIN THE FOLLOWING AREAS OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT IF THE APPLICATION FOR THE ISSUANCE OR TRANSFER WAS RECEIVED BY THE BOARD AFTER DECEMBER 31, 1995:**

- (1) WARD 1, PRECINCTS 2, 3, 4, AND 5;**
- (2) WARD 2, IN ITS ENTIRETY;**
- (3) WARD 3, PRECINCT 3; AND**
- (4) WARD 26, PRECINCT 10.**

**(B) SEATING CAPACITY RATING.**

**A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION A COPY OF THE VALID SEATING CAPACITY RATING ISSUED BY THE BALTIMORE CITY FIRE DEPARTMENT FOR THE LICENSED PREMISES.**

**(C) SALES OF FOOD AND ALCOHOLIC BEVERAGES.**

**(1) IF THE SEATING CAPACITY RATING FOR THE LICENSED PREMISES EXCEEDS 150 PERSONS, THE BOARD MAY REQUIRE THE LICENSE HOLDER TO SUBMIT WITH THE LICENSE RENEWAL APPLICATION AN ACCOUNTING OF THE GROSS SALES FOR THE PREVIOUS LICENSE YEAR.**

**(2) THE ACCOUNTING DESCRIBED IN THIS SUBSECTION SHALL:**

**(I) BE IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND**

**(II) AT A MINIMUM, SPECIFY SEPARATE FIGURES FOR:**

**1. TOTAL SALES, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, OR OTHER SALES NOT DIRECTLY RELATED TO FOOD OR BEVERAGES;**

**2. ALCOHOLIC BEVERAGES SALES; AND****3. FOOD SALES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(j)(3).

In subsections (b) and (c) of this section, the references to licensed “premises” are substituted for the former references to a licensed “establishment[s]” for clarity and consistency within this revised article.

In subsection (b) of this section, the reference to “seating capacity rating” is substituted for the former reference to “capacity rating” for clarity and consistency within this section.

In subsection (c) of this section, the reference authorizing the Board to require a license holder to “submit with the license renewal application” an accounting is substituted for the former reference authorizing the Board to require a license holder to “obtain” an accounting to state expressly what was only implied in the former law.

Also in subsection (c) of this section, the reference to the “previous” license year is substituted for the former reference to the “license year immediately preceding the filing of the license renewal application” for clarity and brevity.

Also in subsection (c) of this section, the former reference to separate figures “for each of the following” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**12–1804. CONTENTS OF RENEWAL APPLICATION — SPECIFIED RESTAURANTS.****(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A LICENSE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT IN THE 46TH ALCOHOLIC BEVERAGES DISTRICT.**

**(B) CONTENTS OF APPLICATION.**

**A LICENSE HOLDER SHALL FILE WITH A LICENSE RENEWAL APPLICATION:**

- (1) A STATEMENT THAT VERIFIES AVERAGE DAILY RECEIPTS; AND**
- (2) AN AFFIDAVIT OF A LICENSED CERTIFIED PUBLIC ACCOUNTANT THAT VERIFIES COMPLIANCE WITH § 12-903(C)(2)(II)1 OR (3)(III) OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(d)(1)(viii)2 and, as it related to the renewal of a Class B beer, wine, and liquor license for use in a restaurant in the 46th Alcoholic Beverages District, 1.

In the introductory language of subsection (b) of this section, the former word "annually" is deleted as unnecessary in light of the requirement under § 12-1802 of this subtitle that a renewal application be filed annually.

Also in the introductory language of subsection (b) of this section, the reference to the requirement that a license holder shall file "with a license renewal application" is substituted for the former reference to the requirement that a license holder "at the time the license is renewed" shall file "with the Board" for brevity.

Defined terms: "Beer" § 1-101  
 "License holder" § 1-101  
 "Restaurant" § 12-101  
 "Wine" § 1-101

**12-1805. LIMITATIONS ON PROTESTS.**

**TO HEAR AND DETERMINE A PROTEST FILED AGAINST A LICENSE RENEWAL, THE BOARD:**

- (1) SHALL CONSIDER ONLY ISSUES WITH RESPECT TO A SPECIFIC COMPLAINT AS TO THE OPERATION OF THE LICENSED PREMISES; AND**
- (2) MAY NOT CONSIDER ZONING ISSUES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(v).

In item (1) of this section, the reference that requires the Board to only "consider ... issues with respect to" a specific complaint is added for clarity.

In item (2) of this section, the reference that states that the Board may not "consider zoning issues" is added for clarity.

Also in item (2) of this section, the reference to a determination based on “zoning issues” is substituted for the former reference to a determination “in regard to zoning” for clarity.

Also in item (2) of this section, the former reference to a determination based on zoning “as in the case of original application” is deleted as unnecessary.

Defined terms: “Board” § 12–101  
 “License” § 1–101

**12–1806. DENIAL RESULTING FROM PROTEST OF OWNERS OR OWNERS AND TENANTS NOT APPLICABLE TO RENEWAL OF LICENSE.**

**SECTION 12–1508 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A LICENSE FOR THE SAME PREMISES BY WAY OF RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(e)(1), as it applied to the renewal of a license.

Defined term: “License” § 1–101

**12–1807. PAYMENT OF TAXES.**

**SECTION 12–2103 OF THIS TITLE APPLIES TO A HOLDER OF A LICENSE THAT HAS BEEN RENEWED.**

REVISOR’S NOTE: This section is new language added as a convenient reference to the requirement that a license holder present to the Board a certificate showing that there are no unpaid taxes on the merchandise, fixtures, or inventory of the license holder due to the City or State.

Defined term: “License” § 1–101

**12–1808. FEES.**

**(A) RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE DIRECTOR OF FINANCE IN ADDITION TO THE LICENSE FEE.**

**(B) LATE FILING FEE.**

**A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES AFTER MARCH 31 MAY BE:**

**(1) REJECTED; OR**

**(2) SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(j)(2)(ii) and (iii).

In subsection (a) of this section, the phrase "in addition to the license fee" is added to state expressly that which only was implied in the former law.

Also in subsection (a) of this section, the former reference to a license "issued by the Board" is deleted as unnecessary.

In subsection (b)(2) of this section, the reference to late charges "up to a maximum amount" of \$1,500 is added for clarity.

Also in subsection (b)(2) of this section, the former reference to a late charge for each day the application is "filed" late is deleted for clarity, consistency, and accuracy. A person filing late would do so only on one particular day, and thus the fine would always be \$50. This result contradicts the obvious intent of the provision to provide a possible fine for multiple late days, and is inconsistent with the terminology used in similar provisions in this revision.

Defined terms: "Board" § 12-101  
"License" § 1-101

**12-1809. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiv)2.

Defined term: "License" § 1-101

**12-1810. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 12-1503 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER,**

**WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(3), as it related to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 12-1503 of this title,” is added to clarify that this section is an exception to § 12-1503.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 12-101

“State” § 1-101

“Wine” § 1-101

**12-1811. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 12-1504 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-301(5)(i), as it related to the renewal of a license.

The phrase “[n]otwithstanding § 12-1504 of this title,” is added to clarify that this section is an exception to § 12-1504.

Defined term: “Person” § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**12-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**



**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 12-1903 OF THIS SUBTITLE; AND**
- (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 12-1904 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
“City” § 12-101  
“License” § 1-101  
“License holder” § 1-101

**12-1902. DUPLICATE LICENSES.**

**(A) ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS.**

**AN ESTABLISHMENT WITH MULTIPLE PUBLIC AREAS IN WHICH ALCOHOLIC BEVERAGES ARE SOLD SHALL DISPLAY A DUPLICATE LICENSE IN EACH AREA.**

**(B) DUPLICATE LICENSE FEE.**

**THE FEE FOR A DUPLICATE LICENSE IS \$20.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-502(c)(2) and (3).

Former Art. 2B, § 10-502(c)(1), which stated that the provisions of § 10-502(c) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

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

**12-1903. EMPLOYMENT OF UNDERAGE INDIVIDUALS.****A LICENSE HOLDER:**

(1) MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; AND

(2) MAY NOT EMPLOY OR ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO:

(I) SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES; OR

(II) PROVIDE ENTERTAINMENT ON THE LICENSED PREMISES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(2).

The references to an "individual" are substituted for the former references to a "person" because this section concerns only human beings.

Defined terms: "Alcoholic beverage" § 1-101  
 "License holder" § 1-101

**12-1904. ALCOHOL AWARENESS PROGRAM.**

(A) APPLICABLE TO UNLICENSED ESTABLISHMENTS.

THE ALCOHOL AWARENESS PROGRAM ALSO APPLIES TO AN UNLICENSED ESTABLISHMENT THAT IS COVERED UNDER SUBTITLE 25 OF THIS TITLE.

(B) DUTIES OF OWNER OR DESIGNATED EMPLOYEE.

**AN OWNER OF AN UNLICENSED ESTABLISHMENT OR INDIVIDUAL WHO IS DESIGNATED BY THE OWNER AND EMPLOYED IN A SUPERVISORY CAPACITY IS REQUIRED TO BE:**

- (1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**
- AND**
- (2) PRESENT WHEN ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(b)(1)(iv) and (c)(4).

In the introductory language of subsection (b) of this section, the reference to an “unlicensed establishment” is substituted for the former obsolete reference to a “bottle club”.

Also in the introductory language of subsection (b) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined term: “Alcoholic beverage” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**12–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY LAW OR REGULATION, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:**

- (I) IN A PREMISES LICENSED UNDER THIS TITLE; OR**
- (II) IN A PLACE, WHETHER IT HAS ANY OTHER LICENSE, IF ANY FORM OF LIVE OR RECORDED ENTERTAINMENT IS OFFERED AT THE PLACE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES OR PLACE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–305(b)(1), (c), and (e) and 11–304(a)(1) and, as it related to Baltimore City, (2).

In subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public accommodation, or any place at which setups or other component parts of mixed alcoholic drinks are sold” for brevity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not more than \$50 and not less than \$5” is deleted as obsolete in light of the penalty imposed under former Art. 2B, § 11–305(e), which is revised in subsection (b) of this section.

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

**12–2002. BEER LICENSES.**

**RESERVED.**

**12–2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY:**

**1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS IN THE CITY; AND**

**(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING DAY AND NEW YEAR'S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER 30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.**

**(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FOR OFF-PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING THE CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.**

**(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.**

**(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.**

**(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND LIGHT WINE LICENSE.**

**EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(1) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**(2) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(1) and (2), (b)(1) and (2), (c)(1) and (2), (d)(1) and (2), and (j) and 11-403(a)(3).

Throughout this section, the phrase "[e]xcept as provided in § 12-2005 of this subtitle" is added for clarity.

In subsections (a)(1)(i)2, (b)(1)(ii), (c)(1)(ii), and (d)(2) of this section, the phrase "in all other locations of the City" is added for clarity.

In subsection (a)(1)(ii) of this section, the reference to each "Sunday" is substituted for the former reference to each "day" in light of the fact that the privilege under subsection (a)(1)(ii) is one that may be exercised only on Sundays.

Also in subsection (a)(1)(ii) of this section, the former reference to an "additional" privilege is deleted as surplusage.

In subsections (b)(2) and (c)(2) of this section, the references to “beer and light wine” are substituted for the former references to “alcoholic beverages” for clarity.

Defined terms: “Beer” § 1–101

“City” § 12–101

“License holder” § 1–101

“Wine” § 1–101

**12–2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY:**

**1. FROM 9 A.M. TO MIDNIGHT IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**2. FROM 6 A.M. TO MIDNIGHT IN ALL OTHER LOCATIONS IN THE CITY; AND**

**(II) ON THE SUNDAYS THAT FALL BETWEEN THANKSGIVING DAY AND NEW YEAR’S DAY, FROM 1 P.M. TO 9 P.M., IF, ON OR BEFORE SEPTEMBER 30 OF THAT YEAR, THE LICENSE HOLDER HAS PAID A SUPPLEMENTARY LICENSE FEE OF \$75 FOR EACH SUNDAY THE PRIVILEGE IS TO BE EXERCISED.**

**(2) IN ADDITION TO THE PRIVILEGES SPECIFIED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR OFF–PREMISES CONSUMPTION ON TWO ADDITIONAL SUNDAYS DURING THE CALENDAR YEAR IF THE HOLDER PAYS A LICENSE FEE OF \$75 AT LEAST 2 WEEKS BEFORE EACH TIME THE PRIVILEGE IS EXERCISED.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 12–2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(2) IN THE 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE CITY, THE HOURS FOR SALES OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION UNDER A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE IN A RESTAURANT ARE AS PROVIDED IN § 12-903(D) OF THIS TITLE.

(3) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903(D) OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE.

EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B-D-7 BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(1) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(2) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.

(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND

(II) FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.



**(2) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE AND § 12-903 OF THIS TITLE, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR AMUSEMENT PERMIT MAY SELL ALL ALCOHOLIC BEVERAGES AT ALL HOURS EXCEPT BETWEEN 2 A.M. AND 6 A.M. EACH DAY.**

**(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 12-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY:**

**(I) FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY IN THE PARK HEIGHTS REDEVELOPMENT AREA THAT IS SPECIFIED IN THE PARK HEIGHTS MASTER PLAN ADOPTED BY THE CITY IN 2006; AND**

**(II) FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY IN ALL OTHER LOCATIONS IN THE CITY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION AND § 12-2007(B) OF THIS SUBTITLE, THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES OF THE LICENSE WITHOUT AN AMUSEMENT PERMIT FROM 1 A.M. ON SUNDAY TO 6 A.M. THE FOLLOWING DAY.**

**(3) (I) THE BOARD MAY ISSUE A SUPPLEMENTAL LICENSE NOT MORE THAN FOUR TIMES DURING A CALENDAR YEAR TO THE LICENSE HOLDER AUTHORIZING THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM 6 A.M. ON SUNDAY TO 1 A.M. THE FOLLOWING DAY.**

**(II) THE FEE FOR THE SUPPLEMENTAL LICENSE IS \$75 PER ISSUANCE AND IS IN ADDITION TO THE ANNUAL FEE FOR THE UNDERLYING CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(III) A HOLDER OF A SUPPLEMENTAL LICENSE SHALL NOTIFY THE BOARD AT LEAST 2 WEEKS IN ADVANCE OF EXERCISING THE PRIVILEGES UNDER THE SUPPLEMENTAL LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-503, 8-203(d)(3), 11-303(a)(1) and (2)(ii), (b)(1), (4), and (5), (c)(1), (d)(1) and (2), and (g), and 11-403(a)(3).

In subsections (b)(3), (d)(2), and (f)(3)(i) of this section, the references to the sale of "beer, wine, and liquor" are substituted for the former references to the sale of "alcoholic beverages" for clarity.

In subsection (f)(2) of this section, the prohibition against a license holder "exercis[ing] the privileges of the license" during certain hours is substituted for the former prohibition against "sales" of alcoholic beverages during certain hours for clarity and consistency within this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(2) of this section refers to the "47th alcoholic beverages district" [which coincides with the 47th legislative district]. However, there is no longer a 47th legislative district in Baltimore City.

Defined terms: "Beer" § 1-101

"Board" § 12-101

"City" § 12-101

"License" § 1-101

"License holder" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

## **12-2005. RESTRICTIONS OF HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **(A) BY COURT ORDER.**

**(1) IN RESPONSE TO A COMPLAINT, THE BOARD MAY PETITION THE CIRCUIT COURT FOR A TEMPORARY ORDER THAT, ON A LICENSE HOLDER'S PREMISES, LIMITS THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF:**

**(I) BEER;**

**(II) BEER AND LIGHT WINE; OR**

**(III) BEER, WINE, AND LIQUOR.**

**(2) THE COURT MAY ISSUE THE ORDER IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:**

**(I) THE ACTIVITIES ARISING FROM THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES HAVE RESULTED IN AN EXTREME AND CONTINUING DISTURBANCE TO A RESIDENTIAL COMMUNITY;**

**(II) THE LICENSE HOLDER HAS FAILED TO EXERCISE GOOD FAITH IN ATTEMPTING TO REMEDY THE DISTURBANCE AT THE REQUEST OR ORDER OF THE BOARD; AND**

**(III) THE BOARD HAS BEEN UNABLE TO PROVIDE RELIEF TO THE RESIDENTIAL COMMUNITY BY EXERCISING ITS AUTHORITY TO SUSPEND THE LICENSE OR REPRIMAND THE LICENSE HOLDER.**

**(3) THE DURATION OF THE ORDER MAY NOT EXCEED THE DURATION OF THE LICENSE TERM.**

**(4) THE ORDER SHALL BE STAYED PENDING APPEAL FROM THE ORDER.**

**(5) THIS SECTION DOES NOT LIMIT ANY OTHER POWERS OF THE BOARD.**

**(B) BY BOARD REGULATION.**

**(1) THIS SECTION APPLIES ONLY IN THE CITY ON THE INNER PERIMETER OF A RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH, GREENMOUNT AVENUE ON THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY STREET ON THE WEST.**

**(2) BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF:**

**(I) BEER;**

**(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.

Former Art. 2B, § 11–402(d)(1), which stated that former Art. 2B, § 11–402(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage”

“License” § 1–101

**12-2007. AFTER-HOURS ACTIVITY PROHIBITED IN LICENSED PREMISES; EXEMPTIONS.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSED PREMISES SHALL END ALL OPERATIONS, INCLUDING THE SERVING OF ALCOHOLIC BEVERAGES AND FOOD AND PROVIDING ENTERTAINMENT, AT THE CLOSING HOUR FOR THAT CLASS OF LICENSED PREMISES SPECIFIED IN THIS TITLE.**

**(B) EXEMPTIONS.**

**(1) THE BOARD MAY GRANT AN EXEMPTION FOR REMAINING OPEN AFTER HOURS TO:**

**(I) A HOLDER OF A CLASS B RESTAURANT LICENSE, ONLY FOR SERVING FOOD TO PATRONS SEATED FOR DINING;**

**(II) A PHARMACY THAT FILLS PRESCRIPTIONS; OR**

**(III) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE THAT OPERATES A RESTAURANT, IF:**

**1. IT IS USED ONLY FOR SERVING FOOD TO PATRONS SEATED IN A DINING ROOM THAT IS NOT ADJACENT TO A BAR; AND**

**2. THE RESTAURANT IS LOCATED IN THE 46TH LEGISLATIVE DISTRICT IN THE LEGISLATIVE DISTRICTING PLAN OF 2002 AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(2) A PHARMACY THAT RECEIVES AN EXEMPTION UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY ALSO SELL PRODUCTS OTHER THAN ALCOHOL AFTER NORMAL CLOSING HOURS.**

**(3) A HOTEL THAT HOLDS A CLASS B LICENSE AND THAT SERVES FOOD TO SEATED CUSTOMERS OR FOR PRIVATE FUNCTIONS OR GUEST ROOMS MAY CONTINUE TO PROVIDE FOOD SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(d)(2) through (5).

Former Art. 2B, § 11-304(d)(1), which stated that "[e]xcept as provided in this subsection [former Art. 2B, § 11-304 did] not apply to premises conducted on

New Year's Day by on-sale licensee in Baltimore City", is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 12-101

"Restaurant" § 1-101

"Wine" § 1-101

## **12-2008. REGISTRATION REQUIRED.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO AN OWNER, AN OPERATOR, OR A MANAGER OF ANY PREMISES OPEN TO THE PUBLIC OR OF A PLACE OF PUBLIC ACCOMMODATION WHERE:**

**(1) A FORM OF ENTERTAINMENT IS PROVIDED FROM 2 A.M. TO 6 A.M. ON ANY DAY; AND**

**(2) ALCOHOLIC BEVERAGES ARE CONSUMED AT ANY HOUR OF THE DAY.**

### **(B) IN GENERAL.**

**A PERSON SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) REGISTER WITH THE FIRE DEPARTMENT AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; AND**

**(2) COMPLY WITH ALL FEDERAL, STATE, AND CITY BUILDING, FIRE, HEALTH, AND ZONING LAWS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-305(d).

Defined terms: "Alcoholic beverage" § 1-101

"City" § 12-101

"Person" § 1-101

"State" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **12-2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

**(B) EXCEPTION.**

**SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12-2102 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-606 (“EFFECTS OF REVOCATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12-2104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “City” § 12-101

“License” § 1-101

“Local licensing board” § 1-101

**12-2102. NUDITY AND SEXUAL DISPLAYS.**

**(A) “ADULT ENTERTAINMENT” DEFINED.**

**IN THIS SECTION, “ADULT ENTERTAINMENT” MEANS:**

- (1) THE EMPLOYMENT OR USE OF AN INDIVIDUAL IN THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES WHILE THE INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING SO AS TO EXPOSE TO VIEW ANY PORTION OF THE FEMALE BREAST BELOW THE TOP OF THE AREOLA OR OF ANY PORTION OF THE PUBIC HAIR, ANUS, CLEFT OF THE BUTTOCKS, VULVA, OR GENITALS;**

**(2) THE EMPLOYMENT OR USE OF THE SERVICES OF A HOSTESS OR OTHER INDIVIDUAL TO MINGLE WITH THE PATRONS WHILE THE HOSTESS OR OTHER INDIVIDUAL IS UNCLOTHED OR IN ATTIRE, COSTUME, OR CLOTHING DESCRIBED IN ITEM (1) OF THIS SUBSECTION;**

**(3) THE ENCOURAGEMENT OF OR ALLOWING AN INDIVIDUAL ON THE LICENSED PREMISES TO CARESS OR FONDLE THE BREASTS, BUTTOCKS, ANUS, OR GENITALS OF ANY OTHER INDIVIDUAL; OR**

**(4) ALLOWING AN EMPLOYEE OR OTHER INDIVIDUAL TO WEAR OR USE A DEVICE OR COVERING EXPOSED TO VIEW THAT SIMULATES ANY PORTION OF THE BREAST, GENITALS, ANUS, OR PUBIC HAIR;**

**(5) WITH RESPECT TO ENTERTAINMENT PROVIDED:**

**(I) ALLOWING AN INDIVIDUAL TO PERFORM AN ACT OF OR ACT THAT SIMULATES:**

**1. SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;**

**2. THE CARESSING OR FONDLING OF THE BREAST, BUTTOCKS, ANUS, OR GENITALS; OR**

**3. THE DISPLAY OF THE PUBIC HAIR, ANUS, VULVA, OR GENITALS;**

**(II) SUBJECT TO ITEM (I) OF THIS ITEM, ALLOWING AN ENTERTAINER WHOSE BREASTS OR BUTTOCKS ARE EXPOSED TO PERFORM CLOSER THAN 6 FEET FROM THE NEAREST PATRON; OR**

**(III) ALLOWING AN INDIVIDUAL TO USE AN ARTIFICIAL DEVICE OR INANIMATE OBJECT TO DEPICT, PERFORM, OR SIMULATE AN ACTIVITY PROHIBITED UNDER ITEM (I) OF THIS ITEM; OR**

**(6) SHOW A MOTION PICTURE, STILL PICTURE, ELECTRONIC REPRODUCTION, OR OTHER VISUAL REPRODUCTION DEPICTING:**



(I) AN ACT OR SIMULATED ACT OF SEXUAL INTERCOURSE, MASTURBATION, SODOMY, BESTIALITY, ORAL COPULATION, FLAGELLATION, OR A SEXUAL ACT THAT IS PROHIBITED BY LAW;

(II) AN INDIVIDUAL BEING CARESSED OR FONDLED ON THE BREAST, BUTTOCKS, ANUS, OR GENITALS;

(III) A SCENE IN WHICH AN INDIVIDUAL DISPLAYS THE VULVA, ANUS, OR GENITALS; OR

(IV) A SCENE IN WHICH AN ARTIFICIAL DEVICE OR INANIMATE OBJECT IS USED TO DEPICT, OR A DRAWING IS USED TO PORTRAY, A PROHIBITED ACT DESCRIBED IN THIS SUBSECTION.

**(B) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT:**

(1) OFFERED ADULT ENTERTAINMENT AS OF MAY 31, 1993, OR THE TRANSFEREE OF THE LICENSE FOR THE SAME PREMISES IF THE TRANSFEREE CONTINUES TO OFFER ADULT ENTERTAINMENT; OR

(2) OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES, WHEN THE PERFORMANCES PRESENTED EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.

**(C) PROHIBITED.**

**THE BOARD MAY NOT AUTHORIZE AND A LICENSE HOLDER MAY NOT ALLOW ADULT ENTERTAINMENT ON THE LICENSED PREMISES OR ON ADJACENT PROPERTY OVER WHICH THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.**

**(D) ENFORCEMENT.**

**THE MAYOR AND CITY COUNCIL MAY AUTHORIZE THE BOARD TO ENFORCE THE LAWS AND REGULATIONS OF THE CITY THAT GOVERN ADULT ENTERTAINMENT BUSINESS LICENSES.**

**(E) PENALTY.**

**ON FINDING THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE BOARD SHALL REVOKE OR SUSPEND THE LICENSE OR IMPOSE A FINE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-203 and 12-203.1.

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section concerns only human beings.

In the introductory language of subsection (a) of this section, the former phrase "[w]ith respect to attire and conduct" is deleted as surplusage.

In subsection (a)(6) of this section, the former reference to "exhibit[ing]" is deleted as included in the reference to "show[ing]".

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 12-101

"City" § 12-101

"License" § 1-101

"License holder" § 1-101

### **12-2103. CERTIFICATE OF PAYMENT OF TAXES.**

#### **(A) SUSPENSION FOR FAILURE TO PROVIDE CERTIFICATE.**

**THE BOARD SHALL IMMEDIATELY SUSPEND WITHOUT A HEARING THE RENEWAL LICENSE OF A LICENSE HOLDER THAT FAILS TO PRESENT TO THE BOARD BY JUNE 30 ANNUALLY A CERTIFICATE ISSUED BY THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE TO THE CITY OR STATE ARE PAID.**

#### **(B) REINSTATEMENT ON PRESENTATION OF CERTIFICATE.**

**THE BOARD SHALL IMMEDIATELY REINSTATE A LICENSE SUSPENDED UNDER THIS SECTION WITHOUT A HEARING ON PRESENTATION OF THE REQUIRED CERTIFICATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(j)(1).

In subsection (a) of this section, the reference to suspending the license of a person "that fails" to provide specified documentation is substituted for the former reference to license suspension "unless" the person provides the documentation for clarity.

Also in subsection (a) of this section, the reference to providing documentation by June 30 “annually” is substituted for the former reference to providing documentation by June 30 “of the respective year” for clarity and consistency within this revision.

Also in subsection (a) of this section, the reference to showing that “all personal property taxes ... are paid” is substituted for the former reference to showing that “there are no unpaid taxes on the merchandise, fixtures and stock of the applicant” for clarity and brevity.

Defined terms: “Board” § 12–101

“City” § 12–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

#### **12–2104. ORDER OF REVOCATION IN EFFECT UNTIL STAY OR REVERSAL.**

**A PERSON WHOSE LICENSE HAS BEEN REVOKED BY THE BOARD MAY NOT GIVE, SERVE, OR KEEP ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED UNTIL:**

**(1) THE COURT GRANTS A STAY OF THE ORDER OF REVOCATION IN ACCORDANCE WITH § 12–2402 OF THIS TITLE; OR**

**(2) THE ORDER OF REVOCATION IS REVERSED ON JUDICIAL REVIEW.**

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

In the introductory language of this section, the former reference to “dispense” is deleted as included in the reference to “serve”.

In item (1) of this section, the reference to a stay “of the order of revocation” is added for clarity.

Also in item (1) of this section, the reference to “the court” is added for clarity.

In item (2) of this section, the reference to a “judicial review”, which describes the exercise of the power of a court to examine the decision of an administrative agency, is substituted for the former improper reference to an “appeal”, which describes the request to a higher court to review the judgment of a lower court.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 12-101

“License” § 1-101

“Person” § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **12-2201. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-702(A) (“ON DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE CITY:**

**(1) § 4-702(B) (“AFTER VACATION OF OR EVICTION FROM PREMISES”);**

**(2) § 4-703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS”);**

**(3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);**  
AND

**(4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “City” § 12-101

“License” § 1-101

“License holder” § 1-101

### **12-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

**(A) 180-DAY RULE.**

**A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

**(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;**

**(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR**

**(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

**(B) APPLICATION FOR HARDSHIP EXTENSION.**

**(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP.**

**(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS.**

**(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.**

**(C) START AND RESTART OF UNEXPIRED PERIOD.**

**(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:**

**(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

**(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

**(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:**

**(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

**(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

**(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

**(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.**

**(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:**

**(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND**

**(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(d)(2) through (4), (6), and the second sentence of (5).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages business operations "at the premises" for which the license is held are substituted for the former references to ceasing alcoholic beverages business operations "of the business" for which the license is held to conform to terminology used throughout this article.

In subsection (a)(2) of this section, the reference to "a certificate of permission or a renewal license for continuation of business" is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to "undue" hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not "prolong the life of the license beyond 360 days" after the closing or stopping of business operations is substituted for the former reference to a request for

an extension “for a time period of no more than a cumulative period of 360 days” after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period “for which a license may be considered unexpired” is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a “time” period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be “suspended” are substituted for the former references to a period that may or may not be “toll[ed]” for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase “cumulatively to the time period before the filing of the application or request” is deleted as implicit in the word “resumes”.

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(d)(1)(i), which stated that former Art. 2B, § 10–504(d) applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–504(d)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Baltimore City or the Office of the Comptroller, whichever is the issuing party, is deleted in light of the term “Board” that is defined in § 12–101 of this title.

The first sentence of former Art. 2B, § 10–504(d)(5), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

### **12–2203. REOPENING AFTER CLOSURE FOR AT LEAST 3 MONTHS.**

**EXCEPT WHERE EXTENUATING CIRCUMSTANCES EXIST, BEFORE A LICENSED PREMISES THAT HAS BEEN CLOSED FOR AT LEAST 3 CONSECUTIVE MONTHS MAY BE REOPENED:**

**(1) THE BOARD SHALL HOLD A PUBLIC HEARING; AND**

**(2) THE LICENSE HOLDER SHALL OBTAIN APPROVAL FROM THE BOARD TO REOPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(j)(4).

The former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License holder” § 1–101

### **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

#### **12–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4–806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, SUBJECT TO § 12–2302 OF THIS SUBTITLE.**



REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: "City" § 12-101

"License" § 1-101

"License holder" § 1-101

**12-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(3).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 12–101

“License” § 1–101

“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**12–2401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);**

**(2) § 4–903 (“PETITIONERS”);**

**(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

**(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);**

**(5) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);**

**AND**

**(6) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).**

**(B) VARIATION.**

**SECTION 4–904 (“STAY OF LOCAL BOARD’S PETITION”) APPLIES IN THE COUNTY, SUBJECT TO § 12–2402 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: “City” § 12–101

“Local licensing board” § 1–101

**12–2402. STAY OF ORDER TO REVOKE LICENSE.**

**AN ORDER BY THE BOARD TO REVOKE A LICENSE MAY BE STAYED, PENDING JUDICIAL REVIEW, ONLY BY THE COURT WITH WHICH A PETITION UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE HAS BEEN FILED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(c)(2).

The references to “judicial review” and “petition” are substituted for the former incorrect references to “appeal” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 12–101  
“License” § 1–101

**12–2403. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE CITY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)2.

The reference to the “circuit court for the City” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 12–101  
“City” § 12–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**12–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) SCOPE OF SECTION.**

**THIS SUBSECTION APPLIES TO AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD BUT THAT IS:**

**(1) OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD, AT A LOCATION UNDER CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

- (1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR**
- (2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.**

**(C) EXCEPTION FOR RESTAURANTS WITH MAXIMUM SEATING CAPACITY OF 50.**

**A RESTAURANT THAT IS NOT LICENSED BY THE BOARD MAY ALLOW A CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY IF:**

**(1) THE ALCOHOLIC BEVERAGES ARE BROUGHT TO THE RESTAURANT BY THE CUSTOMER;**

**(2) THE ALCOHOLIC BEVERAGES ARE CONSUMED WITH A MEAL;**

**(3) THERE IS NO CHARGE FOR ADMISSION TO THE RESTAURANT; AND**

**(4) THE BALTIMORE CITY FIRE DEPARTMENT DETERMINES THAT THE MAXIMUM SEATING CAPACITY OF THE RESTAURANT IS 50.**

**(D) CLOSING BY POLICE.**

**(1) THE BALTIMORE CITY POLICE DEPARTMENT MAY IMMEDIATELY CLOSE ALL OPERATIONS OF AN ESTABLISHMENT IF THE DEPARTMENT DETERMINES THAT THE ESTABLISHMENT IS IN VIOLATION OF THIS SECTION AND THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

**(2) THE ESTABLISHMENT SHALL BE CLOSED UNTIL THE BALTIMORE CITY POLICE DEPARTMENT DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE HAS BEEN RESTORED.**

**(3) THE OWNER OR OPERATOR OF THE ESTABLISHMENT SHALL BE GIVEN AN OPPORTUNITY TO REQUEST A PROMPT HEARING IN CIRCUIT COURT ON WHEN THE ESTABLISHMENT MAY REOPEN.**

**(E) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–102(b) through (e).

Subsection (a)(1) through (3) of this section is new language added to clarify the vague reference to an “establishment”.

In the introductory language of subsection (b) of this section, the reference to a “location” under control or possession of an establishment is substituted for the former reference to “premises” under the control or possession of an establishment for clarity.

In subsection (b)(1) of this section, the former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted as included in the reference to “serv[ing]” alcoholic beverages.

In the introductory language of subsection (c) of this section, the reference to a “customer” is substituted for the former references to “patrons” to conform to the terminology used throughout this subtitle.

Former Art. 2B, § 20–102(a), which provided that former Art. 2B, § 20–102 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

## **12–2502. CONSUMING ALCOHOLIC BEVERAGES.**

### **(A) PROHIBITION FROM 2 A.M. TO 6 A.M.**

**(1) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION OR OTHERWISE PROVIDED BY LAW, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:**

**(I) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(II) IN A PLACE OF PUBLIC ACCOMMODATION; OR**

**(III) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD.**

**(2) THE PROHIBITION AGAINST CONSUMPTION IN PARAGRAPH (1) OF THIS SUBSECTION IS IN EFFECT IF ANY FORM OF ENTERTAINMENT, LIVE OR RECORDED, IS OFFERED AT THE PLACE OR AT THE ESTABLISHMENT, REGARDLESS OF WHETHER THE ESTABLISHMENT OR PLACE IS LICENSED UNDER THIS ARTICLE OR OTHER STATE LAW.**

**(B) EXCEPTION.**

**BY REGULATION, THE BOARD MAY RESTRICT THE HOURS AND DAYS FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE INNER PERIMETER OF A RECTANGLE BOUNDED BY 31ST STREET ON THE SOUTH, GREENMOUNT AVENUE ON THE EAST, 32ND STREET ON THE NORTH, AND BARCLAY STREET ON THE WEST.**

**(C) PROHIBITION AGAINST OWNER OR MANAGER.**

**THE OWNER OR MANAGER OF THE ESTABLISHMENT OR PLACE MAY NOT KNOWINGLY ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED BY THIS SECTION.**

**(D) PENALTY.**

**AN INDIVIDUAL WHO CONSUMES ALCOHOLIC BEVERAGES AT AN ESTABLISHMENT DESCRIBED IN THIS SECTION OR AN OWNER OR A MANAGER OF THE ESTABLISHMENT WHO KNOWINGLY ALLOWS THE CONSUMPTION PROHIBITED BY THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR A FINE OF NOT MORE THAN \$5,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–305(b), (c), and (e).

In subsection (a)(1) of this section, the former reference to a “regulation adopted under the authority of paragraph (2) of this subsection” is deleted as included in the reference to a “law.”

In subsection (a)(1)(i) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Also in subsection (a)(1)(i) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Former Art. 2B, § 11-305(a), which provided that former Art. 2B, § 11-305 applied only in Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101  
“State” § 1-101

## **SUBTITLE 26. ENFORCEMENT.**

### **12-2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 (“INSPECTIONS”);**
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6-205 (“PEACE OFFICERS”);**
- (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (8) § 6-211 (“FINES AND FORFEITURES”).**

#### **(B) EXCEPTION.**



**SECTION 6–210 (STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY AND IS SUPERSEDED BY § 12–2602 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 6–204 (“POWER TO SUMMON WITNESSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY, IN ADDITION TO § 12–2603 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 12–101

“State” § 1–101

**12–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE CITY MAY:**

**(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–320 OF THIS ARTICLE; AND**

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(2).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“City” § 12–101

**12–2603. SERVICE OF SUMMONS.**

**THE CITY POLICE DEPARTMENT OR AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A SUMMONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(a)(4) and (b)(2)(i)3.

The reference to the "City Police Department" is substituted for the former term "sheriff" for clarity. "Sheriff" was defined in part to mean the Baltimore City Police Department.

Defined terms: "Board" § 12-101

"City" § 12-101

**12-2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

**(C) FEES AND COSTS.**

**(1) THE BOARD MAY CHARGE FEES FOR THE PRODUCTION AND SERVICE OF A SUMMONS AND HEARING NOTICE.**

**(2) THE FEES ARE:**

**(I) \$25, FOR THE PRODUCTION OF HEARING NOTICES OR SUMMONSES REQUESTED BY PARTIES APPEARING BEFORE THE BOARD;**

**(II) \$5, FOR EACH ADDRESS SERVED IF THE ADDRESS IS PROVIDED TO THE BOARD AND THE SERVICE IS BY MAIL; AND**

**(III) \$25, FOR EACH ADDRESS SERVED IF THE SERVICE IS PERFORMED BY AN EMPLOYEE OF THE BOARD.**

**(3) IN ADDITION TO ANY OTHER FINE, PENALTY, OR COST, THE BOARD MAY IMPOSE A \$100 ADMINISTRATIVE HEARING FEE ON A LICENSE HOLDER:**

**(I) WHOM THE BOARD CHARGES WITH A VIOLATION OF LAW CONCERNING THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) WHO REQUESTS A TRANSFER OR EXPANSION OF THE LICENSE OR A NEW LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(c)(1)(ii), (2), and (3) and (e)(2) and (3).

In subsections (a) and (b)(1) of this section, the former references to "papers" are deleted as included in the references to "records" and "record".

In subsection (b)(1) of this section, the phrase "may petition" is substituted for the former phrase "shall report the fact to" for clarity.

Also in subsection (b)(1) of this section, the former phrase "for the county" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "may proceed" is substituted for the former phrase "shall proceed" for clarity.

Also in subsection (b)(2) of this section, the former phrase "in all respects" is deleted as surplusage.

In subsection (c)(3)(i) of this section, the former reference to a "statute, rule, or regulation" is deleted as included in the reference to a "law".

Former Art. 2B, § 16-410(e)(1), which stated that former Art. 2B, § 16-410(e) applied only to Baltimore City, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 12-101

"License" § 1-101

"License holder" § 1-101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **12-2701. 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 CITY 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) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6-310 (“PROVIDING FREE FOOD”);**
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6-320 (“DISORDERLY INTOXICATION”);**

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

**(B) EXCEPTION.**

**SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE CITY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 12-2702 OF THIS SUBTITLE; AND**

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 12-2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“City” § 12-101

“License holder” § 1-101

“Retail dealer” § 1-101

**12-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL IS NOT A RESIDENT OF THE STATE.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License holder” § 1–101

“State” § 1–101

**12–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 12–101

“License holder” § 1–101

“State” § 1–101

## **12–2704. FALSE ADVERTISING PROHIBITED.**

### **(A) IN GENERAL.**

**(1) A LICENSE HOLDER MAY NOT USE AN ADVERTISEMENT THAT IS UNTRUE, DECEPTIVE, OR MISLEADING IN A MATERIAL RESPECT, INCLUDING AN ADVERTISEMENT ON THE INTERNET CONTAINING AN AFFIRMATIVE REPRESENTATION THAT THE LICENSE HOLDER MAY OFFER FOR SALE ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER IS NOT AUTHORIZED TO SELL.**

**(2) THE BOARD SHALL ENFORCE THIS SUBSECTION.**

### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 21–105(d) and (e).

In subsection (a)(1) of this section, the elements of the former defined term “advertise falsely” are revised as part of the substantive provision.

Also in subsection (a)(1) of this section, the former reference to the “placement of” an advertisement on the Internet is deleted as surplusage.

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



Also in subsection (a)(1) of this section, the former reference to “a container of” alcoholic beverages is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

**12–2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

- (1) A MEMBER OF THE BOARD;**
- (2) AN EMPLOYEE OF THE BOARD; OR**
- (3) ANYONE ON BEHALF OF THE MEMBER OR EMPLOYEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(d)(7)(ii).

In the introductory language of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

Also in the introductory language of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of this section, the reference to offering or making “payment” is substituted for the former reference to offering or making “any commission, profit or remuneration” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 12–101

“License holder” § 1–101

“Person” § 1–101

**12–2706. RENTING OF CERTAIN PREMISES IN 45TH DISTRICT PROHIBITED.**

**(A) IN GENERAL.**

**IN THE 45TH LEGISLATIVE DISTRICT, A LANDLORD MAY NOT RENT OUT TO A CLASS A LICENSE HOLDER A PREMISES TO BE USED FOR THE SALE OF ALCOHOLIC BEVERAGES IF THE LANDLORD KNOWS OR SHOULD HAVE KNOWN THAT THE SALE OF ALCOHOLIC BEVERAGES ON THE PREMISES WOULD VIOLATE A MINIMUM DISTANCE REQUIRED TO BE MAINTAINED UNDER THIS ARTICLE BETWEEN A LICENSED PREMISES AND A PLACE OF WORSHIP OR SCHOOL.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–509.1.

In subsection (a) of this section, the reference to a “Class A license holder” is substituted for the former reference to a “holder of a Class A alcoholic beverages license of any type” for brevity.

Also in subsection (a) of this section, the phrase “should have known” is substituted for the former phrase “has reason to know” to conform to terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

**SUBTITLE 28. PENALTIES.****12–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE CITY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “City” § 12–101

**12–2802. PENALTY IMPOSED BY BOARD.**

**(A) IN GENERAL.**

**FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OF A LICENSE, THE BOARD MAY:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR SUSPEND THE LICENSE OR BOTH; OR**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPOSE A FINE NOT EXCEEDING \$3,000 OR SUSPEND THE LICENSE OR BOTH.**

**(B) UNDERAGE SALES.**

**FOR A FIRST OFFENSE OF SELLING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(d).

In subsection (a)(1) of this section, the former phrase "under the alcoholic beverage laws affecting Baltimore City" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 12-101

"License" § 1-101

**TITLE 13. BALTIMORE COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**13-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Baltimore County”.

**(C) COUNTY.**

**“COUNTY” MEANS BALTIMORE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Baltimore County”.

**13-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN BALTIMORE COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**13-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

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

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(e), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

#### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

##### **13–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR BALTIMORE COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Baltimore County exists.

The name “Board of License Commissioners for Baltimore County” is used instead of the commonly used name “Baltimore County Board of Liquor License Commissioners” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

##### **13–202. MEMBERSHIP.**

###### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS TO THE BOARD.**

###### **(B) TENURE.**

**(1) THE TERM OF A MEMBER IS 2 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

###### **(C) REMOVAL.**

**THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(e) and the first sentence of § 15–110(b).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board “of License Commissioners for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the requirement that the County Executive appoint “biennially” three persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Baltimore County.

In subsection (c) of this section, the reference to the “County Executive” is substituted for the former reference to the “board of county commissioners” for accuracy.

Also in subsection (c) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (c) of this section, the former reference to a member “of any board of license commissioners appointed by them” is deleted as surplusage.

Former Art. 2B, § 15–101(e), which provided that the provisions of former Art. 2B, § 15–104 apply in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101  
 “County” § 13–101

**13–203. SUBSTITUTE MEMBERS.**

**(A) APPOINTMENT BY COUNTY EXECUTIVE.**

**EVERY 2 YEARS, THE COUNTY EXECUTIVE SHALL APPOINT TWO SUBSTITUTE MEMBERS TO THE BOARD.**

**(B) WHEN SUBSTITUTE MAY SERVE.**

**(1) THE CHAIR OF THE BOARD SHALL DESIGNATE A SUBSTITUTE MEMBER TO SERVE:**

**(I) WHEN A REGULAR MEMBER IS ABSENT OR INCAPACITATED FOR ANY REASON; OR**

**(II) IF A VACANCY IS CREATED.**

**(2) A SUBSTITUTE MEMBER SHALL SERVE UNTIL THE REGULAR MEMBER'S INCAPACITY OR ABSENCE ENDS OR THE VACANCY IS FILLED.**

**(C) POWERS AND DUTIES.**

**WHILE SERVING ON THE BOARD, A SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER.**

**(D) SALARY.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A SUBSTITUTE MEMBER SHALL RECEIVE A PER DIEM SALARY SET BY THE BOARD FOR EACH DAY SERVED.**

**(2) THE SALARY OF A SUBSTITUTE MEMBER MAY NOT EXCEED THE DAILY SALARY OF A REGULAR MEMBER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(f).

In subsection (c) of this section, the former reference to the “authority” of a substitute member is deleted as included in the reference to the “powers and duties” of a substitute member.

In subsection (d)(1) of this section, the former reference to each day “actually” served is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that although former Art. 2B, § 15–104(f), revised in part in subsection (b)(1) of this section, requires the chair of the Board to designate a substitute Board member, and former Art. 2B, § 15–109(e)(1),

revised in § 13–204(a)(2)(i) of this subtitle, provides for the annual salary of the chair, the source law is silent as to the selection of the Board chair. According to the Board, in practice, the County Executive selects the chair. The General Assembly may wish to amend this section to expressly provide for the selection of the chair by the County Executive.

Defined terms: “Board” § 13–101  
“County” § 13–101

### **13–204. SALARIES; STAFF.**

#### **(A) SALARIES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES OF THE REGULAR MEMBERS OF THE BOARD SHALL BE AS SET FORTH IN THE COUNTY BUDGET.**

**(2) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT LESS THAN \$11,500.**

**(II) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF NOT LESS THAN \$10,500.**

#### **(B) STAFF.**

**SUBJECT TO § 13–205 OF THIS SUBTITLE, THE BOARD MAY:**

##### **(1) EMPLOY:**

**(I) A SECRETARY;**

**(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.**

### **(A) IN GENERAL.**

**THE BOARD MAY APPOINT A CHIEF INSPECTOR AND AT LEAST 14 INSPECTORS.**

### **(B) POWERS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE CHIEF INSPECTOR AND EACH OTHER INSPECTOR MAY EXAMINE ANY IDENTIFICATION USED AS PROOF OF AGE BY AN INDIVIDUAL TO PURCHASE ALCOHOLIC BEVERAGES.**

**(2) THE EXAMINATION SHALL BE MADE ON THE PREMISES OF THE LICENSED ESTABLISHMENT WHERE THE PURCHASE IS ATTEMPTED.**

**(C) SALARIES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE SALARIES OF THE CHIEF INSPECTOR AND EACH OTHER INSPECTOR SHALL BE AS SET FORTH IN THE COUNTY BUDGET.**

**(2) (I) THE SALARY OF THE CHIEF INSPECTOR MAY NOT BE LESS THAN \$9,500 A YEAR.**

**(II) THE SALARY OF EACH OTHER INSPECTOR MAY NOT BE LESS THAN \$9,000 A YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(e)(2).

Throughout this section, the former references to a “[l]icense” inspector are deleted as surplusage.

In subsection (b) of this section, the former references to “request” are deleted in light of the references to “examine” and “examination”.

In subsection (b)(1) of this section, the reference to each “other” inspector is added for clarity. Similarly, in subsection (c)(2)(ii) of this section, the reference to each “other” inspector is substituted for the former reference to each “remaining” inspector.

Also in subsection (b)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because only a human being and not the other entities included in the definition of “person” can show proof of age to purchase alcoholic beverages.

In subsection (b)(2) of this section, the reference to the “premises of the licensed establishment where the purchase is attempted” is substituted for the former reference to the “licensed premises in the county” for clarity.

In subsection (c)(1) of this section, the reference to the salaries “of the Chief Inspector and each other inspector” is added for clarity.

Also in subsection (c)(1) of this section, the reference to salaries being “as set forth in the County budget” is substituted for the former reference to salaries being “as determined by the county” for clarity.

The second sentence of former Art. 2B, § 15–104(e), which required the Board to appoint no less than four but no more than fifteen liquor inspectors for the County, is deleted because it conflicts with the first sentence of former Art. 2B, § 15–112(e)(2). The latter provision, which is revised in subsection (a) of this section, authorized the Board to appoint a Chief License Inspector and at least 14 license inspectors. Former Art. 2B, § 15–104(e) was enacted by Chapter 6 of the Special Session of the General Assembly of 1967, while former Art. 2B, § 15–112(e)(2) was enacted in what is substantively its present form by Chapter 606 of the Acts of 1989. Under rules of statutory construction, in the event of an irreconcilable conflict between two provisions of law, the latest provision to be enacted prevails. *See, e.g.*, GP § 1–207(b).

Former Art. 2B, § 15–112(e)(1), which provided that former Art. 2B, § 15–112(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

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

### **13–206. DISPOSITION OF LICENSE FEES.**

**FROM THE FEES COLLECTED UNDER THIS SUBTITLE, THE COUNTY SHALL:**

**(1) PAY ALL SALARIES AND EXPENSES OF THE BOARD, AS DETERMINED BY THE COUNTY; AND**

**(2) DEVOTE THE BALANCE OF THE FEES TO THE GENERAL PURPOSES OF THE COUNTY, WHICH MAY INCLUDE THE METROPOLITAN DISTRICT AND HIGHWAYS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(e).

The former reference to the metropolitan district “department” is deleted as surplusage.

The former reference to “[t]he phrase ‘the general purposes of the county’ in Baltimore County” is deleted as surplusage.

Defined terms: “Board” § 13–101

“County” § 13–101

**13–207. REGULATIONS.**

**(A) IN GENERAL.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE, INCLUDING REGULATIONS REGARDING:**

**(1) THE PRESENCE ON A LICENSED PREMISES OF AN INDIVIDUAL WHO IS NOT A CONSUMER; AND**

**(2) THE ISSUANCE OF A LICENSE WHEN THE ACTUAL USE OF THE LICENSE IS TO BE DEFERRED UNTIL THE COMPLETION OF CONSTRUCTION OR ALTERATIONS ON THE PREMISES.**

**(B) REQUIRED NOTICE.**

**THE BOARD SHALL:**

**(1) PUBLISH NOTICE OF AN INTENDED ACTION TO CHANGE OR ADOPT REGULATIONS AT LEAST 30 DAYS BEFORE THE EFFECTIVE DATE OF THE PROPOSED REGULATIONS IN A NEWSPAPER OF GENERAL PUBLICATION IN THE COUNTY; AND**

**(2) GIVE ALL INTERESTED PERSONS A REASONABLE OPPORTUNITY TO SUBMIT DATA OR VIEWS ORALLY OR IN WRITING BEFORE THE EFFECTIVE DATE OF THE REGULATIONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(e)(3) and 16–301(c) and, as it related to the authority of the Board to adopt regulations, (a).

Throughout this section, the former references to “rules” are deleted as included in the reference to “regulations”.

In the introductory language of subsection (a) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Baltimore County.

Also in the introductory language of subsection (a) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full powers and authority to adopt

such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Also in the introductory language of subsection (a) this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

In subsection (a)(1) of this section, the defined term “consumer” is substituted for the former reference to a person “designated under § 1–102(a)(6) of this article” for clarity.

In subsection (a)(2) of this section, the phrase “the issuance of a license” is substituted for the former phrase “the granting and the date of issuing licenses” for brevity.

Defined terms: “Board” § 13–101

“Consumer” § 1–101

“Person” § 1–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **13–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 13–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **13–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

**(2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**

- (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (8) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- (11) § 2-212 (“ADDITIONAL LICENSES”);
- (12) § 2-213 (“ADDITIONAL FEES”);
- (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR'S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer's licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including Baltimore County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2–208(b)(2)(iii), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 13–101  
 “Manufacturer’s license” § 1–101

### **13–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(3).

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

## **SUBTITLE 5. WHOLESALER’S LICENSES.**

### **13–501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);
- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**



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 to specific jurisdictions, not including Baltimore County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: "County" § 13-101  
 "Wholesaler's license" § 1-101

### **13-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 13-503 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

### **13-503. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

#### **(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**THE 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
 “Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **13–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

**A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(e).

Defined terms: “Beer” § 1–101  
 “County” § 13–101

### **13–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(e).

Defined terms: “Beer” § 1–101

“County” § 13–101

**13–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(e).

Defined terms: “Beer” § 1–101  
“County” § 13–101

**13–604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(e).

Defined terms: “Beer” § 1–101  
“County” § 13–101

**SUBTITLE 7. WINE LICENSES.**

**13–701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR CLASS 4 LIMITED WINERY LICENSE.**

**(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT WHERE THE WINERY IS LOCATED.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY THAT CONTAINS NOT MORE THAN 21% OF ALCOHOL BY VOLUME.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(2), (b)(8), (c)(1) and (3), (d)(3), as it is related to Baltimore County, and the second sentence of (1), and (e)(1)(ii) and (2).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 21%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1) of this section, the reference to a "Class 3 winery license" is substituted for the former reference to a "Class 3 manufacturer's license, who makes wine from agricultural products grown in Maryland" for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license".

Also in subsection (b)(1) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to "ports" is deleted as unnecessary in light of the definition of "wine". Port wine generally has an alcohol content of 19.5% to 20% by volume and thus is included in the definition of "wine".

Also in subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “Board” § 13–101

“County” § 13–101

“License” § 1–101

“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**13–801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(e) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the reference to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

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

### **13–802. CLASS B BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

#### **(C) SPACE REQUIREMENT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

In subsection (c)(1) of this section, the former word “affect” is deleted as included in the phrase “apply to”.

In subsection (c)(2) of this section, the reference to the “square footage of the premises” is substituted for the former reference to the “square foot area” for clarity.

Also in subsection (c)(2) of this section, the former reference to the preparation and consumption of food and beverages “on the premises” is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

### **13-803. CLASS C BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

### **13–804. CLASS D BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

#### **(C) SPACE REQUIREMENT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A PRESENT LICENSE HOLDER HAVING THE LICENSE BEFORE DECEMBER 31, 1966.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED FOR THE PREPARATION AND CONSUMPTION OF BEER AND WINE MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

#### **(D) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

#### **(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.



In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

In subsection (c)(1) of this section, the former word “affect” is deleted as included in the phrase “apply to”.

In subsection (c)(2) of this section, the reference to the “square footage of the premises” is substituted for the former reference to the “square foot area” for clarity.

Also in subsection (c)(2) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (c)(2) of this section, the former reference to the preparation and consumption of beer and wine “on the premises” is deleted as surplusage.

Defined terms: “Beer” § 1-101  
 “Wine” § 1-101

## **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

### **13-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR ANY DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$900.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(e) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as unnecessary.

Also in subsection (b)(1) of this section, the phrase "beer, wine, or liquor" is substituted for the former phrase "all alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the phrase "at least 1 year before the date of the application for the license" is substituted for the former phrase "that length of time" for clarity.

In subsection (c)(3) of this section, the former reference to "actually" engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase "for a period of" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**13-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A RESTAURANT TO PREPARE AND CONSUME FOOD AND BEVERAGES MAY OCCUPY NOT LESS THAN 80% OF THE SQUARE FOOTAGE, UNLESS THE LICENSE HOLDER HAS HELD THE LICENSE SINCE BEFORE DECEMBER 31, 1966.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (e)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

In subsection (c)(2) of this section, the reference to “unless the license holder has held the license” is substituted for the former reference to “[t]hese occupancy requirements do not apply to or affect any present licensee having this license” for brevity.

Former Art. 2B, § 6–201(e)(1), which stated that former Art. 2B, § 6–201(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 10–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **13–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(e) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on-premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Club” § 1-101

“Wine” § 1-101

**13-904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY:**

**(1) ISSUE THE LICENSE ONLY TO A HOLDER OF A CLASS B (SB) RESTAURANT – SERVICE BAR BEER, WINE, AND LIQUOR (ON-SALE) LICENSE; OR**

**(2) RESTRICT OFF-SALE PRIVILEGES OF THE LICENSE HOLDER.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED TO PREPARE AND CONSUME FOOD AND ALCOHOLIC BEVERAGES ON THE PREMISES MAY OCCUPY NOT LESS THAN 80% OF THE SQUARE FOOT AREA, UNLESS THE LICENSE HOLDER HAS HELD THE LICENSE SINCE BEFORE DECEMBER 31, 1966.**

**(D) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(E) FEE.****THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–401(a)(1) and (e)(2) and (3) and 12–204(c)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the former phrase “[i]n granting a license” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “issue” the license is substituted for the former reference to “[l]imit” the license to conform to the terminology used throughout this article.

In subsection (c)(2) of this section, the reference to “unless the license holder has held the license” is substituted for the former reference to “[t]hese occupancy requirements do not apply to or affect any present licensee having this license” for brevity.

Former Art. 2B, § 6–401(e)(1), which stated that former Art. 2B, § 6–401(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12–204(c)(2), which stated that the provisions of former Art. 2B, § 12–204(c)(1) do not apply to a holder of a Class A beer, wine, and liquor license, is deleted as unnecessary, as the provisions do not apply on their face.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“Restaurant” § 1–101

“Wine” § 1–101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 8–204, which established the 7–day Class BDR (deluxe restaurant) (on–sale) beer, wine, and liquor license, is deleted as obsolete. Under former Art. 2B, § 8–204(j)(3), the Board is prohibited from issuing a Class BDR license after July 1, 1995. No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a holder of a license, such as a Class BDR license, is considered for all purposes to be licensed for the duration of the term for which the license was issued and may renew that authorization in accordance with the appropriate renewal provisions of this article.

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**13-1001. RACETRACK LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A RACETRACK BEER AND WINE LICENSE; AND**
- (2) A RACETRACK BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A LICENSE TO THE OWNER, CONCESSIONAIRE, OR CATERING ORGANIZATION OF A LICENSED RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A CORPORATION.**

**(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR THE LICENSES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE RACETRACK BEER AND WINE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**

**(2) THE RACETRACK BEER, WINE, AND LIQUOR LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE RACING PARK OF THE LICENSE HOLDER.**

**(D) FEES.**

**THE LICENSE FEE IS:**

**(1) FOR A RACETRACK BEER AND WINE LICENSE, \$25 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING; AND**

**(2) FOR A RACETRACK BEER, WINE, AND LIQUOR LICENSE, \$50 FOR EACH DAY THAT THE RACING PARK IS OPEN AND OPERATING.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard language establishing a license in this article.

Subsections (b) through (d) of this section are new language derived without substantive change from the first sentence of former Art. 2B, § 8–601(a).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

In subsection (b)(1) of this section, the reference to the Board being allowed to “issue” licenses to a racetrack owner, concessionaire, or catering organization is substituted for the former reference authorizing a racetrack owner to “procure” licenses to conform to the terminology used throughout this article.

Also in subsection (b)(1) of this section, the former reference to the owner “or owners” of a racing establishment is deleted as redundant in light of § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant.

In subsection (c)(1) of this section, the reference to the sale of alcoholic beverages “on the premises” of the license holder’s racing park is substituted for the former reference to the sale of alcoholic beverages “within the confines” of the license holder’s racing park to conform to the terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the “license fee” for each license is substituted for the former reference to the “cost” of each license to conform with the terminology used throughout this article.

In subsection (d) of this section, the references to each day “that the racing park is open and operating” are added for clarity and to conform to current practice.

The second sentence of former Art. 2B, § 8–601(a), which stated that the license and license holder are subject to all laws, rules, and regulations applicable in Baltimore County to the sale of alcoholic beverages not inconsistent with the provisions of this section, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101



“Board” § 13–101

“Wine” § 1–101

**13–1002. THEATER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A THEATER BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:**

**(1) IS HOUSED IN A BUILDING;**

**(2) HAS A CAPACITY TO HOLD A MINIMUM OF 1,500 PERMANENTLY INSTALLED SEATS; AND**

**(3) REGULARLY PRESENTS LIVE ENTERTAINMENT.**

**(C) HOURS AND DAYS OF SALE.**

**A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION:**

**(1) FOR 2 HOURS BEFORE THE ENTERTAINMENT BEGINS;**

**(2) DURING THE ENTERTAINMENT; AND**

**(3) FOR 1 HOUR AFTER THE ENTERTAINMENT ENDS.**

**(D) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(E) POPULATION REQUIREMENTS NOT APPLICABLE.**

**THE POPULATION REQUIREMENTS OF THE REGULATIONS OF THE BOARD DO NOT APPLY TO THE LICENSE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.1(a) and (c) through (g).

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article to the contrary” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(3) of this section, the word “ends” is added for clarity.

In subsection (d) of this section, the former phrase “from the location of original issuance” is deleted as surplusage.

In subsection (e) of this section, the former reference to “rules” is deleted in light of the reference to “regulations”.

Former Art. 2B, § 8–204.1(b), which defined “Board” as meaning the Baltimore County Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 13–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **13–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING PROVISIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
“County” § 13-101  
“License” § 1-101  
“License holder” § 1-101  
“Wine” § 1-101

**13-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF NOT MORE THAN:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-204.10(d) through (g).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(i), which stated that former Art. 2B, § 8-103 applied with respect to draft beer in Baltimore County, and former Art. 2B, § 8-204.10(a), which stated that former Art. 2B, § 8-204.10 applied only in Baltimore County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-204.10(b), which defined the term "Board" to mean the Board of License Commissioners, is deleted as redundant of the term "Board" defined in § 13-101 of this title.

Former Art. 2B, § 8-204.10(c), which stated that there is a refillable container permit in the County, is deleted as unnecessary in light of § 13-1101(c) of this subtitle.

Defined terms: "Board" § 13-101

"License" § 1-101

"Off-sale" § 1-101

## **SUBTITLE 12. CATERER'S LICENSES.**

### **13-1201. OFF-SALE CATERER PRIVILEGE.**

**(A) ESTABLISHED.**

**THERE IS AN OFF-SALE CATERER PRIVILEGE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY GRANT THE PRIVILEGE TO A HOLDER OF A CLASS B OR CLASS D ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS INCORPORATED IN THE HOLDER’S CLASS B OR CLASS D LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PRIVILEGE AUTHORIZES A HOLDER TO:**

**(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE CATERED EVENT HELD OFF THE PREMISES OF THE HOLDER TO PROVIDE FOOD AND SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION AT THE EVENT; AND**

**(2) EXERCISE THE PRIVILEGE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER’S CLASS B OR CLASS D LICENSE.**

**(D) RENEWAL.**

**THE PRIVILEGE MAY BE RENEWED.**

**(E) FEE.**

**THE ANNUAL FEE FOR THE PRIVILEGE IS \$500 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE TO WHICH THE PRIVILEGE IS INCORPORATED.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a special off-sale caterer privilege exists in Baltimore County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6–702(b) through (h).

Subsection (b)(1) of this section is revised as a statement specifying the eligible recipients of a special caterer privilege, rather than as part of the former definition of “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In subsection (b)(1) of this section, the former phrase “for the sole purpose of authorizing the licensee to be a caterer” is deleted as surplusage.

In subsection (b)(2) of this section, the former clause “if it is granted” is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to the “existing” license is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the premises “of the holder” is added for clarity.

Also in subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the reference to the hours and days “authorized for the holder’s Class B or Class D license” is substituted for the former reference to the hours and days “that are permitted in this article for a Class B or Class D on–sale beer, wine and liquor license” for clarity.

Also in subsection (c)(2) of this section, the former phrase “in the county” is deleted as surplusage.

In subsection (e) of this section, the reference to the “license to which the privilege is incorporated” is substituted for the former reference to the “Class B or Class D on–sale beer, wine and liquor license” for brevity.

Former Art. 2B, § 6–702(a), which stated that former Art. 2B, § 6–702 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

“Wine” § 1–101

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

#### **13–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

- (3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- (4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
- (6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) EXCEPTION.**

**SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13-1311 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-1312 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 13-101

**13-1302. RESERVED.**

**13-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**13-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

**(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

**(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$50.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-802.



Throughout this section, the former references to a “special” beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provisions to the contrary” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to an “existing retail alcoholic beverages license issued in the State” for brevity.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Baltimore County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special beer festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

### **13–1305. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.**

**(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

**(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE WINE FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE WINE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$60.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-304.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a "retail license" is substituted for the former reference to a "requisite existing retail alcoholic beverages license issued in the State" for brevity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provision to the contrary," is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a "license holder shall" display and sell is substituted for the former reference to a "license entitl[ing] the holder to" display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location "in Baltimore County" are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location "that is not already licensed" is substituted for the former reference to a location "which does not hold an alcoholic beverages license" for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location "for the special wine festival" is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who "may hold" another license is substituted for the former statement that "[t]he provisions of this section may not prohibit the licensee from holding" another license for clarity.

Defined terms: "Board" § 13-101

"License" § 1-101

"Wine" § 1-101

### **13-1306. WINE SAMPLING PERMIT FOR NONPROFIT ORGANIZATION.**

**(A) ESTABLISHED.**

**THERE IS A WINE SAMPLING (WS) PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A NONPROFIT ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE PERMIT AUTHORIZES ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:**

**(i) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED WITH THE CONSENT OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR**

**(ii) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(2) THE PERMIT HOLDER MAY BRING WINE ONTO THE CLASS B LICENSED PREMISES FOR SAMPLING.**

**(D) LICENSE APPLICATION.**

**THE NONPROFIT ORGANIZATION SHALL APPLY FOR A PERMIT AT LEAST 15 DAYS BEFORE THE PERMIT IS ISSUED.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE NOT MORE THAN 12 PERMITS IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

**(F) LIMIT ON SERVINGS.**

**A PERMIT HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING TO AN INDIVIDUAL.**

**(G) FEE.**

**THE PERMIT FEE IS \$30 PER DAY.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 8-404(a).

Throughout this section, former references to a “bona fide” nonprofit organization are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a permit.

In the introductory language of subsection (c)(1) and in subsection (c)(2) of this section, the former references to “tasting” are deleted as redundant of the references to “sampling”.

In subsection (c)(1)(i) of this section, the reference to the “holder of the license for the premises” is substituted for the former reference to the “licensee” to clarify which license holder is to give the consent.

In subsection (c)(1)(ii) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to “premises without a permanent alcoholic beverages license” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

Also in subsection (f) of this section, the reference to “an individual” is substituted for the former, overly broad reference to “any 1 person” for clarity.

Former Art. 2B, § 8–404(b), which stated that this section is not restricted by former Art. 2B, § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Board” § 13–101

“License” § 1–101

“Wine” § 1–101

### **13–1307. BEER AND WINE TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS BWT BEER AND WINE TASTING LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON-PREMISES CONSUMPTION OF BEER OR WINE FOR TASTING.**

**(D) TYPES OF LICENSE.**

**THE LICENSE MAY BE ISSUED AS:**

**(1) A DAILY TASTING LICENSE, THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND**

**(2) A 26-DAY, 52-DAY, OR 104-DAY LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY.**

**(E) LICENSE APPLICATION.**

**(1) AN APPLICANT SHALL APPLY ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE FORM SHALL SPECIFY THE DATE ON WHICH THE TASTING IS TO OCCUR.**

**(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING LICENSE, THE 26-DAY TASTING LICENSE, THE 52-DAY TASTING LICENSE, AND THE 104-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST DAY OF THE PROPOSED TASTING EVENT.**

**(4) THE HOLDER OF A 26-DAY TASTING LICENSE, A 52-DAY TASTING LICENSE, AND A 104-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.**

**(F) HOURS AND DAYS OF OPERATION.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S CLASS A LICENSE.**

**(G) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME WINE OR BEER COVERED BY A LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY; AND**

**(2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY.**

**(H) DISPOSAL OF REMAINING BEER AND WINE.**

**AT THE END OF THE DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.**

**(I) FEE.**

**IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE LICENSE FEE IS:**

**(1) \$20 FOR A DAILY TASTING LICENSE;**

**(2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**

**(3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**

**(4) \$400 ANNUALLY FOR A 104-DAY TASTING LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-404.1(b) and (e) and, as they related to Class BWT licenses, (d), (g), (h), and (j).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(1) of this section, the reference to "a single license holder" is added for clarity.

In subsection (e)(1) of this section, the reference to "[a]n applicant" is substituted for the former reference to "[e]ach Class A license holder that seeks issuance of a BWT ... license for which they are eligible" for brevity.

Also in subsection (e)(1) of this section, the former reference to "the type of tasting license authorized by this section" is deleted as surplusage.

In subsection (e)(2) of this section, the former reference to the form “provided by the Board of License Commissioners under paragraph (1) of this subsection” is deleted as surplusage.

In subsection (e)(3) of this section, the former reference to “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to “7 days before the first tasting event”.

In subsection (e)(3) and (4) of this section, the references to the “104-day tasting license” are added to correct apparent erroneous omissions. When the 104-day tasting license was authorized by Ch. 171 of the Acts of 2010, former Art. 2B, § 8-404.1 was not amended to provide for the application, payment, and notice requirements for the license. The Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

In the introductory language of subsection (g) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (g)(1) and (2) of this section, the references to “each offering” are substituted for the former references to “all brands” for clarity.

In subsection (h) of this section, the former reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Also in subsection (h) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

Former Art. 2B, § 8-404.1(a), which stated that former Art. 2B, § 8-404.1 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-404.1(i), which stated that this section is not restricted by former Art. 2B, § 9-102 or § 12-107(b), is deleted as unnecessary in light of § 1-202 of this article.

Defined terms: “Beer” § 1-101

“Board” § 13-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

### **13-1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**



**(A) ESTABLISHED.**

**THERE IS A CLASS BWLT BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.**

**(D) TYPES OF LICENSE.**

**THE LICENSE MAY BE ISSUED AS:**

**(1) A DAILY TASTING LICENSE THAT MAY BE ISSUED NOT MORE THAN 12 TIMES TO A SINGLE LICENSE HOLDER IN A LICENSE YEAR; AND**

**(2) A 26-DAY, 52-DAY, OR 104-DAY LICENSE, EACH OF WHICH MAY BE USED CONSECUTIVELY OR NONCONSECUTIVELY.**

**(E) LICENSE APPLICATION.**

**(1) AN APPLICANT SHALL APPLY FOR THE LICENSE ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE FORM SHALL SPECIFY THE DATE OR DATES ON WHICH THE TASTING IS TO OCCUR.**

**(3) THE APPLICATION AND PAYMENT FOR THE DAILY TASTING LICENSE, THE 26-DAY TASTING LICENSE, THE 52-DAY TASTING LICENSE, AND THE 104-DAY TASTING LICENSE SHALL BE MADE AT LEAST 7 DAYS BEFORE THE FIRST DAY OF THE PROPOSED TASTING EVENT.**

**(4) THE HOLDER OF A 26-DAY TASTING LICENSE, A 52-DAY TASTING LICENSE, AND A 104-DAY TASTING LICENSE SHALL NOTIFY THE BOARD, ON A FORM THAT THE BOARD APPROVES, OF ADDITIONAL TASTING EVENTS AUTHORIZED BY THE LICENSES.**

**(F) HOURS AND DAYS OF OPERATION.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS PROVIDED FOR UNDER THE LICENSE HOLDER'S CLASS A LICENSE.**

**(G) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME WINE, BEER, OR LIQUOR COVERED BY A LICENSE IN A QUANTITY OF NOT MORE THAN:**

- (1) 1 OUNCE OF WINE FROM EACH OFFERING IN A DAY;**
- (2) 3 OUNCES OF BEER FROM EACH OFFERING IN A DAY; AND**
- (3) ONE-HALF OUNCE OF LIQUOR FROM EACH OFFERING IN A DAY.**

**(H) DISPOSAL OF REMAINING ALCOHOLIC BEVERAGES.**

**AT THE END OF EACH DAY FOR WHICH A LICENSE IS VALID, A LICENSE HOLDER SHALL DISPOSE OF ANY ALCOHOLIC BEVERAGE THAT REMAINS IN A CONTAINER OPENED FOR TASTING.**

**(I) FEE.**

**IN ADDITION TO THE CLASS A ANNUAL LICENSE FEE, THE FEE FOR A LICENSE IS:**

- (1) \$20 FOR A DAILY TASTING LICENSE;**
- (2) \$200 ANNUALLY FOR A 26-DAY TASTING LICENSE;**
- (3) \$300 ANNUALLY FOR A 52-DAY TASTING LICENSE; AND**
- (4) \$400 ANNUALLY FOR A 104-DAY TASTING LICENSE.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 8-404.1(c) and (f) and, as they related to Class BWLT licenses, (d), (g), (h), and (j).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders may provide wine with an alcohol content above the traditional maximum level for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (i) of this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

In subsection (d)(1) of this section, the reference to “a single license holder” is added for clarity.

In subsection (e)(1) of this section, the reference to “[a]n applicant” is substituted for the former reference to “[e]ach Class A license holder that seeks issuance of a ... BWLT license for which they are eligible” for brevity.

Also in subsection (e)(1) of this section, the former reference to “the type of tasting license authorized by this section” is deleted as surplusage.

In subsection (e)(2) of this section, the former reference to the form “provided by the Board of License Commissioners under paragraph (1) of this subsection” is deleted as surplusage.

In subsection (e)(3) of this section, the former reference to “7 days in advance of the first day of consecutive day tasting events” is deleted as unnecessary in light of the reference to “7 days before the tasting event”.

In subsection (e)(3) and (4) of this section, the references to the “104–day tasting license” are added to correct apparent erroneous omissions. When the 104–day tasting license was authorized by Ch. 171 of the Acts of 2010, former Art. 2B, § 8–404.1 was not amended to provide for the application, payment, and notice requirements for the license. The Alcoholic Beverages Article Review Committee calls this addition to the attention of the General Assembly.

In the introductory language of subsection (g) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (g)(1), (2), and (3) of this section, the references to “each offering” are substituted for the former references to “all brands” for clarity.

In subsection (h) of this section, the reference to any “unconsumed” alcoholic beverage is deleted as redundant in light of the reference to any alcoholic beverage “that remains” in a container opened for tasting.

Also in subsection (h) of this section, the former reference to “sampling” is deleted as redundant of the reference to “tasting”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**13–1309. RESERVED.**

**13–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**13–1311. FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE IS:**

**(1) \$20 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

**(2) \$30 PER DAY FOR ANY OTHER LICENSE HOLDER.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

**(1) \$35 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

**(2) \$50 PER DAY FOR ANY OTHER LICENSE HOLDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(4) and (d)(4)(i)1.

In subsections (a)(1) and (b)(1) of this section, the former references to a “bona fide” religious, fraternal, civic, war veterans’, hospital, or charitable organization is deleted as surplusage.

Also in subsections (a)(1) and (b)(1) of this section, the references to a hospital “supporting” organization are added for clarity, reflecting the terminology used in the Internal Revenue Code.

Defined term: “License Holder” § 1–101

**13–1312. PURCHASING REQUIREMENTS FOR 7–DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) PURCHASE OF BEER AND WINE FROM WHOLESALER.**

**THE HOLDER OF A 7–DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY PURCHASE BEER AND WINE FROM A WHOLESALER.**

**(B) DELIVERY AND RETURN OF STOCK.**

**THE HOLDER OF A 7–DAY CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY AGREE WITH THE HOLDER OF A WHOLESALER’S LICENSE TO DELIVER BEER AND WINE ON THE DAYS THAT THE PER DIEM LICENSE IS IN EFFECT AND ACCEPT RETURNS ON THE SAME DAY OF DELIVERY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(4)(ii) and (i)2.

In subsection (a) of this section, the defined term “wholesaler” is substituted for the former term “wholesale dealer” to conform to the terminology used throughout this article.

In subsection (b) of this section, the phrase “[n]otwithstanding any other provision of law to the contrary,” is deleted as surplusage.

Defined terms: “Wholesaler” § 1–101  
“Wholesaler’s license” § 1–101

**13–1313. MULTIPLE 1–DAY LICENSE.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A MULTIPLE 1–DAY LICENSE TO A CHARITABLE ORGANIZATION THAT IS TAX EXEMPT UNDER § 501(C)(3) OR (4) OF THE UNITED STATES INTERNAL REVENUE CODE.**

**(B) INFORMATION REQUIRED ON LICENSE APPLICATION.**

**(1) AN APPLICANT FOR THE LICENSE SHALL INCLUDE ON THE APPLICATION THE DATES OF THE EVENTS FOR WHICH THE LICENSE IS REQUIRED.**

**(2) THE LICENSE MAY NOT INCLUDE MORE THAN 12 DATES.**

**(c) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(i)(2) through (4).

In subsection (a) of this section, the former phrase "under this section" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a "bona fide nonprofit" charitable organization is deleted as surplusage.

Former Art. 2B, § 7-101(i)(1), which stated that former Art. 2B, § 7-101(i) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 13-101  
"License" § 1-101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **13-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**

**(2) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

**(3) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY");**

**(4) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**

- (5) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (6) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (7) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 13-1402 OF THIS SUBTITLE;
- (2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”); AND
- (3) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”).

**(C) VARIATION.**

**SECTION 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-1403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Baltimore County.

Defined term: “County” § 13-101

**13-1402. APPLICATION ON BEHALF OF PARTNERSHIP.**

**(A) REQUIREMENTS FOR APPLICATION.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A LICENSE FOR A PARTNERSHIP SHALL BE APPLIED FOR BY AND ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS.**

**(2) WHEN AN APPLICATION IS FILED, AT LEAST ONE OF THE GENERAL PARTNERS WHO APPLIES SHALL:**

**(I) RESIDE IN THE STATE; AND**

**(II) BE A REGISTERED VOTER IN THE STATE.**

**(B) PARTNERSHIP WITH ONLY ONE GENERAL PARTNER.**

**IF A PARTNERSHIP HAS ONLY ONE GENERAL PARTNER, THE BOARD SHALL ISSUE THE LICENSE TO THAT PARTNER AS AN INDIVIDUAL, PROVIDED THAT THE PARTNER MEETS THE REQUIREMENTS OF SUBSECTION (A)(2) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(a)(2)(ii)1 and 2.

In subsection (a)(2) of this section, the reference to “the State” is substituted for the former reference to “any county of the State or of the City of Baltimore” for brevity.

In subsection (b) of this section, the language “provided that the partner meets the requirements of subsection (a)(2) of this section” is substituted for the former phrase “if the partner is a registered voter of any county or of the City of Baltimore and resides there at the time of application” for brevity.

Former Art. 2B, § 9–101(a)(2)(ii)3, which stated that former Art. 2B, § 9–101(a)(2)(ii) “may not be construed to waive any of the requirements under §§ 9–102, 9–102.2, and 9–301 of [Art. 2B]” 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 the requirements that an applicant reside and be a registered voter in the State 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: “Board” § 13–101  
 “License” § 1–101



“State” § 1-101

**13-1403. RESIDENT STATUS.**

**(A) REQUIREMENT INFORMATION ON APPLICATION.**

**AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE APPLICATION:**

**(1) (I) A STATEMENT WHETHER THE APPLICANT IS A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN; OR**

**(II) IF THE APPLICANT IS NOT A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN, INFORMATION OR DOCUMENTATION REQUIRED BY THE BOARD TO SHOW PROOF OF IMMIGRATION STATUS; AND**

**(2) A STATEMENT THAT THE APPLICANT HAS BEEN FOR 2 YEARS IMMEDIATELY BEFORE THE FILING OF THE APPLICATION A RESIDENT OF THE STATE.**

**(B) VERIFICATION OF IMMIGRATION STATUS.**

**THE BOARD MAY OBTAIN INFORMATION FROM THE SOCIAL SECURITY ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY — IMMIGRATION AND CUSTOMS TO VERIFY THE CITIZENSHIP OR IMMIGRATION STATUS OF THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(4)(v), and as it related to Baltimore County, (3-a).

The references to “immigration” status are substituted for the former references to “alien” status for clarity.

Defined terms: “Board” § 13-101

“County” § 13-101

“License” § 1-101

**13-1404. APPLICATION FROM CONTRACT PURCHASER, OWNER OF PREMISES, OR DEVELOPER.**

**(A) IN GENERAL.**

**THE BOARD MAY ACCEPT AN APPLICATION FOR A LICENSE FROM:**

**(1) A CONTRACT PURCHASER OF A PROPERTY THAT BECOMES THE OWNER OF RECORD OF THE PREMISES TO BE LICENSED BEFORE THE LICENSE IS ISSUED;**

**(2) AN OWNER OF A PREMISES THAT IS PROPOSED TO BE LICENSED;**  
OR

**(3) A DEVELOPER OF A PROPERTY WITH THE CONSENT AND AUTHORITY OF THE OWNER OF THE PROPERTY.**

**(B) CERTAIN SITE INFORMATION NOT REQUIRED.**

AN APPLICATION FILED UNDER THIS SECTION NEED NOT CONTAIN A SPECIFIC STREET ADDRESS OR DESCRIPTION OF THE PREMISES TO BE LICENSED OTHER THAN A GENERAL DESCRIPTION OF THE SITE ON WHICH THE PREMISES WILL BE BUILT, INCLUDING A PROPERTY MAP NUMBER, PARCEL NUMBER, PROPERTY TAX IDENTIFICATION NUMBER, OR PLAT NUMBER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-204.6(b) and (c).

Defined terms: "Board" § 13-101  
"License" § 1-101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **13-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-209 ("HEARING");**

- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (7) § 4-212 (“LICENSE NOT PROPERTY”); AND
- (8) § 4-213 (“REPLACEMENT LICENSES”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 13-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 13-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 13-1504 OF THIS SUBTITLE; AND
- (5) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”), SUBJECT TO § 13-1505 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 13-101

“License” § 1-101

“Local licensing board” § 1-101

**13-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(4), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 13-101

“Person” § 1-101

“State” § 1-101

“Wine” § 1-101

### **13-1503. MULTIPLE LICENSES.**

#### **(A) INTEREST IN MULTIPLE LICENSES PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

#### **(B) MOTEL OR MOTOR COURT EXCEPTION.**

**THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED FOR A PLACE OPERATED AS A MOTEL OR MOTOR COURT THAT HAS AT LEAST 100 ROOMS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9-102(b-4) and 9-301(1)(i)1 and, except as they related to the renewal of a license, 2 and the first sentence of the introductory language of § 9-301.

In subsection (a) of this section, the phrase “[e]xcept as provided in subsection (b) of this section,” is added for clarity.

Also in subsection (a) of this section, the former references to a “partnership, firm, or corporation” or to a “franchisor, franchisee, or chain store operation” are deleted as included in the defined term “person”.

Also in subsection (a) of this section, the former reference to a license held or controlled by “[a]ny other method of ownership or control” is deleted as unnecessary under this revision and included in the reference to a license held or controlled by “any other direct or indirect manner”.

In subsection (b) of this section, the former reference to licenses issued “under this article” is deleted as unnecessary.

Also in subsection (b) of this section, the former statement that subsection (a) of this section does not apply “in Baltimore County” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–301(1)(ii), which expressed the intention of former Art. 2B, § 9–301(1)(i)2, is deleted as unnecessary.

Defined terms: “Board” § 13–101

“License” § 1–101

“Person” § 1–101

### **13–1504. NOTICE OF LICENSE APPLICATION.**

#### **(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE HOLDING A HEARING ON THE APPLICATION.**

#### **(B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)4 and (ii).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to

“caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to the “hearing on the application” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 13–101  
 “License” § 1–101

### **13–1505. LICENSE DENIAL — PUBLIC ACCOMMODATION.**

**THE WAITING PERIODS SPECIFIED IN § 4–214(A) OF THIS ARTICLE APPLY EVEN IF THE GROUNDS FOR THE DENIALS WERE THAT THE LICENSE WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(d).

The section is revised to clarify that the waiting periods specified in § 4–214(a) of this article apply to license denials that were based on the grounds that the denied licenses were not necessary to accommodate the public. Former Art. 2B, § 10–208(d) stated that the exemption from those waiting periods does not apply to those license denials.

Defined term: “License” § 1–101

### **GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 9–102(b–1)(2)(i), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Baltimore County, is deleted as unnecessary. This revision applies the general rule to Baltimore County. The fact that Baltimore County is not covered by the exception need not be stated.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

### **13–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

#### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP OR SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP OR SCHOOL.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) THE RENEWAL OR TRANSFER OF A LICENSE OF AN ESTABLISHMENT IF, AFTER ISSUANCE OF THE LICENSE, A PLACE OF WORSHIP OR SCHOOL WAS BUILT WITHIN 300 FEET OF THE ESTABLISHMENT;**

**(2) THE ISSUANCE OF A TEMPORARY LICENSE;**

**(3) A TRANSFER THAT MOVES THE LICENSED PREMISES WITHIN THE SAME BUILDING;**

**(4) A TRANSFER OF OWNERSHIP OF THE LICENSED PREMISES; OR**

**(5) THE RENEWAL OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE OR A 7-DAY CLASS BDR (DELUXE RESTAURANT) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE, IF THE LICENSED PREMISES HAS A SEATING CAPACITY OF MORE THAN 50 INDIVIDUALS AND IS WITHIN A TOWN CENTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-205.

In subsection (a)(1) and (2) of this section, the former references to a "church" are deleted as included in the references to a "place of worship".

In subsection (a)(1) of this section, the reference to a license "for an establishment" is added for clarity and consistency with subsections (a)(2) and (b)(1) of this section.

Also in subsection (a)(1) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license".

In subsection (a)(2) of this section, the former reference to the “proposed” establishment is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to this section not “affect[ing] or prohibit[ing], in any manner” the renewal or transfer of a license is deleted as included in the reference to this section not “apply[ing] to” the renewal or transfer of a license.

In subsection (b)(1) of this section, the reference to a place of worship or school built within 300 feet “of the establishment” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a place of worship or school “building” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to a “special” license is deleted as unnecessary in light of the reference to a “temporary” license.

In subsection (b)(3) of this section, the former reference to a “structure” is deleted as unnecessary in light of the reference to a “building”.

In subsection (b)(5) of this section, the reference to “individuals” is substituted for the former reference to “persons” because only human beings may be seated at a restaurant.

Defined terms: “Board” § 13–101

“License” § 1–101

**13–1602. RESERVED.**

**13–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**13–1604. ELECTION DISTRICT 15 TRANSFER AND LICENSING PLAN.**

**(A) IN GENERAL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY APPROVE THE TRANSFER OF A CLASS B OR CLASS D LICENSE IN EXISTENCE IN ELECTION DISTRICT 15 ON MAY 1, 2012, TO ANOTHER ELECTION DISTRICT IF:**

**(i) THE APPROVAL OCCURS ANYTIME FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE; AND**



(II) ON THE DATE OF THE APPROVAL, THE NUMBER OF LICENSES IN EXISTENCE IN THE ELECTION DISTRICT TO WHICH THE LICENSE IS TO BE TRANSFERRED IS NOT GREATER THAN 25% MORE THAN THE NUMBER OF LICENSES THAT WOULD OTHERWISE EXIST IN THAT ELECTION DISTRICT, BASED ON THE RULE OF THE BOARD THAT LIMITS THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BY POPULATION.

(2) (I) THE BOARD MAY NOT AUTHORIZE THE TRANSFER OF MORE THAN 25 CLASS B OR CLASS D LICENSES IN EXISTENCE ON MAY 1, 2012, OUT OF ELECTION DISTRICT 15.

(II) NOT MORE THAN TWO LICENSES MAY BE TRANSFERRED UNDER THIS SUBSECTION INTO ANY SINGLE ELECTION DISTRICT EACH YEAR FROM MAY 1, 2012, TO APRIL 30, 2017, BOTH INCLUSIVE.

(B) ANNUAL SCHEDULE OF LICENSE TRANSFERS AND ISSUANCES.

(1) IN ACCORDANCE WITH THIS SUBSECTION, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT IN THE COUNTY; OR

(II) ISSUE NEW CLASS B SERVICE BAR (SB) BEER AND WINE LICENSES UNDER SUBSECTION (C) OF THIS SECTION.

(2) ON OR BEFORE APRIL 30, 2013, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF FIVE CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE; OR

(II) IF FIVE LICENSES ARE NOT TRANSFERRED, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS FIVE.

(3) ON OR BEFORE APRIL 30, 2014, THE BOARD SHALL:

(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 10; OR

**(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 10.**

**(4) ON OR BEFORE APRIL 30, 2015, THE BOARD SHALL:**

**(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 15; OR**

**(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 15.**

**(5) ON OR BEFORE APRIL 30, 2016, THE BOARD SHALL:**

**(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, TOTALS AT LEAST 20; OR**

**(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES TRANSFERRED OR ISSUED SINCE MAY 1, 2012, EQUALS 20.**

**(6) ON OR BEFORE APRIL 30, 2017, THE BOARD SHALL:**

**(I) APPROVE THE TRANSFER OF CLASS B OR CLASS D LICENSES UNDER SUBSECTION (A) OF THIS SECTION OR § 13-1705 OR § 13-1707 OF THIS TITLE SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED SINCE MAY 1, 2012, TOTALS AT LEAST 25; OR**

**(II) IF THE NUMBER OF LICENSES TRANSFERRED UNDER ITEM (I) OF THIS PARAGRAPH IS NOT SUFFICIENT, ISSUE NEW CLASS B SERVICE BAR (SB) LICENSES SO THAT THE CUMULATIVE NUMBER OF LICENSES ISSUED OR TRANSFERRED SINCE MAY 1, 2012, EQUALS 25.**

(7) IN ANY YEAR, IF THE BOARD APPROVES THE TRANSFER OF MORE CLASS B OR CLASS D LICENSES THAN ARE NEEDED TO MEET THE MINIMUM TOTAL REQUIRED FOR THAT YEAR, THE EXCESS WILL BE COUNTED AGAINST THE MINIMUM TOTAL REQUIRED FOR THE NEXT YEAR.

(8) THE DATE A LICENSE IS TRANSFERRED UNDER THIS SUBSECTION IS THE DATE OF FINAL, NONAPPEALABLE APPROVAL OF THE APPLICATION FOR A NEW LICENSE OR FOR LICENSE TRANSFER BY THE BOARD.

(C) CLASS B SERVICE BAR BEER AND WINE LICENSES.

(1) A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE MAY BE ISSUED ONLY IN COMPLIANCE WITH THIS SUBSECTION.

(2) A CLASS B SERVICE BAR (SB) LICENSE ALLOWS:

(I) SALES OF BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND

(II) ALCOHOLIC BEVERAGES TO BE SERVED TO PATRONS ONLY AS PART OF A MEAL.

(3) A CLASS B SERVICE BAR (SB) LICENSE MAY BE USED ONLY IN THE OPERATION OF A RESTAURANT, AS DEFINED BY THE BOARD AND THIS ARTICLE, THAT:

(I) HAS TABLE SERVICE; AND

(II) MAINTAINS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(4) A CLASS B SERVICE BAR (SB) LICENSE DOES NOT ALLOW SERVICE TO A CUSTOMER WHO IS STANDING OR ACCEPTING DELIVERY OF PURCHASED FOOD OR BEVERAGE ITEMS OTHER THAN WHILE SEATED AT A TABLE.

(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROPOSED RESTAURANT FOR WHICH A CLASS B SERVICE BAR (SB) LICENSE IS SOUGHT SHALL COMPLY WITH THE ZONING ORDINANCES OF THE COUNTY, INCLUDING ALLOWING SEATING FOR NOT FEWER THAN 30 CUSTOMERS AND NOT MORE THAN 100 CUSTOMERS.

**(II) THE LICENSE MAY NOT BE USED IN CONJUNCTION WITH THE VIEWING OF TELEVISED SPORTING EVENTS OR THE USE OF LIVE BANDS, DISC JOCKEYS, KARAOKE, OR ANY OTHER FORM OF LIVE ENTERTAINMENT.**

**(6) A CLASS B OR D LICENSE TRANSFERRED UNDER SUBSECTION (A) OF THIS SECTION OR A CLASS B SERVICE BAR (SB) LICENSE ISSUED UNDER THIS SUBSECTION MAY NOT THEREAFTER BE TRANSFERRED FROM THE LICENSED PREMISES OR CONVERTED TO ANOTHER CLASS OF LICENSE.**

**(7) NOT MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE MAY BE ISSUED IN ANY ONE ELECTION DISTRICT PER YEAR.**

**(8) A CLASS B SERVICE BAR (SB) LICENSE MAY NOT BE ISSUED FOR USE ON PREMISES OR A LOCATION FOR WHICH ANY ON-SALE LICENSE HAS BEEN ISSUED WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B SERVICE BAR (SB) LICENSE IS FILED.**

**(9) A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST AS DEFINED IN § 13-1606 OF THIS SUBTITLE IN MORE THAN ONE CLASS B SERVICE BAR (SB) LICENSE.**

**(D) FEE.**

**THE ANNUAL FEE FOR A CLASS B SERVICE BAR (SB) BEER AND WINE LICENSE IS \$ 5,000.**

**(E) EFFECT OF TRANSFER.**

**(1) WHEN A LICENSE IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANOTHER ELECTION DISTRICT UNDER THIS SECTION, THE LICENSE DOES NOT CONTINUE TO EXIST IN ELECTION DISTRICT 15.**

**(2) SUBJECT TO THE 25% ALLOWANCE AUTHORIZED IN SUBSECTION (A)(1)(II) OF THIS SECTION, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION LICENSE FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT BASED ON THE RULE OF THE BOARD.**

**(F) CONVERSION OF CLASS D LICENSE FROM ELECTION DISTRICT 15 TO CLASS B LICENSE IN OTHER ELECTION DISTRICT.**

**(1) THE BOARD:**

**(I) SHALL CONVERT A CLASS D LICENSE THAT IS TRANSFERRED FROM ELECTION DISTRICT 15 TO ANY OTHER ELECTION DISTRICT TO A CLASS B LICENSE; AND**

**(II) MAY NOT THEREAFTER TRANSFER THE CLASS B LICENSE FROM THE LICENSED PREMISES OR CONVERT THE LICENSE TO ANOTHER CLASS OF LICENSE.**

**(2) THE BOARD MAY NOT TRANSFER FROM A LICENSED PREMISES OR CONVERT A LICENSE TO ANOTHER CLASS OF LICENSE:**

**(I) A NEW LICENSE ISSUED BY THE BOARD BASED ON AN INCREASE IN POPULATION UNDER THE RULE OF THE BOARD LIMITING THE TOTAL NUMBER OF LICENSES AVAILABLE BY POPULATION; OR**

**(II) A LICENSE THAT HAS BEEN REVOKED AND REISSUED BY THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–204.8(b) through (f), 8–204.9(b) and (c), and 8–204.7(b).

In subsection (c)(9) of this section, the former phrase “including an individual or sole proprietorship, partnership, corporation, unincorporated association, and limited liability company” is deleted as included in the defined term “person”.

In subsection (d) of this section, the former reference to a license “issued under this section” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to a license that “does not continue to exist” is substituted for the former reference to a license that “may not be construed to exist” for clarity.

Former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a), which limited the scope of former Art. 2B, §§ 8–204.7(a), 8–204.8(a), and 8–204.9(a) to Baltimore County, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

**13-1605. ADDITIONAL CLASS B LICENSE FOR RESTAURANT.****(A) IN GENERAL.****THE BOARD MAY:**

**(1) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND § 13-1606 OF THIS SUBTITLE, ISSUE AN ADDITIONAL CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE FOR PREMISES USED AS A RESTAURANT THAT MEETS THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION TO THE HOLDER OF A CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) DEFINE “RESTAURANT” BY REGULATION.**

**(B) RESTAURANT REQUIREMENTS.**

**(1) A RESTAURANT UNDER THIS SECTION IS REQUIRED TO HAVE:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$500,000 FOR RESTAURANT FACILITIES; AND**

**(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

**(2) THE CAPITAL INVESTMENT DESCRIBED IN PARAGRAPH (1)(I) OF THIS SUBSECTION MAY NOT INCLUDE THE COST OF LAND OR BUILDINGS.**

**(C) MAXIMUM NUMBER OF LICENSES PER PERSON.**

**THE BOARD MAY NOT ISSUE MORE THAN FIVE LICENSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.**

**(D) ON-PREMISES CONSUMPTION ONLY.**

**ADDITIONAL LICENSES SHALL BE LIMITED TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3A)(3) and, as it related to Baltimore County, (1) and (2).

In subsection (a) of this section, the phrase “[t]he Board may” issue an additional license is added for clarity.

In subsection (a)(1) of this section, the phrase “subject to subsection (c) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section,” for accuracy.

Also in subsection (a)(1) of this section, the former references to a “bona fide” restaurant are deleted as surplusage.

Also in subsection (a)(1) of this section, the former phrase “by making application in the regular manner and paying the usual fee” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “partnership, corporation, unincorporated association, or limited liability company” for brevity and consistency within this article.

Also in subsection (c) of this section, the phrase “[t]he Board may not issue” is substituted for the former phrase “[n]othing contained herein shall permit” for clarity.

In subsection (d) of this section, the former phrase “with no off-sale privileges to be exercised therewith” is deleted as surplusage.

Also in subsection (d) of this section, the former reference to “restricted” is deleted as included in the reference to “limited”.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 13-101

“License” § 1-101

“Person” § 1-101

### **13-1606. CLASS B LICENSES.**

#### **(A) MAXIMUM ALLOWABLE NUMBER OF INTERESTS IN LICENSES.**

**THE BOARD MAY ALLOW A PERSON TO OBTAIN A DIRECT OR INDIRECT INTEREST IN:**

**(1) NOT MORE THAN 12 CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES; OR**

**(2) IF ONE OF THE RESTAURANTS FOR WHICH A LICENSE IS LOCATED IN THE LIBERTY ROAD COMMERCIAL REVITALIZATION DISTRICT AS DEFINED BY**

**THE COUNTY COUNCIL ON OCTOBER 18, 1999, NOT MORE THAN 13 CLASS B (ON-SALE) HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSES.**

**(B) RESTAURANT REQUIREMENTS.**

**A RESTAURANT DESCRIBED IN SUBSECTION (A) OF THIS SECTION SHALL:**

- (1) MEET THE REQUIREMENTS OF THE REGULATIONS OF THE BOARD REGARDING THE AVAILABILITY AND ISSUANCE OF LICENSES;**
- (2) MEET THE DEFINITION REQUIREMENTS OF “RESTAURANT” ESTABLISHED UNDER THE REGULATIONS OF THE BOARD;**
- (3) HAVE A MINIMUM DINING SEATING CAPACITY OF 190 INDIVIDUALS;**
- (4) HAVE A COCKTAIL LOUNGE OR BAR AREA SEATING CAPACITY THAT DOES NOT EXCEED 25% OF THE DINING SEATING CAPACITY; AND**
- (5) HAVE NOT MORE THAN 40% OF SALES IN ALCOHOLIC BEVERAGES IN CONNECTION WITH THE BUSINESS.**

**(C) PRESUMPTION OF INDIRECT INTEREST.**

**AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO PERSONS, IF THE PERSONS:**

- (1) HAVE A COMMON PARENT COMPANY;**
- (2) ARE PARTIES TO A FRANCHISE AGREEMENT, LICENSING AGREEMENT, OR CONCESSION AGREEMENT;**
- (3) ARE PART OF A CHAIN OF BUSINESSES THAT IS COMMONLY OWNED AND OPERATED;**
- (4) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER;**
- (5) SHARE A DIRECTOR, STOCKHOLDER, PARTNER, OR MEMBER OF A PARENT OR SUBSIDIARY;**
- (6) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**



**(7) SHARE A TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

**(D) OFF-SALE PRIVILEGES NOT CONFERRED.**

**A LICENSE DESCRIBED IN SUBSECTION (A) OF THIS SECTION DOES NOT CONFER AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3B)(1) through (4).

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this section or § 8-204(l) of this article” is deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference to “[t]he Board” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase “an individual or a sole proprietorship, partnership, corporation, unincorporated association, or limited liability company” is deleted as included in the defined term “person”.

In subsection (a)(1) of this section, the former reference to a license “under this article” is deleted as included in the defined term “license”.

In subsection (b) of this section, the former phrase “[f]or an applicant to obtain a license under this subsection: (i) [t]he applicant shall apply in the regular manner and pay the usual fee” is deleted as surplusage.

In subsection (d) of this section, the reference to a “license described in subsection (a) of this section” is substituted for the former reference to “these licenses” for clarity.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 13-101

“County” § 13-101

“License” § 1-101

“Off-sale” § 1-101

“Person” § 1-101

**REVISOR'S NOTE TO PART**

Former Art. 2B, § 9-102(b-3B)(5), which authorized the issuance of not more than six licenses to a person, is deleted as obsolete. Section 13-1606 of this subtitle authorizes

the issuance of not more than 12 licenses or 13 licenses if the thirteenth is located in the Liberty Road Commercial Revitalization District.

Former Art. 2B, § 9–102(b–3C)(1), which authorized the issuance of not more than 13 Class B licenses, is deleted as duplicative of § 13–1606(a) and (b) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(2), which specified when an indirect interest is presumed to exist, is deleted as duplicative of § 13–1606(c) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(3), which stated that off–sale privileges may not be conferred by these 12 or 13 licenses, is deleted as duplicative of § 13–1606(d) of this subtitle.

Former Art. 2B, § 9–102(b–3C)(4), which stated that not more than seven licenses may be issued to a single person, is deleted as obsolete in light of § 13–1605(c) of this subtitle.

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **13–1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”);**
- (3) § 4–305 (“FILING FEE AND ENDORSEMENT”); AND**
- (4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

#### **(B) VARIATION.**

**SECTION 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 13–1702, 13–1703, 13–1704, 13–1705, 13–1706, AND 13–1707 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10–503(e)(2).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the transfer of licenses that apply in the County with variation.

Former Art. 2B, § 10–503(e)(1), which stated that former Art. 2B, § 10–503(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 13–101

“License” § 1–101

**13–1702. TRANSFER FROM CONTRACT PURCHASER, OWNER OF LOCATION, OR DEVELOPER.**

**(A) CONDITIONS FOR TRANSFER.**

**IF THE BOARD APPROVES AN APPLICATION FROM A CONTRACT PURCHASER, AN OWNER OF THE LOCATION, OR A DEVELOPER UNDER § 13–1404 OF THIS TITLE, THE APPLICANT MAY APPLY TO TRANSFER THE LICENSE TO AN OPERATOR OF THE TYPE OF BUSINESS FOR WHICH THE LICENSE WAS APPROVED IF:**

**(1) THE LICENSE IS FOR A LOCATION IN THE SITE FOR WHICH THE LICENSE WAS APPROVED; AND**

**(2) THE APPLICATION FOR TRANSFER OCCURS WITHIN 3 YEARS AFTER THE ORIGINAL APPLICATION FOR THE SITE IS APPROVED OR CONSTRUCTION AT THE LOCATION IS COMPLETED, WHICHEVER IS LATER.**

**(B) CHANGE OF LOCATION.**

**UNLESS OTHERWISE PROHIBITED BY LAW, THE BOARD MAY APPROVE A CHANGE OF LOCATION OF A LICENSE ISSUED UNDER § 13–1404 OF THIS TITLE IF THE LICENSE HOLDER HAS ENGAGED IN AN ACTIVE ALCOHOLIC BEVERAGES BUSINESS UNDER THE LICENSE FOR AT LEAST 1 YEAR BEFORE APPLYING FOR THE CHANGE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.6(d) and (e).

In the introductory language of subsection (a) of this section, the reference to an application “from a contract purchaser, an owner of the location, or a developer under § 13–1404 of this title” is added for clarity and to reflect the revision of former Art. 2B, § 8–204.6(a) and (b), which authorizes the approval of applications from a certain contract purchaser, owners of locations, or

developers, under § 13–1404 of this title. Similarly, in subsection (b) of this section, the reference to “§ 13–1404 of this title” is substituted for the former reference to “this section”.

Former Art. 2B, § 8–204.6(a), which stated that former Art. 2B, § 8–204.6 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

### **13–1703. TRANSFER OF CLASS B TO CLASS D LICENSE.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED AS AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

#### **(B) CONDITIONS FOR APPROVAL OF TRANSFER.**

**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD, AFTER A HEARING, MAY APPROVE A TRANSFER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE TO A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) LICENSE IF, BEFORE THE ANNUAL RENEWAL OF THE LICENSE:**

**(1) THE LICENSE HOLDER IS CITED BY THE BOARD FOR VIOLATING THE LICENSE RESTRICTION CONCERNING THE PERCENT OF FOOD SOLD VERSUS THE PERCENT OF ALCOHOLIC BEVERAGES SOLD; OR**

**(2) BECAUSE OF HARDSHIP OR ECONOMIC CONDITIONS, THE LICENSE HOLDER:**

**(I) KNOWS THAT THE FOOD-ALCOHOLIC BEVERAGES RESTRICTION UNDER ITEM (1) OF THIS PARAGRAPH IS BEING VIOLATED ON THE LICENSED PREMISES; AND**

**(II) NOTIFIES THE BOARD IN WRITING OF THIS VIOLATION AND THE REASONS FOR REQUESTING THE TRANSFER.**

#### **(C) FINDINGS OF BOARD REQUIRED.**

**A LICENSE MAY NOT BE TRANSFERRED UNLESS, AFTER A HEARING, THE BOARD FINDS THAT THE TRANSFER IS IN THE BEST INTEREST, HEALTH, SAFETY, AND WELFARE OF THE NEIGHBORHOOD IN WHICH THE LICENSE TRANSFER IS TO BE GRANTED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(e)(3) through (5).

In subsection (a) of this section, the reference to "a license issued as an exception to the population and numerical limitations specified in 'Rule 19 – Population and Numerical Limitations' of the Rules and Regulations of the Board" is substituted for the former reference to "the exceptions from the population requirements provided for in the rules of the Board" for clarity and consistency with terminology used throughout this title.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 13-101

"Hotel" § 1-101

"License" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

### **13-1704. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH A RECEIPT OR CERTIFICATE FROM THE DIRECTOR OF FINANCE SHOWING THAT ALL PERSONAL PROPERTY TAXES DUE THE COUNTY OR THE STATE ARE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(e)(6).

The reference to a requirement to show that "all personal property taxes due the County or the State are paid" is substituted for the former requirement to show that "there are no unpaid taxes due on the merchandise, fixtures, or stock of the transferor to Baltimore County or the State of Maryland" for clarity and consistency.

The former phrase "within its jurisdiction" is deleted as unnecessary because the authority of the Board does not extend outside of its jurisdiction.

Defined terms: "Board" § 13-101

“County” § 13-101

“License” § 1-101

“State” § 1-101

**13-1705. TRANSFERS INTO TOWSON COMMERCIAL REVITALIZATION DISTRICT.**

**(A) IN GENERAL.**

**(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER INTO THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY THE BALTIMORE COUNTY COUNCIL, OF NOT MORE THAN 10 BEER, WINE, AND LIQUOR (ON-SALE) LICENSES THAT:**

**(I) WERE ISSUED ON OR BEFORE DECEMBER 31, 2008;**

**(II) WERE IN EXISTENCE IN ELECTION DISTRICT 15 OF THE COUNTY ON JUNE 1, 2009; AND**

**(III) ARE VALID ON THE DATE OF TRANSFER.**

**(2) TO BE TRANSFERRED UNDER THIS SECTION, A LICENSE:**

**(I) SHALL BE A CLASS B OR A CLASS D LICENSE; AND**

**(II) MAY NOT BE A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY STATUTE OR REGULATION.**

**(3) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

**(4) ON THE DATE OF TRANSFER, A LICENSE TRANSFERRED UNDER THIS SECTION SHALL BE CONVERTED INTO A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE AND MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN THE ELECTION DISTRICT FROM WHERE IT WAS TRANSFERRED.**

**(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.**

EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) (ON-SALE) LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.

**(C) ADDITIONAL REQUIREMENTS.**

(1) A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE TOWSON COMMERCIAL REVITALIZATION DISTRICT, AS DEFINED BY THE BALTIMORE COUNTY COUNCIL.

(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD.

(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE RESTAURANT.

(4) THE SEATING CAPACITY FOR THE BAR AREA MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT.

(5) EXCEPT AS PROVIDED IN SUBSECTION (D)(2)(II) OF THIS SECTION, THE AREA DEDICATED TO THE RESTAURANT OPERATION SHALL HAVE A MINIMUM SEATING CAPACITY OF 100 INDIVIDUALS.

(6) THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS DURING WHICH FOOD IS OFFERED FOR SALE.

(7) THE LICENSE DOES NOT CONFER AN OFF-SALE PRIVILEGE.

**(D) REQUIREMENTS FOR RESTAURANTS.**

OF THE RESTAURANTS FOR WHICH A CLASS B OR CLASS D LICENSE MAY BE TRANSFERRED AND A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE MAY BE ISSUED UNDER SUBSECTION (A)(1) OF THIS SECTION, THE BOARD MAY REQUIRE THAT:

**(1) FOR NOT MORE THAN SEVEN RESTAURANTS, APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A MINIMUM CAPITAL INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF \$500,000; AND**

**(2) FOR NOT MORE THAN THREE RESTAURANTS:**

**(I) APPLICANTS FOR LICENSE TRANSFER AND ISSUANCE DEMONSTRATE A CAPITAL INVESTMENT, EXCLUDING THE COSTS OF THE LAND AND BUILDING SHELL, OF NOT LESS THAN \$50,000 OR MORE THAN \$400,000; AND**

**(II) THE AREA DEDICATED TO THE RESTAURANT OPERATION HAVE:**

**1. A MAXIMUM SEATING CAPACITY OF 100 INDIVIDUALS, WITH THE SEATING CAPACITY IN THE BAR AREA NOT EXCEEDING 25% OF THE TOTAL SEATING CAPACITY OF THE RESTAURANT; AND**

**2. A MINIMUM SEATING CAPACITY OF 40 INDIVIDUALS.**

**(E) GROUNDS FOR DENYING AN APPLICATION FOR TRANSFER.**

**THE BOARD SHALL DENY AN APPLICATION FOR TRANSFER OF A CLASS B OR CLASS D LICENSE AND ISSUANCE OF A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE IF WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPLICATION:**

**(1) (I) THE APPLICANT WAS A HOLDER OF AN ON-SALE LICENSE WITHIN THE BOUNDARIES OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT; OR**

**(II) THERE WAS AN ON-SALE LICENSE IN EXISTENCE FOR THE PROPOSED PREMISES OF THE APPLICANT; AND**

**(2) THE PREVIOUS ON-SALE LICENSE WAS TRANSFERRED TO PREMISES OUTSIDE OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT.**

**(F) NO TRANSFERS OUT OF THE DISTRICT OR CONVERSIONS INTO ANOTHER LICENSE.**

**A CLASS B BEER, WINE, AND LIQUOR (TOWSON COMMERCIAL REVITALIZATION DISTRICT) LICENSE ISSUED UNDER THIS SECTION MAY NOT BE**



**TRANSFERRED FROM THE TOWSON COMMERCIAL REVITALIZATION DISTRICT OR  
BE CONVERTED INTO ANY OTHER CLASS OF LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.3(b) through (g).

In subsection (a)(3) of this section, the reference to the title of “Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to “the rule of the Board of Liquor License Commissioners that limits the total number of licenses available by population” for clarity.

In subsection (a)(4) of this section, the reference to “count[ing] toward any population limit existing” in the election district is substituted for the former reference to “constru[ing] to exist” in the election district for clarity.

In subsection (e)(1)(i) of this section, the former reference to a license “issued under this article” is deleted as unnecessary in light of the defined term “license”.

Former Art. 2B, § 8–204.3(a), which stated that former Art. 2B, § 8–204.3 applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 13–101

“County” § 13–101

“Hotel” § 1–101

“License” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**13–1706. TRANSFERS INTO HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT.**

**(A) TRANSFER OF TWO BEER, WINE, AND LIQUOR LICENSES.**

**(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER INTO THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” AS DESIGNATED IN THE HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE**

**BALTIMORE COUNTY COUNCIL ON OCTOBER 19, 1998, OF TWO BEER, WINE, AND LIQUOR (ON-SALE) RETAIL LICENSES THAT:**

**(I) WERE IN EXISTENCE IN ELECTION DISTRICT 15 ON JULY 1, 2004; AND**

**(II) ARE VALID ON THE DATE OF TRANSFER.**

**(2) A LICENSE TRANSFERRED UNDER THIS SECTION:**

**(I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER THAN CROSSING DISTRICT LINES;**

**(II) SHALL BE CONVERTED INTO A CLASS B (HV) LICENSE; AND**

**(III) AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.**

**(3) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, THE BOARD SHALL CONSIDER A LICENSE TRANSFERRED UNDER THIS SECTION TO BE A REGULAR LICENSE AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

**(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSES.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE REQUIREMENTS, LICENSE FEE, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B (HV) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR LICENSE ARE THE SAME AS THOSE PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.**

**(C) ADDITIONAL REQUIREMENTS.**

**(1) A CLASS B (HV) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE “HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT” AS DESIGNATED IN THE HUNT VALLEY/TIMONIUM MASTER PLAN, ADOPTED BY THE BALTIMORE COUNTY COUNCIL ON OCTOBER 19, 1998.**

(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD.

(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.

(5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.

(D) ADDITIONAL RESTRICTIONS.

(1) THE CLASS B (HV) RESTAURANT BEER, WINE, AND LIQUOR LICENSE AUTHORIZES ON-PREMISES CONSUMPTION.

(2) ONCE ISSUED, THE LICENSE MAY NOT BE:

(I) TRANSFERRED TO A NEW LOCATION OTHER THAN THE ORIGINAL LOCATION FOR WHICH THE LICENSE WAS ISSUED; OR

(II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.

(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE TRANSFER OF OWNERSHIP OF THE LICENSE.

(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.

(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY UNTIL 1:30 A.M.

(E) LIMIT OF THREE BEER, WINE, AND LIQUOR LICENSES.

THE BOARD MAY NOT ISSUE MORE THAN A TOTAL OF THREE BEER, WINE, AND LIQUOR LICENSES IN THE "HUNT VALLEY COMMERCIAL/MIXED USE FOCAL POINT"

**UNDER THE EXCEPTIONS IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–204.4(b) through (i).

In the introductory language of subsection (a)(1) of this section, the reference to limitations “established by the Board” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the reference to a license authorized for issuance “in the County” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to a license authorized for issuance “under this article” is deleted as unnecessary.

In subsection (a)(2)(iii) of this section, the reference to “count[ing] toward any population limit existing” in Election District 15 is substituted for the former reference to “constru[ing] to exist” in Election District 15 for clarity.

In subsection (a)(3) of this section, the reference to the title of “Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to “the rule of the Board ... that limits the total number of licenses available by population” for clarity.

In subsection (b) of this section, the reference to “requirements” is substituted for the former reference to “restrictions and qualifications” for brevity.

Also in subsection (b) of this section, the former references to requirements “in the licensed establishment” and “for the licensed establishment” are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the license “established by this section” is deleted as unnecessary.

In subsection (d)(1) of this section, the reference to on–premises “consumption” is substituted for the former reference to on–premises “sales” to conform to the terminology used throughout this article.

In subsection (d)(4) of this section, the former reference to the “proposed” premises is deleted as surplusage.

In subsection (e) of this section, the reference to the title of Rule 19 “Population and Numerical Limitations” is added for clarity.

Former Art. 2B, § 8–204.4(a), which stated that former Art. 2B, § 8–204.4 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

“Wine” § 1–101

**13–1707. TRANSFERS INTO QUARRY AT GREENSPRING, OWINGS MILLS METRO STATION, AND PROMENADE AT CATONSVILLE.**

**(A) SCHEDULE OF AUTHORIZED TRANSFERS.**

**(1) NOTWITHSTANDING THE LICENSE POPULATION QUOTA LIMITATIONS ESTABLISHED BY THE BOARD AND IN ADDITION TO THE LICENSES AUTHORIZED FOR ISSUANCE IN THE COUNTY, THE BOARD MAY AUTHORIZE THE TRANSFER OF THE NUMBER OF CLASS B AND CLASS D BEER, WINE, AND LIQUOR (ON–SALE) RETAIL LICENSES IN EXISTENCE IN ELECTION DISTRICT 15 ON JANUARY 15, 2005, AND VALID ON THE DATE OF TRANSFER, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:**

**(i) TWO TO THE QUARRY AT GREENSPRING, TO BE KNOWN AS (QG) LICENSES, ON OR AFTER APRIL 1, 2005, LOCATED AT LOTS 1 THROUGH 9, INCLUSIVE, IDENTIFIED ON THE PLAT OF GREENSPRING QUARRY, AREAS F, G, AND K, DATED DECEMBER 21, 2004, AND DELIVERED TO THE COUNTY FOR RECORDING ON DECEMBER 29, 2004;**

**(ii) THREE TO THE AREA OF STATE–OWNED LAND ADJACENT TO AND ABUTTING THE OWINGS MILLS METRO STATION, GOVERNED BY A MASTER DEVELOPMENT AGREEMENT CREATING THE METRO CENTER AT OWINGS MILLS, TO BE KNOWN AS (MCOM) LICENSES, ON OR AFTER OCTOBER 1, 2005; AND**

**(iii) THREE TO THE PROMENADE AT CATONSVILLE, TO BE KNOWN AS (PC) LICENSES, ON OR AFTER APRIL 1, 2006, LOCATED AT AND IDENTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION MAP 101, PARCELS 132, 516, 1088, 1344, 1804, AND 1985.**

**(2) A LICENSE TRANSFERRED FROM ELECTION DISTRICT 15 UNDER THIS SECTION:**

**(I) MAY NOT BE A CLASS A OR C LICENSE OR A LICENSE THAT IS PROHIBITED FROM BEING TRANSFERRED BY LAW OR LOCAL REGULATION OTHER THAN THE PROHIBITION AGAINST CROSSING DISTRICT LINES;**

**(II) FOR DETERMINING THE TOTAL NUMBER OF LICENSES AVAILABLE IN AN ELECTION DISTRICT, SHALL BE CONSIDERED TO BE A REGULAR LICENSE IN ITS NEW LOCATION AND NOT AN EXCEPTION TO THE POPULATION AND NUMERICAL LIMITATIONS SPECIFIED IN “RULE 19 – POPULATION AND NUMERICAL LIMITATIONS” OF THE RULES AND REGULATIONS OF THE BOARD;**

**(III) SHALL BE CONVERTED INTO A CLASS B (QG), (MCOM), OR (PC) LICENSE; AND**

**(IV) AS OF THE DATE OF TRANSFER, MAY NOT BE COUNTED TOWARD ANY POPULATION LIMIT EXISTING IN ELECTION DISTRICT 15.**

**(B) REQUIREMENTS SAME AS FOR HOTEL AND RESTAURANT LICENSE.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE LICENSE ISSUANCE AND RENEWAL REQUIREMENTS, MINIMUM SQUARE FOOT AREA REQUIREMENT FOR FOOD AND BEVERAGE PREPARATION AND CONSUMPTION, AND DAYS AND HOURS OF SALE FOR A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE ARE THE SAME AS THOSE PROVIDED FOR IN THIS ARTICLE AND IN THE REGULATIONS OF THE BOARD FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.**

**(C) ADDITIONAL REQUIREMENTS.**

**(1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE MAY BE ISSUED ONLY FOR A LOCATION WITHIN THE GEOGRAPHIC AREAS IDENTIFIED IN SUBSECTION (A)(1) OF THIS SECTION.**

**(2) THE LICENSE SHALL BE USED IN CONJUNCTION WITH THE OPERATION OF A RESTAURANT, AS DEFINED IN THIS ARTICLE AND THE REGULATIONS OF THE BOARD.**

**(3) THE RESTAURANT OPERATION SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD OF AT LEAST 60% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.**

**(4) THE TOTAL SEATING CAPACITY FOR THE AREA DEDICATED PRIMARILY FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES MAY NOT EXCEED 25% OF THE TOTAL SEATING CAPACITY OF THE ESTABLISHMENT.**

**(5) SUBJECT TO SUBSECTION (D)(5) OF THIS SECTION, THE HOURS DURING WHICH THE PRIVILEGES CONFERRED BY THE LICENSE MAY BE EXERCISED MAY NOT EXCEED THE HOURS FOR WHICH FOOD IS OFFERED FOR SALE.**

**(D) ADDITIONAL RESTRICTIONS.**

**(1) A CLASS B (QG), (MCOM), OR (PC) RESTAURANT (ON-SALE) BEER, WINE, AND LIQUOR RETAIL LICENSE AUTHORIZES ON-PREMISES CONSUMPTION.**

**(2) ONCE ISSUED, THE LICENSE MAY NOT BE:**

**(I) TRANSFERRED TO A NEW LOCATION OUTSIDE THE GEOGRAPHIC AREA, AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION, FOR WHICH THE LICENSE WAS ISSUED; OR**

**(II) CONVERTED INTO ANY OTHER CLASS OF LICENSE.**

**(3) PARAGRAPH (2) OF THIS SUBSECTION DOES NOT PROHIBIT THE TRANSFER OF:**

**(I) THE OWNERSHIP OF A LICENSE; OR**

**(II) THE LOCATION OF A LICENSED ESTABLISHMENT WITHIN THE GEOGRAPHIC AREA AS DEFINED IN SUBSECTION (A)(1) OF THIS SECTION.**

**(4) THE PREMISES SHALL COMPLY WITH ALL APPLICABLE ZONING REGULATIONS.**

**(5) ALCOHOLIC BEVERAGES MAY BE SOLD IN THE ESTABLISHMENT ONLY UNTIL 1:30 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-204.5(b) through (h).

In the introductory language of subsection (a)(1) of this section, the reference to limitations “established by the Board” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the reference to a license authorized for issuance “in the County” is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to a license authorized for issuance “under this article” is deleted as unnecessary.

In subsection (a)(2)(ii) of this section, the reference to “the population and numerical limitations specified in ‘Rule 19 – Population and Numerical Limitations’ of the Rules and Regulations of the Board” is substituted for the former reference to the “rule of the Board ... that limits the total number of licenses available by population” for clarity.

In subsection (a)(2)(iv) of this section, the reference to “count[ing] toward any population limit existing” in Election District 15 is substituted for the former reference to “constru[ing] to exist” in Election District 15 for clarity.

In subsection (b) of this section, the reference to “requirements” is substituted for the former reference to “restrictions and qualifications” for brevity.

Also in subsection (b) of this section, the former references to requirements “in the licensed establishment” and “for the licensed establishment” are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to the license “established by this section” is deleted as unnecessary.

In subsection (d)(1) of this section, the reference to on–premises “consumption” is substituted for the former reference to on–premises “sales” to conform to the terminology used throughout this article.

In subsection (d)(2)(i) of this section, the former reference to the license that was “originally” issued is deleted as surplusage.

In subsection (d)(4) of this section, the former reference to a “proposed” 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**

**(II) MAY NOT BE ISSUED FOR A LOCATION THAT HAS BEEN LICENSED UNDER ANY CLASS OF ON-SALE LICENSE WITHIN 2 YEARS BEFORE THE APPLICATION FOR THE CLASS B (SB) LICENSE IS FILED.**

**(2) THE LICENSE SHALL BE:**

**(I) USED WITH THE OPERATION OF A “RESTAURANT” AS DEFINED BY THE RULES OF THE BOARD; AND**

**(II) RESTRICTED TO RESTAURANTS THAT HAVE TABLE SERVICE, SPECIFICALLY EXCLUDING ANY TYPE OF SERVICE WHILE THE CUSTOMER STANDS OR ACCEPTS DELIVERY OF PURCHASED FOOD ITEMS OTHER THAN WHILE SEATED AT A TABLE.**

**(3) THE PROPOSED LOCATION FOR THE LICENSE SHALL OTHERWISE COMPLY WITH THE ZONING ORDINANCES OF THE COUNTY.**

**(4) THE LICENSE MAY NOT BE:**

**(I) TRANSFERRED OUTSIDE OF THE “PIKESVILLE REVITALIZATION AREA” OR “PIKESVILLE TOWN CENTER”; OR**

**(II) CONVERTED TO ANY OTHER CLASS OF LICENSE.**

**(5) THE ISSUANCE QUALIFICATIONS, FEE, AND HOURS AND DAYS OF SALE FOR THE LICENSE ARE THE SAME AS THOSE FOR A CLASS B BEER, WINE AND LIQUOR (ON-SALE) HOTEL AND RESTAURANT LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-204.2.

In subsection (a)(1) and (2)(i) of this section, the reference to “not more than” 10 licenses is added for clarity.

In subsection (a)(2)(i) of this section, the former phrase “at any location” in the County is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the former phrase “use on premises” is deleted as included in the phrase “for a location”.

In subsection (b)(4) of this section, the former phrase “once issued” is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Board” § 13-101

“County” § 13-101

“License” § 1-101

“On-sale” § 1-101

“Wine” § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**13-1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4-403 (“RENEWAL APPLICATION”);**
- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4-406 (“PROTESTS”);**
- (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4-409 (“MULTIPLE LICENSES”); AND**
- (8) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTION.**

**SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13-1802 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 13-101  
“License” § 1-101

**13-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**(A) IN GENERAL.**

**TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.**

**(B) LATE FILING.**

**THE BOARD MAY:**

**(1) ACCEPT A LATE RENEWAL APPLICATION DURING APRIL; AND**

**(2) CHARGE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(m)(2) and (3).

In subsection (a) of this section, the reference to filing an application "with the Board" is added for clarity.

Also in subsection (a) of this section, the former reference to renewal "in accordance with provisions of this section" is deleted as included in the cross-reference to the statewide provisions under § 13-1801 of this subtitle.

In subsection (b)(1) of this section, the reference to "renewal" applications is added for clarity and consistency within this revision.

Also in subsection (b)(1) of this section, the reference authorizing the Board to "accept" late applications is substituted for the former reference authorizing the Board to "receive" late applications for clarity.

Defined terms: "Board" § 13-101

"License" § 1-101

"License holder" § 1-101

**13-1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE APPLICANT PRESENTS TO THE BOARD A RECEIPT OR CERTIFICATE ISSUED BY THE OFFICE OF BUDGET AND FINANCE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE APPLICANT DUE TO THE COUNTY OR STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(m)(1).

The reference to a receipt or certificate “issued by” the Office of Budget and Finance is added for clarity.

The reference to the “Office of Budget and Finance” is substituted for the former reference to the “office of finance” to reflect the current name of that office.

Defined terms: “Board” § 13–101

“County” § 13–101

“License” § 1–101

“State” § 1–101

### **13–1804. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 13–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(4), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 13–1502 of this title,” is added to clarify that this section is an exception to § 13–1502.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 13–101

“State” § 1–101

“Wine” § 1–101

### **13–1805. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 13–1503 OF THIS TITLE, A PERSON THAT HAS AN INTEREST IN MORE THAN ONE CLASS A LICENSE MAY RENEW THE LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–301(1)(i)2, as it related to the renewal of a license.

The phrase “[n]otwithstanding § 13–1503 of this title,” is added to clarify that this section is an exception to § 13–1503.

The former reference to “off–sale” is deleted as surplusage.

Defined term: “Person” § 1–101

### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

#### **13–1901. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

##### **(B) VARIATION.**

**SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, IN ADDITION TO § 13–1902 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 13-101

"License" § 1-101

"License holder" § 1-101

### **13-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A MEMBER OF A LICENSE HOLDER'S IMMEDIATE FAMILY WHO IS UNDER THE AGE OF 18 YEARS MAY NOT BE EMPLOYED BY THE LICENSE HOLDER TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(3).

Defined terms: "Alcoholic beverage" § 1-101

"License holder" § 1-101

### **13-1903. UNLOCKED ENTRANCE TO CLASS D BEER, WINE, AND LIQUOR PREMISES.**

**AT LEAST ONE ENTRANCE TO THE PREMISES OF A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE SHALL BE UNLOCKED WHEN ALCOHOLIC BEVERAGES ARE SOLD OR CONSUMED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-204(b).

The phrase "[a]t least" is added to state expressly what was only implied in the former law, that a minimum of one entrance to the licensed premises is required to be unlocked.

The former phrase "at all times" is deleted as surplusage.

Former Art. 2B, § 12-204(a), which stated that former Art. 2B, § 12-204 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

"Wine" § 1-101

### **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**13-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.****(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Baltimore County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.



Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

### **13–2002. BEER LICENSES.**

**RESERVED.**

### **13–2003. BEER AND WINE LICENSES.**

#### **(A) CLASS A BEER AND WINE LICENSES.**

**(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.**

**(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER AND WINE ON THE SUNDAY IMMEDIATELY BEFORE:**

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

**(3) THE LICENSE HOLDER MAY SELL BEER AND WINE ON THE TWO SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:**

- (I) THE LICENSE HOLDER DOES NOT SELL BEER AND WINE ON THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;**
- (II) THE SALES ARE CONDUCTED ON THOSE SUNDAYS FROM 6 A.M. TO MIDNIGHT; AND**

**(III) THE SALES ARE LIMITED TO BEER AND WINE THAT ARE “KOSHER FOR PASSOVER”.**

**(B) CLASS B BEER AND WINE LICENSES.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR COUNTER ON SUNDAY.**

**(3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B ON-SALE AND OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:**

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR’S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

**(C) CLASS C BEER AND WINE LICENSES.**

**(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSES.**

**(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND OFF-SALE BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:**

- (I) CHRISTMAS DAY;**

- (II) NEW YEAR'S DAY;
- (III) ROSH HASHANAH; AND
- (IV) YOM KIPPUR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(1), (b)(1) and (3), (c)(1) and (3), and (d)(1) and (3) and 11-403(a)(4)(iii) and, as they related to beer and wine licenses, (ii) and (iv).

Former Art. 2B, § 11-403(a)(4)(i), which stated that former Art. 2B, § 11-403(a)(4) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**13-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.**

**(2) FROM 7 A.M. TO 9 P.M., THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY BEFORE:**

- (I) CHRISTMAS DAY;
- (II) NEW YEAR'S DAY;
- (III) ROSH HASHANAH; AND
- (IV) YOM KIPPUR.

**(3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE TWO SUNDAYS IMMEDIATELY BEFORE PASSOVER IF:**

**(I) THE LICENSE HOLDER DOES NOT SELL BEER, WINE, AND LIQUOR ON THE TWO SATURDAYS IMMEDIATELY BEFORE PASSOVER;**

(II) THE OFF-PREMISES SALES ARE CONDUCTED ON THOSE SUNDAYS FROM 6 A.M. TO MIDNIGHT; AND

(III) THE SALES ARE LIMITED TO BEER, WINE, AND LIQUOR THAT ARE “KOSHER FOR PASSOVER”.

(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(3) FROM 7 A.M. TO 9 P.M., THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:

- (I) CHRISTMAS DAY;
- (II) NEW YEAR’S DAY;
- (III) ROSH HASHANAH; AND
- (IV) YOM KIPPUR.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON EACH DAY OF THE WEEK FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(2) FROM 7 A.M. TO 9 P.M., A HOLDER OF A CLASS D ON-SALE AND OFF-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ON THE SUNDAY IMMEDIATELY BEFORE:**

- (I) CHRISTMAS DAY;**
- (II) NEW YEAR'S DAY;**
- (III) ROSH HASHANAH; AND**
- (IV) YOM KIPPUR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(1), (b)(1), (c)(1), and (d)(1) and (3) and 11-403(a)(4)(iii) and, as it related to beer, wine, and liquor licenses, (ii) and (iv).

In subsection (d) of this section, the phrase "the following day" is added to conform with the terminology used throughout this article.

Defined terms: "Beer" § 1-101  
 "Wine" § 1-101

### **13-2005. HOURS ON JANUARY 1.**

**A LICENSE HOLDER 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(e)(2).

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.

Former Art. 2B, § 11-402(e)(1), which stated that former Art. 2B, § 11-402(e)(1) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License holder" § 1-101

### **13-2006. HOURS WHEN CONSUMPTION PROHIBITED — JANUARY 1 EXCEPTION.**

**SECTION 13-2503 OF THIS TITLE, WHICH PROHIBITS A PERSON FROM CONSUMING ALCOHOLIC BEVERAGES ON CERTAIN PREMISES AND PLACES, DOES NOT APPLY TO ACTIVITIES THAT ARE CONDUCTED ON JANUARY 1 BY LICENSE HOLDERS WHO ARE ALLOWED TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(e)(2).

The reference to "license holders who are allowed to sell alcoholic beverages for on-premises consumption" is substituted for the former reference to "on-sale licensees" for consistency with terminology used throughout this article.

The reference to § 13-2503 of this title "which prohibits a person from consuming alcoholic beverages on certain premises and places" is added for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"License holder" § 1-101

"Person" § 1-101

**13-2007. CONSUMPTION OR TRANSFER OF ALCOHOLIC BEVERAGES THAT ARE BROUGHT ONTO PREMISES.**

**(A) IN GENERAL.**

**ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT ONTO A PREMISES AND CONSUMED OR TRANSFERRED IF:**

**(1) THE PREMISES IS A PLACE OF PUBLIC ENTERTAINMENT; AND**

**(2) THE ENTERTAINMENT IS OF THE TYPE LISTED UNDER § 4-605(B) THROUGH (D) OF THIS ARTICLE.**

**(B) PENALTY.**

**(1) A PERSON WHO OPERATES A PLACE OF PUBLIC ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(e)(3).

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

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**13-2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 ("POWER OF LOCAL LICENSING BOARD");**
- (2) § 4-604 ("GROUNDS FOR REVOCATION OR SUSPENSION"); AND**
- (3) § 4-606 ("EFFECTS OF REVOCATION").**

**(B) EXCEPTION.**

**SECTION 4-605 ("NUDITY AND SEXUAL DISPLAYS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 13-2103 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-603 ("REVOCATION AND SUSPENSION PROCEDURES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-2102 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: "County" § 13-101  
"License" § 1-101  
"Local licensing board" § 1-101

**13-2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR SUSPENSION PROCEDURES.****(A) IN GENERAL.**

**IN ADDITION TO PROCEDURES UNDER § 4-603 OF THIS ARTICLE, THE BOARD SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:**

**(1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT EMPLOYEE OF THE LICENSE HOLDER; OR**

**(2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS WITH MARYLAND RULES 2-121 AND 2-122.**

**(B) NOTICE GIVEN TO EMPLOYEE.**

**IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE IS GIVEN TO THE ADULT EMPLOYEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-403(c)(2) and (3).

In the introductory language of subsection (a) and in subsection (b) of this section, the references to "the Board" are added to clarify that the Board is required to fulfill notification requirements.

Also in the introductory language of subsection (a) and in subsection (b) of this section, the former references to the "service of" notice are deleted as surplusage.

In the introductory language of subsection (a) of this section, the phrase "[i]n addition to the procedures under § 4-603 of this article," is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to the "charges of" complaint is deleted as surplusage.

In subsection (b) of this section, the reference to within 72 hours "after the notice is given" is substituted for the former reference to within 72 hours "of the day service is given" for clarity.



Former Art. 2B, § 10-403(c)(1), as it related to applying former Art. 2B, § 10-403(c) to Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13-101

“License holder” § 1-101

**13-2103. NUDITY AND SEXUAL DISPLAYS.**

**(A) “ADULT ENTERTAINMENT” DEFINED.**

**IN THIS SECTION, “ADULT ENTERTAINMENT”:**

**(1) MEANS PERFORMANCES AT LICENSED PREMISES THAT ARE COMMONLY CALLED “GO-GO DANCING”, “MALE REVUES”, “FEMALE REVUES”, OR “EXOTIC DANCING”; AND**

**(2) INCLUDES PERFORMANCES BY INDIVIDUALS WHO PERFORM IN ANY MANNER WHILE IN A STATE OF DRESS IN WHICH CLOTHING COVERS NO MORE THAN THE GENITALS, PUBIC REGION, AND AREOLA OF THE FEMALE BREAST, AS WELL AS PORTIONS OF THE BODY COVERED BY SUPPORTING STRAPS AND DEVICES.**

**(B) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A LICENSE HOLDER THAT OFFERED ADULT ENTERTAINMENT ON LICENSED PREMISES FOR AT LEAST 5 CALENDAR DAYS BETWEEN MARCH 8, 1996, AND APRIL 8, 1996;**

**(2) A TRANSFEREE OF A LICENSE FROM A LICENSE HOLDER DESCRIBED IN ITEM (1) OF THIS SUBSECTION AS LONG AS THE TRANSFEREE CONTINUES TO OFFER ADULT ENTERTAINMENT ON THE SAME LICENSED PREMISES; OR**

**(3) A LICENSE HOLDER THAT OPERATES A THEATER, A CONCERT HALL, AN ART CENTER, A MUSEUM, OR A SIMILAR ESTABLISHMENT THAT IS PRIMARILY DEVOTED TO THE ARTS OR THEATRICAL PERFORMANCES, WHEN THE PERFORMANCES EXPRESS MATTERS OF SERIOUS LITERARY, ARTISTIC, SCIENTIFIC, OR POLITICAL VALUE.**

**(C) ADULT ENTERTAINMENT PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW ADULT ENTERTAINMENT ON LICENSED PREMISES OR ON PROPERTY ADJACENT TO THE LICENSED PREMISES OVER WHICH THE LICENSE HOLDER HAS OWNERSHIP OR CONTROL.**

**(D) PENALTY.**

**IF THE BOARD FINDS THAT A VIOLATION OF THIS SECTION HAS OCCURRED, THE BOARD SHALL REVOKE OR SUSPEND THE LICENSE FOR THE PREMISES WHERE THE VIOLATION OCCURRED OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-204(d).

In subsection (c) of this section, the former reference to "any class of alcoholic beverages" license is deleted as included in the defined term "license holder".

In subsection (d) of this section, the former reference to the license holder "for the premises where the violation occurred" is deleted as surplusage.

Defined terms: "Board" § 13-101

"License" § 1-101

"License holder" § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**13-2201. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-702(A) ("ON DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-702(B) ("AFTER VACATION OF OR EVICTION FROM PREMISES");**

**(2) § 4-703 ("PENDING OR APPROVED TRANSFERS OR CONTINUATION OF BUSINESS");**

- (3) § 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);**  
**AND**
- (4) § 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).**

REVISOR’S NOTE: Subsection (a) of this section is new language added for clarity.

Subsection (b) of this section is new language derived without substantive change from the first phrase of the first sentence of former Art. 2B, § 10-504(a). It is revised in standard language used throughout this article to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 13-101  
 “License” § 1-101  
 “License holder” § 1-101

**13-2202. PERIOD FOR WHICH LICENSE MAY BE CONSIDERED UNEXPIRED.**

**(A) 180-DAY RULE.**

**A LICENSE EXPIRES 180 DAYS AFTER THE LICENSE HOLDER HAS CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

**(1) AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING;**

**(2) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS TITLE HAS BEEN APPROVED OR IS PENDING; OR**

**(3) A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 180-DAY PERIOD.**

**(B) APPLICATION FOR HARDSHIP EXTENSION.**

**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION:**

**(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP;**

**(2) THE BOARD MAY GRANT THE EXTENSION IF THE BOARD FINDS AFTER A HEARING THAT EXISTING HARDSHIP CAUSED THE CLOSING OR STOPPING OF BUSINESS OPERATIONS; AND**

**(3) AN EXTENSION MAY NOT PROLONG THE LIFE OF THE LICENSE BEYOND 360 DAYS AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD.**

**(C) START AND RESTART OF UNEXPIRED PERIOD.**

**(1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:**

**(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND**

**(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.**

**(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:**

**(I) FINAL ACTION OF THE BOARD GRANTING OR DENYING A REQUEST FOR A HARDSHIP EXTENSION UNDER SUBSECTION (B) OF THIS SECTION;**

**(II) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;**

**(III) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A) OR (B) OF THIS SECTION HAS BEEN GRANTED; OR**

**(IV) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.**

**(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A) OR (B) OF THIS SECTION IS WITHDRAWN:**

**(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE MAY NOT BE SUSPENDED; AND**

**(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS IF IT HAD NOT BEEN FILED.**

**(D) CLOSURE BECAUSE OF CASUALTY LOSS.**

**IF A LICENSED PREMISES IS FORCED TO CLOSE BECAUSE OF A CASUALTY LOSS, THE BOARD, WITHOUT CIRCUIT COURT APPROVAL, MAY EXTEND THE LICENSE FOR NOT MORE THAN 2 YEARS AFTER THE CLOSING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(e)(2), (3), (4), (6), (7), and the second sentence of (5).

In the introductory language of subsection (a) and in subsection (b)(3) of this section, the references to stopping alcoholic beverages operations "at the premises" for which the license is held are substituted for the former references to stopping alcoholic beverages business operations "of the business" for which the license is held to conform to terminology used throughout this article.

In subsection (a)(2) of this section, the reference to "a certificate of permission or a renewal license for continuation of business" is added for clarity.

In subsection (b)(1) and (2) of this section, the former references to "undue" hardship are deleted as surplusage.

In subsection (b)(3) of this section, the requirement that an extension does not "prolong the life of the license beyond 360 days" after the closing or stopping of business operations is substituted for the former reference to a request for an extension "for a time period of no more than a cumulative period of 360 days" after the closing or stopping of business for brevity.

In the introductory language of subsection (c)(1) of this section, the reference to the period "for which a license may be considered unexpired" is added for clarity.

Also in the introductory language of subsection (c)(1) of this section, the former reference to a "time" period is deleted as surplusage.

In subsection (c)(1)(ii) and (3)(i) of this section, the references to a period that may or may not be "suspended" are substituted for the former references to a period that may or may not be "toll[ed]" for clarity.

In the introductory language of subsection (c)(2) of this section, the former phrase "cumulatively to the time period before the filing of the application or request" is deleted as implicit in the word "resumes".

In subsection (c)(2)(iii) of this section, the reference to judicial review being “granted” is substituted for the former reference to judicial review being “sought” for accuracy in light of subsection (c)(2)(iv) of this section that relates to “dismissal” of a petition for judicial review.

Former Art. 2B, § 10–504(e)(1)(i), which stated that former Art. 2B, § 10–504(e) applied only in Baltimore County, is deleted as unnecessary in light of the reorganization of this revised article.

Former Art. 2B, § 10–504(e)(1)(ii), which defined “Board” to mean the Board of License Commissioners for Baltimore County or the Office of the Comptroller, whichever is the issuing party, is deleted in light of the term “Board” that is defined in § 13–101 of this title.

The first sentence of former Art. 2B, § 10–504(e)(5), which stated the intent for the total period of time for which a license may be deemed unexpired, is deleted as unnecessary in light of subsections (a) and (b) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

### **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

#### **13–2301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4–806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 13-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 13-101  
“License” § 1-101  
“License holder” § 1-101

**13-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

- (1) THE SURVIVING SPOUSE;**
- (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**
- (3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(2).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 13–101

“License” § 1–101

“License holder” § 1–101



**SUBTITLE 24. JUDICIAL REVIEW.**

**13-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 13-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**13-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) SCOPE OF SECTION.**

**THIS SECTION:**

**(1) APPLIES TO AN ESTABLISHMENT THAT:**

**(I) IS NOT LICENSED UNDER THIS TITLE; AND**

**(II) SERVES OR GIVES ALCOHOLIC BEVERAGES TO A CUSTOMER OR ALLOWS A CUSTOMER TO CONSUME ALCOHOLIC BEVERAGES THAT ARE FROM SUPPLIES THAT THE CUSTOMER PREVIOUSLY PURCHASED OR RESERVED; AND**

**(2) DOES NOT APPLY TO AN ESTABLISHMENT LICENSED UNDER THIS TITLE.**

**(B) IN GENERAL.**

**AFTER LEGAL CLOSING HOURS FOR LICENSED PREMISES UNDER §§ 13-2004 AND 13-2005 OF THIS TITLE, AN UNLICENSED ESTABLISHMENT MAY NOT SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES, SETUPS, OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS AT A LOCATION UNDER ITS CONTROL OR POSSESSION.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103(a), (c), and (d).

Throughout this section, the references to an “establishment” are substituted for the former references to a “bottle club” to conform to the terminology used throughout this article.

Subsection (a) of this section is revised as a substantive provision and not as a definition for clarity.

In subsection (a)(1)(ii) of this section, the references to “customer” are substituted for the former references to “patrons” for clarity.

In subsection (b) of this section, the reference to closing hours for “licensed premises” is substituted for the former reference to closing hours for “establishments” for clarity and accuracy.

Also in subsection (b) of this section, the former references to “giv[ing]” and “dispens[ing]” are deleted as included in the reference to “serv[ing]”.

Also in subsection (b) of this section, the former reference to the “premises” of an establishment is deleted as included in the reference to a “location under its control or possession”.

Former Art. 2B, § 20–103(b), which provided that former Art. 2B, § 20–103 applied only in Baltimore 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 prohibition against an unlicensed establishment from “keep[ing]” alcoholic beverages after legal closing hours for licensed establishments would prove burdensome. The unlicensed establishment would have to rid itself of alcoholic beverages at closing time each day, yet reacquire them in time for the next day’s opening hour. In addition, the Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the prohibition against unlicensed establishments serving, keeping, or allowing to be consumed “setups or other component parts of mixed alcoholic drinks” seems overly broad. The prohibition may include such items as ice cubes and ginger ale.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

**13-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an "establishment" open to the public is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a

statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

### **13–2503. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

#### **(A) BRINGING, CONSUMING, OR TRANSFERRING ALCOHOLIC BEVERAGES.**

**ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A PLACE OF ADULT ENTERTAINMENT OF THE TYPE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

#### **(B) PENALTY.**

**(1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION ON THE PREMISES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(e)(3).

In subsection (a) of this section, the references to “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsections (a) and (b) of this section, the references to “adult” entertainment are substituted for the former references to “public” entertainment for clarity.

Former Art. 2B, § 11–304(e)(1), which provided that former Art. 2B, § 11–304(e) applied only in Baltimore County, is deleted as unnecessary in light of the organization of this revised article.

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

### **SUBTITLE 26. ENFORCEMENT.**

**13-2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 (“INSPECTIONS”);**
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (8) § 6-211 (“FINES AND FORFEITURES”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 6-205 (“PEACE OFFICERS”); AND**
- (2) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”), WHICH IS SUPERSEDED BY § 13-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (b)(2) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Subsection (b)(1) of this section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 16–401.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 13–101

“State” § 1–101

### **13–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

#### **THE COUNTY MAY:**

**(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–320 OF THIS ARTICLE; AND**

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(3).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 13–101

### **13–2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

#### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(iii), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 13–101

**SUBTITLE 27. PROHIBITED ACTS.**

**13–2701. 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) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
  - (5) § 6-310 (“PROVIDING FREE FOOD”);
  - (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
  - (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
  - (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
  - (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
  - (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
  - (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
  - (12) § 6-320 (“DISORDERLY INTOXICATION”);
  - (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
  - (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
  - (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
  - (16) § 6-327 (“TAX EVASION”);
  - (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
  - (18) § 6-329 (“PERJURY”).
- (B) EXCEPTION.



**SECTION 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 13-2702 OF THIS SUBTITLE;**

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 13-2703 OF THIS SUBTITLE; AND**

**(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 13-2704 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to prohibited acts.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 8-601(b).

Defined terms: “Alcoholic beverage” § 1-101

“County” § 13-101

“License holder” § 1-101

“Retail dealer” § 1-101

“State” § 1-101

**13-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to the "Board" is substituted for the former reference to "any alcoholic beverage law enforcement or licensing authorities" to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13–101  
 “License holder” § 1–101  
 “State” § 1–101

**13–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (b) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (b) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 13-101

“License holder” § 1-101

“State” § 1-101

### **13-2704. POSSESSION OF OPEN CONTAINER — MOTORCYCLES.**

**IN ADDITION TO THE PROHIBITIONS LISTED IN § 6-322 OF THIS ARTICLE, AN INDIVIDUAL MAY NOT POSSESS IN AN OPEN CONTAINER AN ALCOHOLIC BEVERAGE WHILE ON A MOTORCYCLE LOCATED IN THE PLACES LISTED IN § 6-322, UNLESS AUTHORIZED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-303(2).

Defined term: “Alcoholic beverage” § 1-101

## **SUBTITLE 28. PENALTIES.**

### **13-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 13-101

### **13-2802. PENALTY IMPOSED BY BOARD.**

**FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OR REVOCATION OF A LICENSE, AFTER HOLDING A PUBLIC HEARING AND FINDING THAT A PERSON HAS VIOLATED AN ALCOHOLIC BEVERAGES LAW OR REGULATION, THE BOARD MAY:**

- (1) IMPOSE A FINE NOT EXCEEDING \$2,000;**
- (2) SUSPEND OR REVOKE THE LICENSE; OR**
- (3) IMPOSE A FINE AND SUSPEND OR REVOKE THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(e).

In the introductory language of this section, the former reference to “rules” is deleted as included in the reference to an “regulation”.

Also in the introductory language of this section, the former reference to violating the alcoholic beverages laws “affecting Baltimore County” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 13–101

“License” § 1–101

“Person” § 1–101

**TITLE 14. CALVERT COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**14–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CALVERT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Calvert County”.

**(C) COUNTY.****“COUNTY” MEANS CALVERT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Calvert County”.

**(D) LIGHT WINE.****“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (f).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**14–102. SCOPE OF TITLE.****THIS TITLE APPLIES ONLY IN CALVERT COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**14–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each

local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 14–101

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**14–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CALVERT COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Calvert County exists.

The name “Board of License Commissioners for Calvert County” is used instead of the commonly used name “Calvert County Liquor Board” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

**14–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF REGULAR AND SUBSTITUTE MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE REGULAR MEMBERS AND ONE SUBSTITUTE MEMBER TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) ONE REGULAR MEMBER OF THE BOARD SHALL ALWAYS BE A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES THROUGHOUT THE STATE FOR THAT OFFICE.**

**(C) SUBSTITUTE MEMBER.**

**(1) THE SUBSTITUTE MEMBER SERVES ON THE BOARD IN THE ABSENCE OF A REGULAR MEMBER.**

**(2) WHEN SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS ALL OF THE POWERS AND RESPONSIBILITIES OF A REGULAR MEMBER.**

**(D) TENURE.**

**THE TERM OF A MEMBER IS 2 YEARS.**

**(E) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and (f)(1) and (2)(i), (iii), and (iv) and 15–110(a).

In subsections (a)(1) and (c) of this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection (b)(1) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners”.

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Calvert County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Calvert County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(f)(2)(ii), which required that the alternate Board member’s term run concurrently with the terms of the regular members serving in office on July 1, 1986, is deleted as obsolete.

Defined terms: “Board” § 14–101

“County” § 14–101

“State” § 1–101

### **14–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Calvert County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “regular members” is substituted for the former reference to “appointees” for clarity and to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 14–101

### **14–204. COMPENSATION; STAFF.**

#### **(A) COMPENSATION.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$4,200 ANNUALLY FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.**

**(2) EACH REGULAR MEMBER OF THE BOARD SHALL RECEIVE \$3,600 ANNUALLY FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.**

**(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE \$200 FOR EACH MEETING OF THE BOARD ATTENDED AS AN ACTING REGULAR MEMBER FOR EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF THE OFFICE.**

**(B) STAFF.**

**SUBJECT TO § 14–205 OF THIS SUBTITLE, THE BOARD:**

**(1) MAY EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SHALL SET THE COMPENSATION OF THE EMPLOYEES.**

**(C) CLERK AND ATTORNEY.**

**THE BOARD MAY APPOINT A CLERK AND AN ATTORNEY AT SALARIES THAT THE COUNTY COMMISSIONERS SET.**

**(D) PAYMENT OF BOARD SALARIES AND EXPENSES.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(f), 15–112(a)(2) and (f)(2)(i), and the first sentence of 10–204(f).

In subsection (a)(1) 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 (a)(3) of this section, the reference to a “substitute” member is substituted for the former reference to an “alternate” member to conform to the terminology used throughout this subtitle.

Also in subsection (a)(3) of this section, the former reference to receiving \$200 “compensation ... to compensate” for expenses is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(f)(1), which provided that “[t]his subsection applies only in Calvert County”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101  
 “County” § 14–101

#### **14–205. INSPECTORS.**

**WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, THE BOARD MAY APPOINT FULL–TIME OR PART–TIME INSPECTORS WHO:**

**(1) SHALL HAVE THEIR SALARIES SET BY THE COUNTY COMMISSIONERS ON AN ANNUAL OR PER DIEM BASIS; AND**

**(2) SHALL BE PAID REASONABLE EXPENSES RELATED TO PERFORMANCE OF THEIR DUTIES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(f)(2)(ii).

In the introductory language of this section, the former reference to “alcoholic beverages” inspectors is deleted as surplusage.

Defined terms: “Board” § 14–101  
 “County” § 14–101

#### **14–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Calvert County.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Defined term: “Board” § 14–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **14–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 14–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **14–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**

- (8) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- (11) § 2-212 (“ADDITIONAL LICENSES”);
- (12) § 2-213 (“ADDITIONAL FEES”);
- (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it

limited to specific jurisdictions, not including Calvert County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2–208(b)(2)(vi), which provided that a Class 7 micro–brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 14–101  
 “Manufacturer’s license” § 1–101

#### **14–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(4).

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

### **SUBTITLE 5. WHOLESALER’S LICENSES.**

#### **14–501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**

- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

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 to specific jurisdictions, not including Calvert County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: “County” § 14-101



“Wholesaler’s license” § 1–101

**14–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED § 14–503 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

**14–503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

### **SUBTITLE 6. BEER LICENSES.**

#### **14–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(f) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**14–602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) SPECIAL EVENT FESTIVAL PERMIT.**

**THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14–906 OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 3–201(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

#### **14-603. CLASS C BEER LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

##### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(f) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Club” § 1-101

#### **14-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) SPECIAL EVENT FESTIVAL PERMIT.**

**THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14-906 OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 3-401(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**14-701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(3), (b)(1), (c)(1), and (d)(1).

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "sold" is substituted for the former reference to "delivered" to conform to the terminology used throughout this article.

Defined terms: "County" § 14-101

“Light wine” § 14–101

**SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

**14–801. CLASS A BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(f) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Light wine” § 14–101

**14-802. CLASS B BEER AND LIGHT WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) SPECIAL EVENT FESTIVAL PERMIT.**

**THE LICENSE HOLDER IS ELIGIBLE TO BE ISSUED A SPECIAL EVENT FESTIVAL PERMIT UNDER § 14-906 OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 5-201(f) and (a)(1).

Subsection (c) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Light wine" § 14-101



“Restaurant” § 1–101

**14–803. CLASS C BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(f).

Defined terms: “Beer” § 1–101  
“County” § 14–101  
“Light wine” § 14–101

**14–804. CLASS D BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(f).

Defined terms: “Beer” § 1–101  
“County” § 14–101  
“Light wine” § 14–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**14–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(f) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

In subsection (b)(2) of this section, the phrase “beer, wine, or liquor” is substituted for the former phrase “alcoholic beverages” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**14–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

- (1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**
- (2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**
- (3) CONTAINS:**
  - (I) AT LEAST ONE PASSENGER ELEVATOR;**
  - (II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**
  - (III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

- (1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL MIDNIGHT; OR**
- (2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (3)(i) and (f)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase "[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Former Art. 2B, § 6–201(f)(1), which stated that former Art. 2B, § 6–201(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 11–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **14–903. CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN A RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION WITH MEALS.**

#### **(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 14–2004(B) OF THIS TITLE.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(f)(3).

In subsection (c) of this section, the reference to “a Class B beer, wine, and liquor license” is substituted for the former reference to “other Calvert County Class B licensees” for clarity.

In subsection (d) of this section, the former phrase “for each license” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**14–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A COUNTRY CLUB;**

**(2) A POST HOME OF A POST OF THE AMERICAN LEGION OR VETERANS OF FOREIGN WARS; OR**

**(3) A YACHT CLUB THAT IS APPROVED BY THE BOARD.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(2) A LICENSE FOR USE IN A POST HOME ALLOWS FOR THE SALE OF LIQUOR ONLY BY THE DRINK.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE:**

**(1) FOR A COUNTRY CLUB IS \$1,000;**

**(2) FOR A POST HOME IS \$500; AND**

**(3) FOR A YACHT CLUB IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (f)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the former reference to a “[b]ona fide” post home is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to a “[b]ona fide” yacht club is deleted.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (c)(1) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

In subsection (c)(2) of this section, the former phrase “on the premises” is deleted as unnecessary in light of subsection (c)(1) of this section.

Former Art. 2B, § 6–301(f)(1), which stated that former Art. 2B, § 6–301(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Board” § 14–101

“Club” § 1–101

“Wine” § 1–101

#### **14–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL MIDNIGHT; OR**

**(2) \$2,250, IF THE LICENSED PREMISES REMAINS OPEN UNTIL 2 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (f)(3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the phrase "at the place described in the license" is substituted for the former phrase "at the place described in it" for clarity.

In subsection (d) of this section, the references to "licensed premises" are substituted for the former references to "place of business" to conform to the terminology used throughout this article.

Former Art. 2B, § 6-401(f)(1), which stated that former Art. 2B, § 6-401(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-401(f)(2), which stated that the license may be issued in the entire County, is deleted as unnecessary because it is simply a statement of common practice.

Defined terms: "Beer" § 1-101

“Wine” § 1–101

**14–906. SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.**

**(A) ESTABLISHED.**

**THERE IS SPECIAL EVENT FESTIVAL BEER, WINE, AND LIQUOR PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A LICENSE HOLDER OF A CLASS B OR CLASS D LICENSE.**

**(C) REQUIREMENTS FOR ISSUANCE.**

**BEFORE THE BOARD ISSUES THE PERMIT, THE APPLICANT SHALL:**

**(1) DEMONSTRATE A REASONABLE EXPECTATION OF ATTRACTING AT LEAST 750 CUSTOMERS TO THE SPECIAL EVENT; AND**

**(2) COMMIT TO PROVIDE ANY ADDITIONAL SECURITY PERSONNEL REQUIRED TO BE AT THE EVENT FOR TRAFFIC, PARKING, AND PATROL PURPOSES.**

**(D) SCOPE OF AUTHORIZATION.**

**SUBJECT TO THE DISCRETION OF THE BOARD, THE PERMIT AUTHORIZES THE HOLDER TO OPERATE ADDITIONAL BARS OR SERVICE COUNTERS FOR THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER THE HOLDER’S LICENSE:**

**(1) INSIDE OR OUTSIDE THE LICENSED PREMISES; AND**

**(2) FOR AT LEAST 1 DAY AND NOT MORE THAN 3 CONSECUTIVE DAYS.**

**(E) FEE.**

**THE PERMIT FEE IS \$100.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–205.1(b) through (e).

In subsection (d) of this section, the reference to alcoholic beverages “that are allowed under the holder’s license” is added for clarity.



Former Art. 2B § 8–205.1(a), which stated that former Art. 2B § 8–205.1 applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–205.1(f), which stated that the Board may adopt regulations to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 14–206 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **14–1001. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(1) IS COMPOSED OF RESIDENTS OF A CONTINUING CARE RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(2) HAS AT LEAST 50 MEMBERS PAYING AVERAGE DUES OF AT LEAST \$5 PER YEAR PER MEMBER.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE TO A MEMBER OR A GUEST WHEN ACCOMPANIED BY A MEMBER.**

#### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 14-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(f)(3).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Calvert County.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (b)(2) of this section, the former reference to "bona fide" members is deleted as surplusage.

In subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Defined terms: "Beer" § 1-101  
 "Board" § 14-101  
 "Club" § 1-101  
 "Wine" § 1-101

**14-1002. ORGANIZATIONAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS AN ORGANIZATIONAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A FRATERNAL ORGANIZATION, VOLUNTEER FIRE DEPARTMENT, OR VOLUNTEER RESCUE SQUAD FOR USE ON THE PREMISES THAT THE ORGANIZATION, FIRE DEPARTMENT, OR RESCUE SQUAD OWNS OR REGULARLY USES TO HOLD FUNCTIONS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 14-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(f)(4).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Calvert County.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

Defined terms: "Beer" § 1-101  
"Board" § 14-101  
"Wine" § 1-101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**14-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 ("ADDITIONAL LICENSE PRIVILEGES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 ("CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES"); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 14-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**14-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-205(c)(2), (5)(i), (7), and (9).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-205(a), which stated that former Art. 2B, § 8-205 applied only in the County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-205(b), which defined the term "Board" to mean the Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 14-101 of this title.

Former Art. 2B, § 8-205(c)(1), (3), (4), (5)(ii), (6), and (8) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Defined terms: "Board" § 14-101

"License" § 1-101

"Off-sale" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**14-1201. RESERVED.**

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.****14-1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-1202 (“PER DIEM LICENSES”);
- (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);
- (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);
- (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
- (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) EXCEPTION.**

SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1308 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 14-101

**14-1302. RESERVED.****14-1303. RESERVED.****PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**14-1304. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE AUTHORIZING THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE.**

**(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**FOR THE WINE FESTIVAL, THE BOARD SHALL CHOOSE:**

**(1) 1 WEEKEND EACH YEAR; AND**

**(2) A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$15.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-305.

Throughout this section, the former references to a "special" license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase "[n]otwithstanding any other provision to the contrary," is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the reference to a "retail license" is substituted for the former reference to an "existing retail alcoholic beverages license issued in the State" for brevity.

In the introductory language of subsection (d) of this section, the reference to the requirement that a "license holder shall" display and sell is substituted for the former reference to a "license entitl[ing] the holder to" display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to the festival or location "in Calvert County" are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location "that is not already licensed" is substituted for the former reference to a location "which does not hold an alcoholic beverages license" for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to a license holder who "may hold" another license is substituted for the former statement that "[t]he provisions of this section may not prohibit the licensee from holding" another license for clarity.

Defined terms: "Board" § 14-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**14-1305. BEER, WINE, AND LIQUOR TASTING LICENSE.**



**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE HOLDER OF:**

**(I) A CLASS A BEER AND WINE LICENSE TO HOLD TASTINGS OF:**

- 1. WINE; OR**
- 2. BEER AND WINE; AND**

**(II) A CLASS A BEER, WINE, AND LIQUOR LICENSE TO HOLD TASTINGS OF:**

- 1. WINE;**
- 2. BEER AND WINE; OR**
- 3. BEER, WINE, AND LIQUOR.**

**(2) TO HOLD A TASTING, THE HOLDER OF THE LICENSE SHALL PROVIDE ALCOHOLIC BEVERAGES TO CONSUMERS AT NO CHARGE.**

**(3) IN ADDITION TO THE PRIVILEGES STATED IN PARAGRAPH (1) OF THIS SUBSECTION, THE LICENSE:**

**(I) AUTHORIZES THE HOLDER TO HOLD A TASTING EVERY DAY OF THE YEAR; BUT**

**(II) RESTRICTS A SINGLE TASTING TO NOT MORE THAN 3 HOURS.**

**(D) LICENSE APPLICATION.**

**(1) AN APPLICANT SHALL SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

**(3) THE LICENSE MAY BE RENEWED ONLY WHEN THE CLASS A BEER AND WINE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER, WINE, AND LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE FROM A EACH OFFERING OF BEER OR WINE; AND**

**(2) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$200, IF THE LICENSE IS USED FOR WINE;**

**(2) \$250, IF THE LICENSE IS USED FOR BEER OR WINE; AND**

**(3) \$300, IF THE LICENSE IS USED FOR BEER, WINE, AND LIQUOR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-404.1A(b) through (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to a "special" license is deleted as surplusage.

In subsection (c)(3)(i) of this section, the reference to "every day" of the year is substituted for the former reference to "365 days" for clarity.

In the introductory language of subsection (e) of this section, the reference to an "individual" is substituted for the former, overly broad reference to a "person" for clarity.

Also in the introductory language in subsection (e) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to the broader term “alcoholic beverages” in accordance with the scope of this section.

In subsection (e)(1) and (2) of this section, the references to “each offering” are substituted for the former references to “a single brand” for clarity.

In subsection (e)(2) of this section, the reference to “liquor” is substituted for the former, broader phrase “any other alcoholic beverage” in accordance with the scope of this section.

Former Art. 2B, § 8–404.1A(a), which stated that former Art. 2B, § 8–404.1A applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“Consumer” § 1–101

“License” § 1–101

“Wine” § 1–101

**14–1306. RESERVED.**

**14–1307. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**14–1308. FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE IS \$5 PER DAY.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

**(1) \$15 PER DAY FOR A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION; AND**

**(2) \$25 PER DAY FOR ANY OTHER LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(d)(5) and (b)(1)(ii).

In subsection (b)(1) of this section, the former reference to a "bona fide" religious organization is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to a hospital "supporting" organization is added for clarity, reflecting the terminology used in the Internal Revenue Code.

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **14-1401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**
- (2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**
- (3) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY");**
- (4) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**
- (5) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**
- (6) § 4-109 ("REQUIRED INFORMATION ON APPLICATION — IN GENERAL");**
- (7) § 4-110 ("REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT");**
- (8) § 4-111 ("PAYMENT OF LICENSE FEES"); AND**
- (9) § 4-114 ("FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR").**

**(B) EXCEPTION.**

**SECTION 4-113 (“REFUND OF LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1406 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), IN ADDITION TO § 14-1404 OF THIS SUBTITLE;**

**(2) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 14-1403 OF THIS SUBTITLE; AND**

**(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 14-1405 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 14-101

**14-1402. APPLICATION FEE.**

**IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(f)(3), as it related to the issuance of a new license.

The reference to an “administrative” fee is added for clarity.

Former Art. 2B, § 10-104(f)(1), which stated that former Art. 2B, § 10-104(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1-101

**14-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xi)1A, as it related to an application for a new license.

Defined terms: "Board" § 14-101  
 "Central Repository" § 1-101  
 "License" § 1-101

**14-1404. APPLICATION ON BEHALF OF CORPORATION.**

**(1) THE NAME OF THE PERSON WHO OWNS THE GREATEST NUMBER OF SHARES IN THE CORPORATION FOR WHICH AN APPLICATION FOR A LICENSE IS MADE SHALL APPEAR ON THE APPLICATION AS AN APPLICANT.**

**(2) AN APPLICANT FOR A CORPORATION WHO IS A RESIDENT OF THE COUNTY SHALL OWN AT LEAST 10% OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(m)(2) and (3).

In paragraph (1) of this section, the former reference to "names" is deleted in light of the reference to a "name" and GP § 1-202, which provides that the singular generally includes the plural. Similarly, the former reference to "persons" is deleted in light of the reference to a "person".

Former Art. 2B, § 9-101(m)(1), which stated that the provisions of former Art. 2B, § 9-101(m) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9-901(m)(4), which provided that the requirements under former Art. 2B, § 9-101(m) were in addition to other requirements, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "County" § 14-101

**14-1405. PAYMENT OF LICENSE FEES.**

**(A) FOR PREMISES IN MUNICIPALITY.**

**IF A LICENSED PREMISES IS LOCATED IN A MUNICIPALITY:**

**(1) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE MUNICIPALITY; AND**

**(2) 50% OF THE NET LICENSE FEES SHALL BE PAID TO THE COUNTY FOR THE PURPOSES OF THE COUNTY.**

**(B) FOR PREMISES OUTSIDE MUNICIPALITY.**

**IF A LICENSED PREMISES IS LOCATED OUTSIDE A MUNICIPALITY, ALL OF THE NET LICENSE FEES SHALL BE PAID TO THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10-204(f).

The term "licensed premises" is substituted for the former references to "licensed place of business" and "places of business" for clarity.

In subsection (b) of this section, the phrase "to the County" is substituted for the former phrase "for the purposes of the county" for brevity.

Defined terms: "County" § 14-101  
"License" § 1-101

**14-1406. REFUNDS PROHIBITED.**

**A RETAIL LICENSE HOLDER IS NOT ENTITLED TO A REFUND FOR A LICENSE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-205(c).

Defined terms: "County" § 14-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**14-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);
- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-209 (“HEARING”);
- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-212 (“LICENSE NOT PROPERTY”);
- (7) § 4-213 (“REPLACEMENT LICENSES”); AND
- (8) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 14-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 14-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 14-1503 OF THIS SUBTITLE;
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 14-1504 OF THIS SUBTITLE; AND
- (5) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), SUBJECT TO § 14-1505 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 14-101



“License” § 1-101  
“Local licensing board” § 1-101

**14-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to Calvert County and except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101

- “Beer” § 1-101
- “Board” § 14-101
- “Light wine” § 14-101
- “Person” § 1-101
- “State” § 1-101
- “Wine” § 11-101

**14-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 14–101

#### **14–1504. NOTICE OF LICENSE APPLICATION.**

##### **(A) POSTING NOTICE AT LOCATION DESCRIBED IN APPLICATION.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

##### **(B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)5 and (ii).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to the “application hearing” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 14–101  
“License” § 1–101

**14–1505. LICENSE EXPIRATION DATE.**

**A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS ISSUANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–206(c).

The second sentence of former Art. 2B, § 10–206(c), which provided that “licenses issued on April 30, 1975 are valid until June 30, 1976” is deleted as obsolete.

Defined term: “License” § 1–101

**14–1506. ADDITIONAL BARS AND SERVING COUNTERS.**

**(A) IN GENERAL.**

**THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE HOLDER.**

**(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

**THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

**(C) ADDITIONAL LICENSE NOT REQUIRED.**

**AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

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

In subsections (a) and (b) of this section, the references to the defined term “Board” are substituted for the former broad references to “alcoholic beverages licensing authority” and “licensing authority” for clarity.

In subsection (a) of this section, the reference to the main building “of the premises served by the ... license holder” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as surplusage.

In subsections (b) and (c) of this section, the references to “an additional bar or serving counter” are added for clarity.

In subsection (c) of this section, the former phrase “, if the authorization is granted,” is deleted as surplusage.

Former Art. 2B, § 9–102(b–9)(1)(i), which stated that the provisions of former Art. 2B, § 9–102(b–9) applied in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101

“License” § 1–101

#### **14–1507. EXCHANGE OF LICENSE.**

**A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF THIS TITLE AND PAYING THE LICENSE FEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(c), as it related to Calvert County.

The reference to the authority of a holder of a license to “exchange the license for any other license” is substituted for the former reference to the authority of a licensee “to obtain any type of license under this article” for clarity.

The reference to the “license fees” is substituted for the former reference to “fees herein prescribed for each class of license”.

Defined terms: “License” § 1–101

“License holder” § 1–101

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

**14–1601. RESERVED.**

**14–1602. RESERVED.**

#### **PART II. MULTIPLE LICENSING PLANS.**

**14–1603. CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BLX LICENSE FOR LUXURY-TYPE RESTAURANTS IN THE 27TH LEGISLATIVE DISTRICT OF THE COUNTY.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT HAS:**

**(I) A CAPITAL INVESTMENT OF AT LEAST \$500,000 FOR THE DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR LEASES; AND**

**(II) SEATING FOR AT LEAST 150 INDIVIDUALS.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION IF SOLD IN SEALED CONTAINERS.**

**(C) FOUR LICENSE LIMIT.**

**A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN MORE THAN FOUR CLASS B AND CLASS BLX LICENSES IN ANY COMBINATION.**

**(D) PRESUMPTION OF INDIRECT INTEREST.**

**AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

**(1) A COMMON PARENT COMPANY;**

**(2) A FRANCHISE AGREEMENT;**

**(3) A LICENSING AGREEMENT;**

**(4) A CONCESSION AGREEMENT;**

**(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;**

**(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;**

**(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

**(E) BOARD TO DEFINE “LUXURY-TYPE RESTAURANT”.**

**SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.**

**(F) FEE.**

**THE LICENSE FEE IS \$2,400.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(f)(4)(i) and (iii) through (vii).

In subsection (b)(1)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In subsection (b)(2) of this section, the statement that the license authorizes the license holder to “sell beer, wine, and liquor for on- and off-premises consumption if sold in sealed containers” is added to state expressly what was only implicit in the former law.

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (c) of this section, the defined term “person” is substituted for the former phrase “an individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons” for brevity. Similarly, in the introductory language of subsection (d) of this section, the word “persons” is substituted for the former reference to “individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons”.

In subsection (e) of this section, the phrase “[s]ubject to the requirements of subsection (b) of this section” is added for clarity.

Former Art. 2B, § 6–201(f)(4)(ii), which stated that the license shall be applied for in the same manner as other classes of licenses, is deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“County” § 14–101

“Person” § 1–101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **14–1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

#### **(B) VARIATION.**

**SECTION 4–305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14–1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10–503(f).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the transfer of licenses that apply in the County with variation.

Defined terms: “County” § 14–101  
“License” § 1–101

#### **14–1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xi)1A, as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, in which those requirements appear in the applications for local licenses, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
“State” § 1–101

#### **14–1703. APPLICATION FEE.**

**IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN ADMINISTRATIVE FEE OF \$250 SHALL BE CHARGED FOR AN APPLICATION FOR A TRANSFER OF A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(f)(3), as it related to the transfer of licenses.

The phrase “administrative fee” is added for clarity.

Defined term: “License” § 1–101

#### **14–1704. WAIVER OF RESIDENCY REQUIREMENT.**

**THE BOARD MAY WAIVE THE 2 YEARS RESIDENCE REQUIREMENT FOR APPLICANTS FOR A LICENSE IF THE APPLICANT FOR THE TRANSFER:**

**(1) IS THE PURCHASER AND PROPRIETOR OF THE ESTABLISHMENT FOR WHICH THE TRANSFER IS SOUGHT; AND**



**(2) CAN SUBMIT TO THE SATISFACTION OF THE BOARD:**

**(I) PROPER PERSONS WHO KNOW THE APPLICANT AND CAN VOUCH FOR THE GOOD CHARACTER OF THE APPLICANT; OR**

**(II) OTHER EVIDENCE THAT THE APPLICANT IS A FIT AND PROPER PERSON TO HOLD THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(f)(2).

In the introductory language of this section, the former phrase “contained in § 10–103 hereinabove” is deleted as surplusage.

In item (1) of this section, the former phrase “in any case” is deleted as surplusage.

Also in item (1) of this section, the reference to an “establishment” is substituted for the former reference to a “going business” to conform to the terminology used throughout this article.

Also in item (1) of this section, the former reference to a “bona fide” purchaser is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in the introductory language of this section, the 2–year residency requirement that is referenced 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: “Board” § 14–101

“License” § 1–101

“Person” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.****14–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);
- (2) § 4-403 (“RENEWAL APPLICATION”);
- (3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);
- (4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);
- (5) § 4-409 (“MULTIPLE LICENSES”); AND
- (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

**(B) EXCEPTION.**

**SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 14-1802 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 14-1803 OF THIS SUBTITLE; AND
- (2) § 4-406 (“PROTESTS”), SUBJECT TO § 14-1804 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 14-101  
 “License” § 1-101

**14-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**(A) TIME FOR FILING.**

**TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN APRIL 1 AND MAY 1, INCLUSIVE.**

**(B) LATE FILING FINES.**

**A LICENSE RENEWAL APPLICATION THAT THE BOARD RECEIVES ON OR AFTER JULY 1 IS SUBJECT TO A LATE FINE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(n)(2).

In subsection (a) of this section, the reference requiring filing of a renewal application “annually” is substituted for the former reference establishing that “[t]he term of a license is 1 year” for clarity, brevity, and consistency within this revision.

Also in subsection (a) of this section, the reference to a renewal period “between April 1 and May 1, inclusive” is substituted for the former reference to a renewal period “at any time beginning on April 1 and ending on May 1” for clarity, brevity, and consistency within this revision.

Also in subsection (a) of this section, the former reference to an application “for license renewal” is deleted as included in the introductory reference to filing an application “[t]o renew a license”.

Also in subsection (a) of this section, the former reference to license renewal “at any time” is deleted as unnecessary.

In subsection (b) of this section, the reference to “a maximum amount” of \$500 in fines is added for clarity and consistency within this revision.

Defined terms: “Board” § 14–101

“License” § 1–101

“License holder” § 1–101

**14–1803. CONTENTS OF RENEWAL APPLICATION.**

**(A) IN GENERAL.**

**AN APPLICATION FOR LICENSE RENEWAL SHALL BE ACCOMPANIED BY:**

**(1) A STATEMENT OF THE HOURS OF OPERATION OF THE LICENSED PREMISES;**

**(2) A STATEMENT OF THE NAME OF THE MANAGER OF THE LICENSED PREMISES; AND**

**(3) A COPY OF THE CURRENT STATEMENT FOR THE LICENSED BUSINESS THAT SHOWS THAT ALL APPLICABLE TAXES ARE PAID.**

**(B) CLASS B LICENSES.**

**IN ADDITION TO THE STATEMENTS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, AN APPLICATION FOR RENEWAL OF A CLASS B LICENSE SHALL BE ACCOMPANIED BY A STATEMENT OF THE AVERAGE MONTHLY SALES OF FOOD AND ALCOHOLIC BEVERAGES FOR THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(n)(3) and (4).

In subsection (a)(2) of this section, the reference to the manager "of the licensed premises" is added for clarity.

Former Art. 2B, § 10-301(n)(1), which stated that former Art. 2B, § 10-301(n) applied only in Calvert 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 it is not clear whether the reference in subsection (a)(3) of this section to "all applicable taxes" includes federal taxes and, if so, whether it may be impossible to obtain a statement that shows that all federal taxes for the licensed premises have been paid.

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

**14-1804. BASIS OF PROTEST; OATH REQUIRED.**

**A PROTEST OF A LICENSE RENEWAL SHALL:**

- (1) SPECIFY THE BASIS ON WHICH THE PROTEST IS MADE; AND**
- (2) BE FILED UNDER OATH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(a)(1)(iii)2, as it related to protests of license renewals in Calvert County.

In the introductory language of this section, the reference to a protest “of a license renewal” is added for clarity.

Defined term: “License” § 1–101

**14–1805. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 14–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(5), as it related to Calvert County and to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 14–1502 of this title,” is added to clarify that this section is an exception to § 14–1502.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 14–101

“State” § 1–101

“Wine” § 1–101

**14–1806. LICENSE EXPIRATION DATE.**

**A LICENSE SHALL EXPIRE ON THE NEXT JUNE 30 AFTER ITS RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–206(c).

The reference to the expiration of a license “renewal” is added for clarity and accuracy.

Defined term: “License” § 1–101

**14–1807. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xi)2.

Defined term: “License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**14–1901. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “County” § 14–101  
“License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**14–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Calvert County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1-101  
“Person” § 1-101

**14-2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-505.

Throughout this section, the references to "beer" are substituted for the former broad references to "alcoholic beverages authorized by their licenses" for clarity in light of the fact that this section concerns only beer.

Former Art. 2B, § 11-403(a)(1)(i), which stated that former Art. 2B, § 11-403(a)(1) did not apply in Calvert County, is deleted as unnecessary. Former Art. 2B, § 11-403(a)(1) prohibited a holder of a Class B or Class C license from selling any alcoholic beverage at a bar or counter on Sunday. Because this prohibition does not apply in Calvert County, it is simply not stated here. As a consequence, the exemption from the prohibition is unnecessary.

Defined term: "Beer" § 1-101

**14-2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**



**(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-505.

Throughout this section, the references to "beer and light wine" are substituted for the former broad references to "alcoholic beverages authorized by their licenses" for clarity in light of the fact that this section concerns only beer and light wine.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**14-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-505.

Throughout this section, the references to "beer, wine, and liquor" are substituted for the former broad references to "alcoholic beverages authorized by their licenses" for clarity in light of the fact that this section concerns beer, wine, and liquor.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**14-2005. HOURS FOR JANUARY 1.**

**A LICENSE HOLDER 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(f)(2).

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.

Former Art. 2B, § 11-402(f)(1), which stated that former Art. 2B, § 11-402(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License holder" § 1-101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**14-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(3), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 14-101  
“License” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**14-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 14-101  
“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**14-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 14-101  
“License holder” § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**14-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 14-101

**14-2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)3.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 14-101  
“County” § 14-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.****14-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.****(A) “BOTTLE CLUB” DEFINED.**

**IN THIS SECTION, “BOTTLE CLUB” IS EXPLICITLY DEFINED AS AND LIMITED TO AN ESTABLISHMENT THAT IS:**

**(1) A RESTAURANT THAT ACCOMMODATES THE PUBLIC AND IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS; OR**

**(2) A NIGHTCLUB THAT OFFERS TO THE PUBLIC MUSIC, DANCING, OR OTHER NIGHTTIME ENTERTAINMENT.**

**(B) IN GENERAL.**

**AN ESTABLISHMENT THAT IS A BOTTLE CLUB NOT LICENSED BY THE BOARD, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

- (1) SERVE OR KEEP ALCOHOLIC BEVERAGES; OR**
  - (2) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED.**
- (C) EXCEPTIONS.**

**A VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION MAY CONDUCT NOT MORE THAN FOUR EVENTS EACH YEAR TO WHICH AN INDIVIDUAL MAY BRING ALCOHOLIC BEVERAGES TO BE CONSUMED ON A LOCATION UNDER THE CONTROL OR POSSESSION OF THE VOLUNTEER FIRE DEPARTMENT, RESCUE SQUAD, OR EMERGENCY MEDICAL SERVICES ORGANIZATION.**

- (D) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103.1(b), (c), and (d).

Throughout this section, the references to “location” are substituted for the former references to “premises” because in this article “premises” is reserved to denote a location that is licensed.

In the introductory language of subsection (b)(1) of this section, the former phrase “on its premises” is deleted as included in the reference to “at a location under the control or possession of the establishment”. Similarly, in subsection (c) of this section, the former phrase “on the premises” is deleted as included in the reference to “a location under the control or possession of the volunteer fire department, rescue squad, or emergency medical services organization”.

In subsection (b)(1) of this section, the former references to “give” and “dispense” are deleted as included in the reference to “serve”.

Former Art. 2B, § 20–103.1(a), which stated that former Art. 2B, § 20–103.1 applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“Person” § 1–101

“Restaurant” § 1–101

**14–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In this section, the references to “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

## **SUBTITLE 26. ENFORCEMENT.**

### **14–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (2) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”);**
- (8) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”); AND**
- (9) § 6–211 (“FINES AND FORFEITURES”).**

#### **(B) VARIATION.**

**SECTION 6-202 (“INSPECTIONS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 14-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 14-101  
 “State” § 1-101

**14-2602. SEMI-ANNUAL INSPECTIONS ALLOWED.**

**THE BOARD OR ITS DESIGNEE MAY INSPECT EACH LICENSED PREMISES AT LEAST ONCE EVERY 6 MONTHS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-402.

Defined term: “Board” § 14-101

**SUBTITLE 27. PROHIBITED ACTS.**

**14-2701. 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) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6-310 (“PROVIDING FREE FOOD”);**



- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 14-2702 OF THIS SUBTITLE; AND**

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 14-2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 14-101

“License holder” § 1-101

“Retail dealer” § 1-101

**14-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) PENALTY.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES § 6-304 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT EXCEEDING \$200; AND**

**(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE HOLDER, A FINE NOT EXCEEDING \$250.**

**(D) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(i)2, (ii), and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (d) of this section, the reference to the "Board" is substituted for the former reference to "any alcoholic beverage law enforcement or licensing authorities" to conform to terminology used throughout this title.

Also in subsection (d) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (d) of this section, the former phrase "[e]xcept as otherwise provided in this section" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 14-101

“License holder” § 1-101

“State” § 1-101

**14-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) PENALTY.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO VIOLATES § 6-307 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) IF THE CONVICTED INDIVIDUAL IS A LICENSE HOLDER, A FINE NOT EXCEEDING \$200; AND**

**(2) IF THE CONVICTED INDIVIDUAL IS AN EMPLOYEE OF A LICENSE HOLDER, A FINE NOT EXCEEDING \$250.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(i)2 and (iv).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is substituted for the former reference to “any alcoholic beverage law enforcement or licensing authorities” to conform to terminology used throughout this title.

Also in subsection (c) of this section, the reference to probation before “judgment” is substituted for the former reference to a probation “without a verdict” to conform to current terminology.

Also in subsection (c) of this section, the former phrase “[e]xcept as otherwise provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 14–101

“License holder” § 1–101

“State” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **14–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 14–101

### **14–2802. PENALTY IMPOSED BY BOARD.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE BOARD MAY:**

**(1) EXCEPT FOR A VIOLATION REGARDING AN UNLICENSED ESTABLISHMENT, IMPOSE A FINE NOT EXCEEDING:**

**(I) \$1,000 FOR A VIOLATION OF STATE LAW; OR**

**(II) \$500 FOR A VIOLATION OF THE REGULATIONS OF THE BOARD; OR**

**(2) SUSPEND A LICENSE FOR A VIOLATION OF ANY ALCOHOLIC BEVERAGES LAW THAT APPLIES IN THE COUNTY.**

**(B) PENALTY FOR LICENSE HOLDER OR EMPLOYEE SELLING ALCOHOLIC BEVERAGES TO UNDERAGE INDIVIDUAL.**

**IF A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS, THE BOARD MAY:**

**(1) FOR A FIRST OFFENSE, IMPOSE A FINE NOT EXCEEDING \$500 OR SUSPEND THE LICENSE FOR NOT MORE THAN 3 DAYS OR BOTH; AND**

**(2) FOR AN OFFENSE OCCURRING WITHIN 3 YEARS AFTER A PRIOR OFFENSE, IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND THE LICENSE FOR NOT MORE THAN 30 DAYS OR BOTH.**

**(C) CONSIDERATIONS IN SETTING LENGTH OF SUSPENSION.**

**IN DETERMINING THE LENGTH OF A SUSPENSION UNDER SUBSECTION (B)(2) OF THIS SECTION, THE BOARD SHALL CONSIDER:**

**(1) THE CLASS OF LICENSE; AND**

**(2) THE ECONOMIC IMPACT THE SUSPENSION WILL HAVE ON:**

**(I) THE BUSINESS OF THE LICENSE HOLDER; AND**

**(II) EMPLOYEES OF THE LICENSE HOLDER.**

**(D) CONSIDERATIONS IN SETTING AMOUNT OF FINE.**

**A FINE UNDER THIS SECTION SHALL BE IMPOSED SUBJECT TO § 10-1001 OF THE STATE GOVERNMENT ARTICLE.**

**(E) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 16-507(f)(2) through (6).

In subsection (a) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as surplusage.

Also in subsection (a) of this section, the reference to “unlicensed establishment” is substituted for the former reference to “bottle club” for consistency with the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

In subsection (e) of this section, the reference to “[f]ines” is substituted for the former reference to “money” for clarity.

Former Art. 2B, § 16–507(f)(1), which stated that the provisions of former Art. 2B, § 16–507(f) applied only in Calvert County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 14–101

“County” § 14–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **TITLE 15. CAROLINE COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **15–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CAROLINE COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Caroline County”.

**(c) COUNTY.**

**“COUNTY” MEANS CAROLINE COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Caroline County”.

### **15–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN CAROLINE COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

### **15–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 15–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**



Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(g), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**15–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CAROLINE COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Caroline County exists.

**15–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR**

**(II) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF THE GENERAL ASSEMBLY.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) TENURE.**

**(1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.**

**(2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY THAT OCCURS DURING THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3), (4), and, except as it related to the Senate being in session, (1), and (g)(3) and (4) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to “persons who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may

be” because this title applies only to the Board of License Commissioners for Caroline County.

Also in subsection (a)(1) of this section, the former phrase “[f]or the jurisdictions in which this section is effective” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (b) of this section, the reference to “[e]ach member of the Board” is substituted for the former reference to “[t]he commissioners” to conform to the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Caroline County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (c) of this section, the references to “regular” members of the Board are added for clarity.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Caroline County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(g)(1), which provided that former Art. 2B, § 15–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–101(g)(2), which stated that the members of the Liquor Control Board constitute the Board of License Commissioners, is deleted as obsolete. There no longer is a Liquor Control Board in Caroline County.

Defined terms: “Board” § 15–101  
 “County” § 15–101

### **15–203. SUBSTITUTE MEMBER.**

#### **(A) APPOINTMENT BY GOVERNOR.**

**(1) THE GOVERNOR SHALL APPOINT ONE SUBSTITUTE MEMBER TO THE BOARD.**

**(2) THE APPOINTMENT SHALL BE MADE:**

**(i) IF THE HOUSE OF DELEGATES IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE HOUSE OF DELEGATES; OR**

**(ii) IF THE HOUSE OF DELEGATES IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(3) AN APPOINTMENT MADE UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION SHALL CONTINUE IN FORCE UNTIL THE END OF THE NEXT SESSION OF THE GENERAL ASSEMBLY.**

#### **(B) TENURE.**

**THE TERM OF THE SUBSTITUTE MEMBER IS 3 YEARS AND BEGINS ON THE FIRST MONDAY IN MAY.**

#### **(C) WHEN SUBSTITUTE MAY SERVE.**

**IF A REGULAR MEMBER OF THE BOARD BECOMES INCAPACITATED FROM ANY CAUSE OR IF A VACANCY OCCURS ON THE BOARD FOR ANY REASON, THE SUBSTITUTE MEMBER, ON REQUEST OF THE CHAIR OR THE MAJORITY OF THE BOARD, SHALL SERVE ON THE BOARD UNTIL THE INCAPACITY ENDS OR THE VACANCY IS FILLED.**

**(D) POWERS AND DUTIES.****WHILE SERVING ON THE BOARD, THE SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF A REGULAR MEMBER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(g)(5).

In subsection (c) of this section, the reference to a vacancy “occur[ing]” on the Board is added for clarity.

Also in subsection (c) of this section, the reference to a vacancy “for any reason” is substituted to the former reference to a vacancy “from any cause” for clarity.

Also in subsection (c) of this section, the requirement to serve “on the Board” is substituted for the former requirement to serve “in the place of the regular member” for brevity.

Also in subsection (c) of this section, the former reference to the “temporary or permanent” incapacity of a member is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the “regularly constituted” Board is deleted as surplusage.

Also in subsection (c) of this section, the former reference to the regular member “so incapacitated or causing the vacancy” is deleted as surplusage.

In subsection (d) of this section, the former reference to the “authority” of the substitute member is deleted as included in the reference to the “powers and duties” of the substitute member.

Also in subsection (d) of this section, the former reference to duties “imposed by law” is deleted as unnecessary.

Also in subsection (d) of this section, the former reference to the substitute member being “subject to” the duties of a regular member is deleted as surplusage.

The term of the substitute member serving on October 1, 2016, ends on May 5, 2017.

Defined term: “Board” § 15–101

**15–204. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Caroline County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to “regular members” is substituted for the former reference to “appointees” for clarity and to conform to the terminology used throughout this subtitle.

Defined term: “Board” § 15–101

**15–205. COMPENSATION; STAFF.**

**(A) COMPENSATION.**

**(1) (I) THE REGULAR MEMBERS OF THE BOARD SHALL RECEIVE ANNUAL SALARIES AS DETERMINED BY THE COUNTY COMMISSIONERS, BUT NOT LESS THAN:**

- 1. \$3,000 FOR THE CHAIR OF THE BOARD; AND**
- 2. \$2,500 FOR EACH OTHER REGULAR MEMBER OF THE**

**BOARD.**

**(II) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE \$100 PER MEETING ATTENDED BUT NOT MORE THAN \$2,000 IN ANY 1–YEAR PERIOD.**

**(2) THE CHAIR, OTHER REGULAR MEMBERS, AND THE SUBSTITUTE MEMBER OF THE BOARD SHALL BE REIMBURSED FOR EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.**

**(B) STAFF.**

**(1) THE BOARD MAY:**

**(I) EMPLOY:**

**1. A SECRETARY; AND**

**2. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(II) SET THE COMPENSATION OF THE EMPLOYEES.**

**(2) (I) THE BOARD MAY APPOINT AN ATTORNEY FOR THE BOARD.**

**(II) THE COUNTY COMMISSIONERS SHALL SET THE COMPENSATION FOR THE ATTORNEY.**

**(III) THE ATTORNEY IS SUBJECT TO THE COUNTY ETHICS ORDINANCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(g) and 15–112(g)(3) and, except as it related to the authority of the Board to employ inspectors, (a)(2).

In the introductory language of subsection (a)(1)(i) of this section, the reference to the “regular” members of the Board is added for clarity.

In subsection (a)(1)(i)1 and (2) of this section, the references to the “chair” are substituted for the former references to the “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(1)(ii) of this section, the reference to the substitute member receiving \$100 per meeting “attended” is added to reflect the long-standing practice of the Board.

In subsection (a)(2) of this section, the reference to the chair, other regular members, and the substitute member “of the Board” is added for clarity.

Also in subsection (a)(2) of this section, the reference to “other regular” members is substituted for the former reference to “associate” members to conform to the terminology used throughout this subtitle.

In subsection (b)(1) of this section, the former phrase “except as otherwise provided by this article” is deleted as unnecessary.

In subsection (b)(1)(i)2 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(g)(1), which provided that “[t]his subsection applies only in Caroline County”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101

“County” § 15–101

### **15–206. INSPECTOR.**

#### **(A) COUNTY CODES ADMINISTRATOR AS INSPECTOR.**

**THE COUNTY CODES ADMINISTRATOR IS THE INSPECTOR FOR THE BOARD.**

#### **(B) DUTIES.**

**THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS OF THE COUNTY.**

#### **(C) SALARY.**

**THE SALARY OF THE INSPECTOR SHALL AS BE PROVIDED IN THE COUNTY BUDGET.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(g)(2).

In subsection (b) of this section, the former reference to the “proper” administration and enforcement of the alcoholic beverages laws is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 15–101

“County” § 15–101

### **15–207. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Caroline County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 15–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **15–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 15–101

### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

#### **15–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**

- (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”).

REVISOR'S NOTE: Subsection (a)(1) through (6) and (8) through (16) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer's licenses.

Subsection (a)(7) of this section is new language derived without substantive change from former Art. 2B, § 2–208(b)(2)(vii).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4)(ii).

Defined terms: "County" § 15–101  
 "Manufacturer's license" § 1–101

#### **15–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER'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 OR AN ELECTION DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase "[e]xcept as provided in subsections (b) and (c)" is deleted as unnecessary.

Defined terms: "Alcoholic beverage" § 1–101  
 "Manufacturer's license" § 1–101

### **SUBTITLE 5. WHOLESALER'S LICENSES.**

#### **15–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 15–101  
 "Wholesaler's license" § 1–101

**15-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 15-503 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

**15-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include the type of equipment ... to dispense draft beer” is substituted for the former language that the “parties shall agree upon the type of equipment ... for the dispensing of draft beer” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **15–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
 “Consumer” § 1–101

## **15–602. CLASS B BEER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1–101  
 “Hotel” § 1–101

“Restaurant” § 1–101

**15–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

**15–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(g) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **15-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**



**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE SHALL BE SET BY THE BOARD OF LICENSE COMMISSIONERS WITH THE APPROVAL OF THE BOARD OF COUNTY COMMISSIONERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(4), (b)(5), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 15–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **15–801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS A BEER AND WINE 6-DAY LICENSE; AND
- (2) A CLASS A BEER AND WINE 7-DAY LICENSE.

**(B) SCOPE OF AUTHORIZATION.**

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.

**(C) FEES.****THE ANNUAL LICENSE FEES ARE:**

- (1) \$600 FOR A 6-DAY LICENSE; AND
- (2) \$900 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (g)(2) and (3).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers,” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 5–101(g)(1), which stated that former Art. 2B, § 5–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

**15–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(g) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101  
 “Hotel” § 1–101  
 “Restaurant” § 1–101

“Wine” § 1–101

**15–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(g).

Defined terms: “Beer” § 1–101

“County” § 15–101

“Wine” § 1–101

**15–804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(g) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**15–805. CLASS H BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(e) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 5–202(a)(2), which stated that former Art. 2B, § 5–202 applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**15–901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A 6–DAY CLASS A BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE 6-DAY OR 7-DAY LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,250 FOR A 6-DAY LICENSE; AND**

**(2) \$1,600 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(a)(1) and (3) and (g)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to "sell" is substituted for the former reference to "deliver" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, references to the phrase “beer, wine, or liquor” are substituted for the references to the phrase “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Former Art. 2B, § 6–101(g)(1), which stated that former Art. 2B, § 6–101(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

## **15–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

### **(A) ESTABLISHED.**

#### **THERE IS:**

- (1) A 6–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**
- (2) A 7–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

#### **THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

- (1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**
- (2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**
- (3) CONTAINS:**
  - (I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AT A HOTEL OR RESTAURANT AS DEFINED BY THE BOARD AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,000 FOR A 6-DAY LICENSE; AND**

**(2) \$1,250 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the former Art. 2B, § 6-201(a)(1) and (3)(i) and (g)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(3)(iii) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection refers only to human beings.

Subsection (c) of this section states expressly what was only implicit in the former law, that the Board is the issuing authority.

In subsection (c) of this section, the former reference to a "[b]ona fide" hotel and restaurant is deleted as vague.

Former Art. 2B, § 6-201(g)(1), which stated that former Art. 2B, § 6-201(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 15-101

"Hotel" § 1-101



“Restaurant” § 1-101  
“7-day license” § 1-101  
“6-day license” § 1-101  
“Wine” § 1-101

**15-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(I) A NONPROFIT COUNTRY CLUB;**

**(II) A NONPROFIT YACHT CLUB; OR**

**(III) A VETERANS’ ORGANIZATION COMPOSED ONLY OF MEMBERS.**

**(2) THE CLUB OR ORGANIZATION SHALL:**

**(I) OPERATE ONLY FOR THE USE OF ITS MEMBERS AND GUESTS ACCOMPANIED BY MEMBERS;**

**(II) MEET IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS MEMBERS AND GUESTS; AND**

**(III) 1. HAVE AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE REQUIRED IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR**

**2. FOR ORGANIZATIONS AFFILIATED WITH A NATIONAL ORGANIZATION AND COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVE IN THE ARMED FORCES OF THE UNITED STATES, HAVE AT LEAST 50 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (g)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2)(ii) of this section, the reference to a clubhouse that is used “exclusively for its members and guests” is substituted for the former phrase “for no other purpose” for clarity.

In subsection (b)(2)(iii) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(g)(1), which stated that former Art. 2B, § 6–301(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“Club” § 1–101

“Wine” § 1–101

**15–904. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A 6-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND
- (2) A 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.

**(B) SCOPE OF AUTHORIZATION.**

**EACH LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

- (1) **\$1,250 FOR A 6-DAY LICENSE; AND**
- (2) **\$1,600 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (g)(2) through (5).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the phrase "at the place described in the license" is substituted for the former phrase "at the place described in it" for clarity.

Former Art. 2B, § 6-401(g)(1), which stated that former Art. 2B, § 6-401(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"7-day license" § 1-101  
"6-day license" § 1-101  
"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**15-1001. GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) OWNS REAL ESTATE IN THE COUNTY; AND**
- (4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, THAT ARE USED FOR GOLFING PURPOSES.**

- (2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,600.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-507.1(b) through (g).

In subsection (a) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor" is substituted for the former reference

to the “hours and days for sale ... are” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–507.1(a), which stated that the provisions of former Art. 2B, § 8–507.1 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 15–101

“County” § 15–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **15–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 15–101

“License” § 1–101

“License holder” § 1-101

“Wine” § 1-101

**SUBTITLE 12. CATERER’S LICENSES.**

**15-1201. LOCAL CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A PERSON TO CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES IF THE PERSON HOLDS:**

**(1) AN ALCOHOLIC BEVERAGES LICENSE ISSUED IN THE COUNTY;  
AND**

**(2) A CATERER’S LICENSE ISSUED BY THE COUNTY HEALTH DEPARTMENT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) SELL OR PROVIDE ALCOHOLIC BEVERAGES ON THE PREMISES OF A CATERED EVENT DURING THE EVENT; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE BOARD SHALL SET THE FEE FOR THE LICENSE.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Caroline County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-702.1(b) through (f).

In subsection (c)(2) of this section, the former phrase "in Caroline County" is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Former Art. 2B, § 6-702.1(a), which stated that former Art. 2B, § 6-702.1 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 15-101

"County" § 15-101

"Hotel" § 1-101

"On-sale" § 1-101

"Person" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.****PART I. IN GENERAL.**

**15-1301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);
- (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);
- (3) § 4-1205 (“LICENSE FEES”);
- (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
- (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) VARIATION.**

SECTION 4-1202 (“PER DIEM LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1307 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 15-101

**15-1302. RESERVED.****15-1303. RESERVED.****PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.****15-1304. BEER AND WINE TASTING LICENSE.**



**(A) ESTABLISHED.**

**THERE IS A 1-DAY BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CURRENT LICENSE OR AN ORGANIZATION THAT QUALIFIES FOR A CLASS C BEER OR CLASS C BEER AND WINE LICENSE UNDER § 4-1203 OF THIS ARTICLE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING IF:**

**(I) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE;**  
**AND**

**(II) THE BEER OR WINE IS CONSUMED ON THE LICENSED PREMISES.**

**(2) THE LICENSE MAY NOT BE ISSUED TO A PERSON MORE THAN 26 TIMES IN A CALENDAR YEAR.**

**(D) PUBLICATION OF APPLICATION NOT REQUIRED.**

**THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE GRANTING THE LICENSE.**

**(E) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) 3 OUNCES FROM EACH OFFERING OF BEER, AND 8 OUNCES FROM ALL OFFERINGS IN A DAY; AND**

**(2) 1 OUNCE FROM EACH OFFERING OF WINE, AND 4 OUNCES FROM ALL OFFERINGS IN A DAY.**

**(F) DISPOSAL OF REMAINING BEER OR WINE.**

**AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER THAT WAS OPENED FOR TASTING.**

**(G) FEE.**

**THE LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-404.2(b) through (j).

Throughout this section, the former references to "sampling" are deleted as redundant of the reference to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the term "current license" is substituted for the former reference to a "current alcoholic beverages license" for brevity.

Also in subsection (b) of this section, the reference to "a special" license is deleted as surplusage.

In subsections (c)(1) and (f) of this section, the references to "beer or wine" are substituted for the former references to the broader term "alcoholic beverages" in accordance with the scope of this section.

In subsection (c)(1)(ii) of this section, the former reference to the licensed premises "of the holder of the Class BWTS license" is deleted as implicit in the reference to the "licensed premises".

In the introductory language of subsection (e) of this section, the reference to an "individual" is substituted for the former, overly broad reference to a "person" for clarity.

In subsection (e)(1) and (2) of this section, the references to "each offering" and all "offerings" are substituted for the former references to "a single brand" and all "brands" for consistency with terminology used throughout this article.

In subsection (f) of this section, the former reference to "unconsumed" beer or wine is deleted as redundant in light of the reference to beer or wine that remains "in a container that was opened for tasting".

Former Art. 2B, § 8-404.2(a), which stated that former Art. 2B, § 8-404.2 applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Board” § 15-101

“Consumer” § 1-101

“License” § 1-101

“License holder” § 1-101

“Person” § 1-101

“Wine” § 1-101

**15-1305. RESERVED.**

**15-1306. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**15-1307. PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY RETAIL CLASS.**

**(B) SCOPE OF AUTHORIZATION.**

**A PER DIEM LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE CLASS OF LICENSE AT AN ENTERTAINMENT EVENT HELD BY A CLUB.**

**(C) LICENSE FORM.**

**(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD REQUIRES.**

**(2) THE APPLICANT SHALL SIGN THE LICENSE.**

**(D) LIMIT ON NUMBER OF PER DIEM LICENSES PER YEAR.**

**THE LICENSE MAY NOT BE ISSUED TO A CLUB MORE THAN 12 TIMES IN A CALENDAR YEAR.**

**(E) FEE.**

**THE FEE FOR THE LICENSE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(j)(2) through (4) and (6).

In subsection (a) of this section, the reference to any “retail” class is substituted for the former reference to any class “except manufacturer’s and wholesaler’s” for brevity.

In subsection (b) of this section, the former reference to a “bona fide” entertainment is deleted as surplusage.

Also in subsection (b) of this section, the reference to an entertainment “event” is added to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “society” and an “association” are deleted as included in the term “club”.

In subsection (c) of this section, the former reference to “swear to” the license is deleted as unnecessary in light of the reference to “sign” the license.

In subsection (d) of this section, the reference to “a club” is substituted for the former reference to “any organization” for consistency with the rest of the section.

Former Art. 2B, § 7–101(j)(1), which stated that former Art. 2B, § 7–101(j) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7–101(j)(5), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the general practice of the Board.

Defined terms: “Board” § 15–101

“Club” § 1–101

“License” § 1–101

**15–1308. MULTIPLE EVENT LICENSE.****(A) ESTABLISHED.**

**INSTEAD OF ISSUING INDIVIDUAL EVENT LICENSES, THE BOARD MAY ISSUE A MULTIPLE EVENT LICENSE FOR A PARTICULAR CLASS OF LICENSE.**

**(B) LIMIT ON DAYS OF USE.**

**THE NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED BY A SINGLE APPLICANT MAY NOT EXCEED 40 PER CALENDAR YEAR.**

**(C) LICENSE REQUIREMENTS; SUBSTITUTE APPLICANTS.**

**(1) A MULTIPLE EVENT LICENSE SHALL BE ISSUED:**

**(I) FOR ONE PREMISES ONLY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, TO THE SAME APPLICANT FOR ALL EVENTS FOR WHICH THE LICENSE IS ISSUED.**

**(2) THE BOARD MAY:**

**(I) APPROVE IN WRITING A SUBSTITUTE APPLICANT; AND**

**(II) BEFORE APPROVING A SUBSTITUTE APPLICANT, HOLD A HEARING.**

**(D) CERTIFIED SERVER REQUIRED ON PREMISES.**

**A SERVER WHO IS CERTIFIED AS HAVING COMPLETED AN ALCOHOL AWARENESS PROGRAM SHALL BE ON THE PREMISES FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED WHEN ALCOHOLIC BEVERAGES ARE SERVED.**

**(E) FEES.**

**(1) THE FEE FOR A MULTIPLE EVENT LICENSE IS:**

**(I) \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;**

**(II) \$500 FOR NOT MORE THAN 20 EVENTS PER YEAR;**

**(III) \$750 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND**

**(IV) \$1,000 FOR NOT MORE THAN 40 EVENTS PER YEAR.**

**(2) THE BOARD MAY NOT ISSUE A REFUND IF THE LICENSE HOLDER HOLDS FEWER EVENTS DURING THE CALENDAR YEAR THAN THE NUMBER OF EVENTS THAT THE LICENSE HOLDER IS ENTITLED TO HOLD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(j)(7)(i) through (iii), (v) through (vii), and (iv)2.

In subsection (a) of this section, the reference to the Board “issu[ing]” a multiple event license is substituted for the former reference to an applicant “purchas[ing]” a license to clarify that the Board of License Commissioners issues a multiple event license the same way other alcoholic beverage licenses are issued.

In subsection (b) of this section, the reference to the number of days for which a multiple event license may be “used” by a single applicant is substituted for the former reference to the number of days for which a license may be “issued to” a single applicant for clarity.

In subsection (d) of this section, the former reference to when alcoholic beverages that are served “under the license” is deleted as surplusage.

Former Art. 2B, § 7–101(j)(7)(iv)1, which stated that the license fee shall be paid in advance, is deleted because it simply restated the routine practice of the Board.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 15–101

“License” § 1–101

**15–1309. STORAGE OF ALCOHOLIC BEVERAGES BY FIRE COMPANIES BETWEEN EVENTS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO VOLUNTEER FIRE COMPANIES.**

**(B) REQUIREMENTS FOR STORAGE.**

**ALCOHOLIC BEVERAGES MAY BE STORED ON THE LICENSED PREMISES BETWEEN INDIVIDUAL LICENSED EVENTS IF THE ALCOHOLIC BEVERAGES:**

**(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND**

**(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.**

**(C) RECORDKEEPING.**

**(1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.**

**(2) THE RECORDS SHALL BE:**

**(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS;  
AND**

**(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD.**

**(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.**

**(D) INSPECTIONS.**

**AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF THIS ARTICLE.**

**(E) FINES.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR THE FIRST OFFENSE, A FINE OF \$100; AND**

**(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF FUTURE REQUESTS FOR A LICENSE FOR AN INDIVIDUAL EVENT OR A SPECIAL MULTIPLE EVENT LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(j)(8).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 15-101

"Comptroller" § 1-101

"License" § 1-101

"License holder" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**15-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), IN ADDITION TO §§ 15-1402 THROUGH 15-1405 OF THIS SUBTITLE; AND



**(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 15-1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(g), which stated that former Art. 2B, § 10-204(a) applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “County” § 15-101

**15-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(1)(i), as it related to an application for a new license.

Defined terms: “Board” § 15-101  
“Central Repository” § 1-101  
“License” § 1-101

**15-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**WHEN CONSIDERING AN APPLICATION FOR A NEW LICENSE, THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR DESIGNEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(1)(iv), as it related to an application for a new license.

Defined terms: “Board” § 15-101  
“License” § 1-101

**15-1404. RENEWAL.**

**THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET THE REQUIREMENTS OF § 4-107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(3).

Defined terms: "Board" § 15-101  
 "License" § 1-101

**15-1405. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(2).

The reference to the "applicant's" fingerprints is added for clarity.

Defined term: "Board" § 15-101

**15-1406. STATEMENT TO BE INCLUDED IN APPLICATION.**

**(A) IN GENERAL.**

**(1) AN APPLICATION FOR A LICENSE SHALL INCLUDE A STATEMENT THAT:**

**(I) THE APPLICANT IS AT LEAST 21 YEARS OLD;**

**(II) THE APPLICANT WILL CARRY ON THE BUSINESS AUTHORIZED BY THE LICENSE FOR THE APPLICANT OR FOR A BUSINESS ENTITY AND NOT AS AN AGENT OF ANOTHER PERSON;**

**(III) 1. THE APPLICANT WILL MANAGE THE BUSINESS IN PERSON; OR**

**2. IF THE LICENSE IS ISSUED TO A BUSINESS ENTITY, AN INDIVIDUAL WHO IS SPECIFIED IN THE APPLICATION WILL MANAGE THE BUSINESS;**

**(IV) THE APPLICANT WILL NOT SELL ALCOHOLIC BEVERAGES DESIGNATED UNDER THE LICENSE TO A PERSON UNDER THE AGE OF 21 YEARS; AND**

**(V) THE APPLICANT CONSENTS TO THE USE OF EVIDENCE DISCOVERED DURING A LAWFUL INSPECTION OF THE LICENSED PREMISES AS ADMISSIBLE IN A PROSECUTION OR ON A HEARING FOR A REVOCATION, SUSPENSION, OR RESTRICTION OF THE LICENSE.**

**(2) THE APPLICANT SHALL VERIFY THE STATEMENTS IN THE APPLICATION BY AFFIDAVIT MADE BEFORE A NOTARY OR OTHER PERSON AUTHORIZED TO ADMINISTER OATHS.**

**(B) PENALTY.**

**A PERSON WHO MAKES A FALSE STATEMENT IN AN APPLICATION IS GUILTY OF THE MISDEMEANOR OF PERJURY AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 YEARS AND LICENSE REVOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(g).

In subsection (a)(1)(ii) of this section, the broad reference to a “business entity” is substituted for the former reference to a “firm, corporation or association” for brevity.

In subsection (a)(1)(iii)1 of this section, the former reference to the applicant who “intends” to manage the business in person is deleted as included in the reference to the applicant who “will” manage the business in person.

Also in subsection (a)(1)(iii)1 of this section, the reference to “manage” is substituted for the former references to “superintend” for clarity. Accordingly, in subsection (a)(1)(iii)2 of this section, the former reference to “superintend” is deleted in light of the reference to “manage”.

In subsection (a)(1)(v) of this section, the former reference to a prosecution “for the violation of the provisions of this or any other act” is deleted as surplusage.

Also in subsection (a)(1)(v) of this section, the former reference to the license “of the person, firm, corporation or association who has obtained a license to sell beverages in such building or premises” is deleted as surplusage.

In subsection (b) of this section, the reference to the “misdemeanor of perjury” is added because, under § 9–102(b) of the Criminal Law Article, perjury is classified as a misdemeanor.

Also in subsection (b) of this section, the reference to “imprisonment not exceeding 10 years”, which is the penalty stated for perjury under § 9–102(b)

of the Criminal Law Article, is substituted for the former reference to “the penalties provided by law for that crime” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **15–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (5) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (6) § 4–209 (“HEARING”);**
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4–212 (“LICENSE NOT PROPERTY”); AND**
- (9) § 4–213 (“REPLACEMENT LICENSES”).**

##### **(B) EXCEPTION.**

**SECTION 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 15–1504 OF THIS SUBTITLE.**

##### **(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 15–1502 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

**(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 15–1502 OF THIS SUBTITLE; AND**

**(3) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), IN ADDITION TO § 15–1503 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 15–101

“License” § 1–101

“Local licensing board” § 1–101

**15–1502. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

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

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

**15–1503. ADDITIONAL FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.**

**BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:**

**(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;**

**(2) THE APPROPRIATENESS OF THE LOCATION OF THE PLACE DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES; AND**

**(3) THE GENERAL FITNESS OF THE APPLICANT TO UPHOLD THE PUBLIC TRUST.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(f)(1).

In the introductory language of subsection (a) of this section, the requirement that the Board “consider and determine as suitable” specified factors before issuing a license is substituted for the former requirement that the Board “satisfy themselves” of specified factors before issuing a license for clarity.

In subsection (a)(2) of this section, the reference to the location “of the place described in the application” is substituted for the former reference to the location “where such licensed business is to be conducted” for clarity, brevity, and consistency within this revised article.

Also in subsection (a)(2) of this section, the reference to “existing” licenses is substituted for the former reference to licenses “already issued” for clarity.

In subsection (a)(3) of this section, the reference to the fitness of the applicant “to uphold the public trust” is substituted for the former reference to the fitness of the applicant “for the trust to be reposed” for clarity.

Defined terms: “Board” § 15–101  
“License” § 1–101

**15–1504. WAITING PERIOD AFTER DENIAL BECAUSE OF SUITABILITY.**

**(A) SUITABILITY OF APPLICANT.**

**IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE SUITABILITY OF THE APPLICANT, THE BOARD MAY NOT RECEIVE ANOTHER APPLICATION FROM THE APPLICANT FOR ANY TYPE OF LICENSE AT ANY PREMISES FOR 6 MONTHS AFTER THE DENIAL.**

**(B) SUITABILITY OF PREMISES.**

**IF A LICENSE APPLICATION IS DENIED ON GROUNDS RELATING TO THE SUITABILITY OF THE LOCATION DESCRIBED IN THE APPLICATION, THE BOARD MAY NOT RECEIVE ANY TYPE OF LICENSE APPLICATION FOR THE LOCATION FOR 1 YEAR AFTER THE DENIAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(e)(2) and (3).

In this section, the former references to “the date of” refusal are deleted as surplusage.

In subsection (a) of this section, the former references to “applicants” are deleted in light of the references to “applicant” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b) of this section, the reference to the “location described in the application” is substituted for the former reference to the “premises applied for” for consistency with terminology used throughout this article. Similarly, the reference to the “location” is substituted for the former reference to the “premises”.

Former Art. 2B, § 10–208(e)(1), which stated that former Art. 2B, § 10–208(e) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101  
“License” § 1–101

**15–1505. EXCHANGE OF LICENSE.**

**A LICENSE HOLDER MAY EXCHANGE THE LICENSE FOR ANY OTHER LICENSE FOR THE SAME PREMISES BY COMPLYING WITH THE APPLICATION PROCEDURES OF THIS TITLE AND PAYING THE LICENSE FEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(c), as it related to Caroline County.

The reference to the authority of a holder of a license to “exchange the license for any other license” is substituted for the former reference to the authority of a licensee “to obtain any type of license under this article” for clarity.

The reference to the “license fee” is substituted for the former reference to “fees herein prescribed for each class of license”.

Defined terms: “License” § 1–101

“License holder” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 10–202(a)(3)(ii), which provided that the Board, not the clerk, shall issue licenses after the fee has been paid, is deleted as included in the general authority of the Board to issue a license under § 4–202 of this article and the general requirement to pay the license fee before issuance under § 4–111 of this article.

The first sentence of former Art. 2B, § 10–206(b), which provided that licenses shall be dated as of the date of issue and shall expire on the next April 30 after its issuance, is deleted as redundant of § 4–211(c) of this article.

The second sentence of former Art. 2B, § 10–206(b), which provided that licenses issued prior to July 1, 1970, shall expire on July 1, 1970, and authorized pro rata refunds of any unexpired license fees, is deleted as obsolete.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

**15–1601. RESERVED.**

**15–1602. RESERVED.**

#### **PART II. MULTIPLE LICENSING PLANS.**

**15–1603. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**15–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**



**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

**(B) VARIATION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15–1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10–503(g).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the substitution of names of officers that apply in the County with variation.

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

**15–1702. SUBSTITUTION OF NAMES INSTEAD OF TRANSFER.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A HOLDER OF A LICENSE FOR THE USE OF A BUSINESS OR CLUB WISHES TO SUBSTITUTE ON THE LICENSE THE NAME OF AN OFFICER OF THE BUSINESS OR CLUB, THE LICENSE HOLDER MAY FILE A PETITION FOR SUBSTITUTION WITH THE BOARD INSTEAD OF FILING AN APPLICATION FOR TRANSFER OF THE LICENSE.**

**(B) REQUIREMENT FOR APPROVAL OF PETITION.**

**THE BOARD MAY APPROVE THE PETITION ONLY IF THE LICENSE HOLDER DEMONSTRATES THAT THE SUBSTITUTE OFFICER IS FIT TO ENGAGE IN THE BUSINESS AUTHORIZED BY THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(f)(2).

In subsection (a) of this section, the reference to the transfer “of the license” is added for clarity.

Also in subsection (a) of this section, the former reference to “thereafter” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to filing a “formal” application is deleted as surplusage.

In subsection (b) of this section, the reference to the license holder “demonstrat[ing]” is substituted for the former reference to the license holder’s “proper showing” for clarity.

Defined terms: “Board” § 15–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

**15–1703. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(1)(i), as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, where those requirements appear in the applications for local license subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101

“State” § 1–101

**15–1704. CRIMINAL HISTORY RECORDS TO BE KEPT IN SEALED ENVELOPE.**

**(A) TO BE KEPT BY BOARD.**

**WHEN CONSIDERING A TRANSFER OF A LICENSE, THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORDS IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR DESIGNEES.**

**(B) FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD SHALL SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(c)(2) and, as it related to the transfer of a license, (1)(iv).

In subsection (a) of this section, the reference to criminal “history” records is added for clarity and consistency.

In subsection (b) of this section, the reference to the “applicant’s” fingerprints is added for clarity.

Defined terms: “Board” § 15–101

“License” § 1–101

“State” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**15–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 15–101

“License” § 1–101

**15–1802. CRIMINAL HISTORY RECORDS CHECK.**

**THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE RENEWAL TO MEET THE REQUIREMENTS OF § 4-107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(c)(3).

Defined terms: "Board" § 15-101  
 "License" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**15-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**
- (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES");**
- (3) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS");**
- (4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**
- (5) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**
- (6) § 4-508 ("DISPLAY OF LICENSE").**

**(B) VARIATION.**

**SECTION 4-505 ("ALCOHOL AWARENESS PROGRAM") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-1902 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "Alcoholic beverage" § 1-101  
 "County" § 15-101  
 "License" § 1-101

“License holder” § 1–101

**15–1902. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSED PREMISES FOR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(2) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(i)5 and (iv)2 and 4.

In subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Also in subsection (a)(1) of this section, the former reference to a “bona fide” emergency is deleted as surplusage.

Defined terms: “Board” § 15–101

“License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**15–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES THAT IS PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Caroline County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of § 3-905 of this article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

**15–2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER LICENSE.**

**(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A 7–DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–301(a)(2), (c)(2), and (d)(2), 11–506(1), and, as it related to beer licenses, 11–403(a)(5).

Throughout this section, the references to “beer” are substituted for the former references to “alcoholic beverages” for clarity.

Former Art. 2B, § 11–403(b)(2)(vi)4, which stated that a Class C beer license holder may sell beer from 8 a.m. to 12 midnight, is deleted as obsolete in light of subsection (c) of this section.

Defined term: “Beer” § 1–101

**15–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A 6–DAY OR 7–DAY CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**RESERVED.**

**(C) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) CLASS H BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–302(a)(3), (c)(4), (d)(4), and (e)(2) and 11–506(2).

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**15–2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**



**(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M.**

**(2) ON SUNDAY, A HOLDER OF A 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL FOR OFF-PREMISES CONSUMPTION:**

**(I) BEER AND WINE, FROM 8 A.M. TO MIDNIGHT; AND**

**(II) LIQUOR, FROM 1 P.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE HOLDER OF A 7-DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A 6-DAY OR 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(2)(iii), (b)(1), (c)(1), and (d)(1) and (4), 11-506(3) and (4), and, as it related to beer, wine, and liquor licenses, 11-403(a)(5).

Former Art. 2B, § 11-403(b)(2)(vi)1, 2, 3, and 5, which stated that a holder of a Class A, Class C, or Class D beer, wine, and liquor license may sell beer and wine from midnight to 2 a.m. and from 1 p.m. to midnight and liquor from midnight to 2 a.m. and from 8 a.m. to midnight, is deleted as obsolete. These

provisions are superseded by subsections (a), (c), and (d) of this section, which revise former Art. 2B, §§ 11–303(a)(2)(iii), 11–506(4), and 11–303(d)(4).

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

**15–2005. HOURS FOR DECEMBER 31 AND JANUARY 1.**

**(A) SALES ON DECEMBER 31 AND JANUARY 1 ALLOWED.**

**EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES ALLOWED BY THE LICENSE FROM 2 P.M. ON DECEMBER 31 TO MIDNIGHT ON JANUARY 1, NO MATTER WHAT DAYS OF THE WEEK DECEMBER 31 AND JANUARY 1 FALL ON.**

**(B) SALE DURING HOURS AUTHORIZED BY LICENSE.**

**A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION MAY SELL ALCOHOLIC BEVERAGES IN ACCORDANCE WITH THE HOURS AUTHORIZED BY THE LICENSE IF THE HOURS SPECIFIED FOR DECEMBER 31 AND JANUARY 1 UNDER SUBSECTION (A) OF THIS SECTION ARE MORE RESTRICTIVE THAN THE REGULAR HOURS.**

**(C) CLASS B OR D BEER SALES FOR OFF–PREMISES CONSUMPTION.**

**A HOLDER OF A CLASS B OR CLASS D LICENSE THAT ALLOWS BEER SALES FOR OFF–PREMISES CONSUMPTION MAY SELL BEER ON DECEMBER 31 AND JANUARY 1 IN ACCORDANCE WITH THE PRIVILEGES GRANTED BY THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(g)(2).

In subsections (a) and (b) of this section, the references to “a license that allows the sale of alcoholic beverages for on–premises consumption” are substituted for the former references to “any on–sale license” to conform to terminology used throughout this article.

In subsection (b) of this section, the reference to license holders who “may” sell alcoholic beverages is substituted for the former reference to license holders “elect[ing]” to sell alcoholic beverages for clarity.

Former Art. 2B, § 11–402(g)(1), which stated that former Art. 2B, § 11–402(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 11–403(b)(1) and (2)(i) and (ii), which prohibited, with certain exceptions, the selling or providing of alcoholic beverages on Sunday in Caroline, Cecil, Dorchester, Garrett, Harford, Kent, Queen Anne’s, Somerset, Talbot, and Worcester counties is deleted as obsolete.

### **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

#### **15–2101. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

##### **(B) VARIATION.**

**SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15–2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(4), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 15–101  
 “License” § 1–101  
 “Local licensing board” § 1–101

## **15–2102. NUDITY AND SEXUAL DISPLAYS.**

**NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR LOCAL LICENSING BOARDS UNDER § 4–605(A) OF THIS ARTICLE, AFTER A FINDING THAT AN ACTIVITY LISTED IN § 4–605 OF THIS ARTICLE HAS OCCURRED, THE BOARD MAY DECIDE WHETHER TO REVOKE A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–405(j)(2).

The phrase “[n]otwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article” is added for clarity.

Former Art. 2B, § 10–405(j)(1), as it related to applying former Art. 2B, § 10–405(j) to Caroline County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 15–101  
 “License” § 1–101  
 “Local licensing board” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **15–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

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

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **15–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4-806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 15-101

“License” § 1-101

“License holder” § 1-101

**15-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(4).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 15–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **SUBTITLE 24. JUDICIAL REVIEW.**

##### **15–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 15–101

#### **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

##### **15–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, PROVIDE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

- (1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**
- (2) ALLOWS IN THE ESTABLISHMENT ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–103.2(a), (c), and (d).

In the introductory language of subsection (a) of this section, the reference to a place of “adult entertainment” is substituted for the former reference to a place of public entertainment that “allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article” for clarity.

Also in the introductory language of subsection (a) of this section, the references to “serve” are substituted for the former references to “dispense” for clarity.

Former Art. 2B, § 20–103.2(b), which provided that former Art. 2B, § 20–103.2 applied only in Caroline 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 (a) of this section, a place of adult entertainment is not allowed to serve or provide setups, including drinking containers and ice, or other component parts of mixed drinks. This broad prohibition would include such items as ice cubes and ginger ale.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**15–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**



**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 15–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both. Under this section, however, an owner or a manager of an

unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

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

## **SUBTITLE 26. ENFORCEMENT.**

### **15–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (9) § 6–211 (“FINES AND FORFEITURES”).**

#### **(B) EXCEPTION.**

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 15-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 15-101  
“State” § 1-101

**15-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

**(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-319 OF THIS ARTICLE; AND**

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(4).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6-319 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 15-101

**SUBTITLE 27. PROHIBITED ACTS.**

**15-2701. 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) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(2) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

**(3) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**

**(4) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);**

**(5) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

**(6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(7) § 6-310 (“PROVIDING FREE FOOD”);**

**(8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**

**(9) § 6-312 (“BEVERAGE MISREPRESENTATION”);**

**(10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**

**(11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**

**(12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**

**(13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**

**(14) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

- (15) § 6-320 (“DISORDERLY INTOXICATION”);
- (16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (19) § 6-327 (“TAX EVASION”);
- (20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (21) § 6-329 (“PERJURY”).

**(B) VARIATION.**

**SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 15-2702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 15-101  
“License holder” § 1-101  
“Retail dealer” § 1-101

**15-2702. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-301(a)(2).

The former definition of “unless authorized” is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(i), which stated that former Art. 2B, § 19–301(a)(2) applied in Caroline County, is deleted as unnecessary in light of the organization of this revised title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**15–2703. GAMBLING AT LICENSED ESTABLISHMENT BY INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

**(A) PROHIBITED.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO PLAY POOL, BILLIARDS, SHUFFLEBOARD, PINBALL, A CONSOLE MACHINE, OR ANY OTHER GAME OF CHANCE OR SKILL IN THE LICENSED ESTABLISHMENT UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–206.

In subsection (b) of this section, the former reference to “indictment” is deleted as unnecessary.

Also in subsection (b) of this section, the former reference to a fine “of not less than \$50” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify a limit on the maximum amount of the fine that may be imposed.

Defined terms: “Beer” § 1–101  
“License” § 1–101

“License holder” § 1–101  
“Wine” § 1–101

**SUBTITLE 28. PENALTIES.**

**15–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 15–101

**15–2802. PENALTY IMPOSED BY BOARD.**

**(A) FINE OR SUSPENSION.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR SUSPENSION OF A LICENSE.**

**(B) CONDITIONS.**

**A PENALTY IMPOSED UNDER SUBSECTION (A) OF THIS SECTION:**

**(1) IS IN ADDITION TO AND DOES NOT LIMIT ANY OTHER PENALTY FOR THE SAME VIOLATION; AND**

**(2) IS INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.**

**(C) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(g)(2) through (4).

In subsection (a) of this section, the former phrase “under the provisions of this article affecting Caroline County” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to a penalty that “does not” limit any other penalty is substituted for the former reference to a penalty that is “not intended” to limit any other penalty for clarity.

Also in subsection (b)(1) of this section, the former reference to “specific or general” penalties is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to a violation “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the former phrase “[i]ntended to be” is deleted as surplusage.

In subsection (c) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Former Art. 2B, § 16–507(g)(1), which stated that the provisions of former Art. 2B, § 16–507(g) applied only in Caroline County, is deleted as unnecessary in light of the organization of this revised article.

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

## **TITLE 16. CARROLL COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **16–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.



**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Carroll County”.

**(C) COUNTY.**

**“COUNTY” MEANS CARROLL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Carroll County”.

**16–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN CARROLL COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**16–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 16–101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4-101(h), which defined "light wine" in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.****16-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CARROLL COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Carroll County exists.

**16-202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(B) TENURE.**

**(1) THE TERM OF A REGULAR MEMBER IS 3 YEARS.**

**(2) THE TERMS OF THE REGULAR MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(C) REMOVAL.**

**THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(a)(1), except as it related to the chair of the Board, and the first sentence of § 15–110(b).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board “of license commissioners for said county” is deleted as surplusage.

In subsection (b) of this section, the references to “regular” members of the Board are added for clarity.

Also in subsection (b) of this section, the requirement that the terms of the members of the Board be staggered as required on July 1, 2016, is substituted for the former obsolete requirement that the “first member of the Board be appointed for one, two and three year terms, respectively ... each”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Carroll County.

In subsection (c) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (c) of this section, the former reference to the County Commissioners removing a member of a board of license commissioners “appointed by them” is deleted as unnecessary because all of the members are appointed by the County Commissioners.

Former Art. 2B, § 15–101(h), which provided that the provisions of former Art. 2B, § 15–104 apply in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101

“County” § 16–101

### **16–203. SUBSTITUTE MEMBER.**

#### **(A) APPOINTMENT BY COUNTY COMMISSIONERS.**

**THE COUNTY COMMISSIONERS SHALL APPOINT ONE SUBSTITUTE MEMBER TO THE BOARD TO SERVE IF A REGULAR MEMBER IS ABSENT OR INCAPACITATED.**

#### **(B) TENURE.**

**THE COUNTY COMMISSIONERS SHALL PROVIDE A TERM OF OFFICE FOR THE SUBSTITUTE MEMBER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-104(a)(2)(i) and, except as it related to the salary of the substitute member, (ii).

In subsection (a) of this section, the reference to a "substitute" member is substituted for the former reference to an "additional" member to conform to the terminology used throughout this subtitle.

Defined terms: "Board" § 16-101  
 "County" § 16-101

**16-204. CHAIR.**

**THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE REGULAR MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15-104(a)(1), as it related to the designation of a chair.

The reference to a "chair" is substituted for the former reference to a "chairman" because SG § 2-1238 requires the use of words that are neutral as to gender to the extent practicable.

The phrase "from among the regular members of the Board" is substituted for the former phrase "one of them" for clarity.

Defined terms: "Board" § 16-101  
 "County" § 16-101

**16-205. MEETINGS; SALARIES; STAFF.**

**(A) MEETINGS.**

**THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

**(B) SALARIES.**

**THE COUNTY COMMISSIONERS SHALL SET:**

**(1) THE ANNUAL SALARIES OF THE REGULAR MEMBERS OF THE BOARD; AND**

**(2) THE SALARY OF THE SUBSTITUTE MEMBER ON A PER DIEM BASIS.**

**(c) STAFF.**

**THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(h), 15–112(a)(2), and 15–104(a)(2)(ii), as it related to the salary of the substitute member, and the second sentence of (a)(1).

In subsection (b)(1) of this section, the reference to “regular” members of the Board is added for clarity.

In subsection (b)(2) of this section, the reference to a “substitute” member is substituted for the former reference to an “additional” member to conform to the terminology used throughout this subtitle.

In subsection (c) of this section, the former phrase “except as otherwise provided by this article” is deleted as unnecessary.

In subsection (c)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Defined terms: “Board” § 16–101

“County” § 16–101

**16–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Carroll County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 16–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **16–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 16–101

### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

#### **16–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**

- (2) § 2-202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2-204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2-205 (“CLASS 3 WINERY LICENSE”);
- (5) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (6) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (7) § 2-211 (“RESIDENCY REQUIREMENT”);
- (8) § 2-212 (“ADDITIONAL LICENSES”);
- (9) § 2-213 (“ADDITIONAL FEES”);
- (10) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (11) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (12) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (13) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

**(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

**(1) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO § 16-403 OF THIS SUBTITLE;**

**(2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 16-404 OF THIS SUBTITLE; AND**

**(3) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 16-405 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12-112(a), as it limited to specific jurisdictions, not including Carroll County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-215 of Division I of this article. No substantive change is intended.

Defined terms: “County” § 16-101

“Manufacturer’s license” § 1-101

**16-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(5).

Defined terms: “Alcoholic beverage” § 1-101

“Manufacturer’s license” § 1-101

**16-403. CLASS 4 LIMITED WINERY LICENSE.**

**(A) APPLICATION OF SECTION.**



**THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE COUNTY.**

**(B) CLASS A WINE LICENSE — QUOTA EXEMPTION.**

**A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A WINE LICENSE UNDER § 16-701 OF THIS TITLE IS EXEMPT FROM ANY LICENSE POPULATION QUOTA LIMITATION ESTABLISHED UNDER § 16-1601 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-205(b)(1) and 9-207(h)(5).

In subsection (b) of this section, the reference to a "license population" quota limitation is added for consistency within this division.

Also in subsection (b) of this section, the reference to a "holder of a Class 4 limited winery license" is substituted for the former reference to a "winery" for clarity and consistency with § 16-701 of this title.

Defined terms: "County" § 16-101

"License" § 1-101

"Wine" § 1-101

**16-404. CLASS 6 PUB-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a Class 6 pub-brewery license in Carroll County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Carroll County, the introductory language of (g)(1).

Defined terms: "County" § 16-101

"License" § 1-101

**16-405. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

**(B) DISTANCE RESTRICTION.****(1) IN THIS SUBSECTION, “PROTECTED BUILDING” MEANS:**

**(I) AN ELEMENTARY SCHOOL;**

**(II) A SECONDARY SCHOOL; OR**

**(III) A CHURCH OR OTHER PLACE OF WORSHIP.**

**(2) PARAGRAPH (3) OF THIS SUBSECTION DOES NOT APPLY TO A MICRO-BREWERY THAT WAS IN EXISTENCE ON JULY 1, 1997.**

**(3) (I) A MICRO-BREWERY MAY NOT BE LOCATED WITHIN 300 FEET OF A PROTECTED BUILDING.**

**(II) THE DISTANCE SHALL BE MEASURED FROM THE NEAREST POINT OF THE BUILDING IN WHICH THE MICRO-BREWERY IS LOCATED TO THE NEAREST POINT OF THE PROPERTY LINE ON WHICH THE PROTECTED BUILDING IS LOCATED.**

**(4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, IF A MICRO-BREWERY WAS ESTABLISHED AT ITS LICENSED PREMISES BEFORE A PROTECTED BUILDING WAS ESTABLISHED WITHIN 300 FEET OF THE MICRO-BREWERY, THE COMPTROLLER MAY RENEW THE LICENSE OF THE MICRO-BREWERY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–208(a) and (b)(2)(viii) and 9–207(c) through (g).

In subsection (b) of this section, the references to a “micro-brewery” are substituted for the former references to “licensed premises” for clarity.

In subsection (b)(2) of this section, the reference to “[p]aragraph (3) of this subsection” is substituted for the former reference to “[d]istance restriction requirements” for clarity.

In subsection (b)(3)(i) of this section, the requirement that a micro–brewery “may not be located within” a specific distance of a protected building is substituted for the former reference to the “distance restriction requirement between” a micro–brewery and a protected building being a specific distance for clarity.

In subsection (b)(4) of this section, the reference to renewing the license “of the micro–brewery” is added for clarity.

Also in subsection (b)(4) of this section, the reference to a micro–brewery that “was established at its licensed premises before a protected building was established” within a specific distance is substituted for the former reference to a micro–brewery that “preceded the location of the protected building but the protected building is located” within a specific distance for clarity.

Also in subsection (b)(4) of this section, the former reference to the “Office of the” Comptroller is deleted as unnecessary.

Former Art. 2B, § 2–208(i), which provided a cross–reference to distance restrictions applicable to micro–breweries in Carroll County, is deleted as unnecessary in light of the revision of those restrictions in subsection (b) of this section.

Former Art. 2B, § 9–207(b), which provided that the distance restrictions applied only to micro–brewery licenses as set forth in former Art. 2B, § 2–208, is deleted as unnecessary in light of subsection (a) of this section and the use of the term “micro–brewery” throughout this section.

Defined terms: “Comptroller” § 1–101

“County” § 16–101

“License” § 1–101

## **SUBTITLE 5. WHOLESALER’S LICENSES.**

### **16–501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

#### **(1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**

- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

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 to specific jurisdictions, not including Carroll County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: "County" § 16-101  
"Wholesaler's license" § 1-101

**16-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 16-503 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

**16-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **16–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS:**

- (1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$200; AND**
- (2) BEGINNING ON JULY 1, 2017, \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**16–602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$130.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

### **16-603. CLASS C BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.



Defined terms: “Beer” § 1–101  
“Club” § 1–101

**16–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(h) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

**SUBTITLE 7. WINE LICENSES.**

**16–701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(5), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "sold" is substituted for the former reference to "delivered" to conform to the terminology used throughout this article.

Defined terms: "County" § 16-101  
"Wine" § 1-101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**16-801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$340; AND**

**(2) BEGINNING ON JULY 1, 2017, \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(h) and (a)(1).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

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

## **16–802. CLASS B BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS B BEER AND WINE 6–DAY LICENSE; AND**
- (2) A CLASS B BEER AND WINE 7–DAY LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

### **(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$160 FOR A 6–DAY LICENSE; AND**
- (2) \$1,000 FOR A 7–DAY LICENSE.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 5–201(h) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1-101  
“Hotel” § 1-101  
“Restaurant” § 1-101  
“7-day license” § 1-101  
“6-day license” § 1-101  
“Wine” § 1-101

**16-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$70.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(h) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1-101  
“Club” § 1-101  
“Wine” § 1-101

**16-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (h)(3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Former Art. 2B, § 5-401(h)(1), which stated that former Art. 2B, § 5-401(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**16-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) FROM JULY 1, 2014, TO JUNE 30, 2017, \$850; AND**

**(2) BEGINNING ON JULY 1, 2017, \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(h) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as unnecessary.

Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**16–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A HOTEL THAT:**

**(I) ACCOMMODATES THE PUBLIC BY PROVIDING SERVICE ORDINARILY FOUND IN HOTELS;**

**(II) HAS:**

**1. AT LEAST 25 ROOMS;**

**2. A LOBBY WITH REGISTRATION AND MAIL DESK; AND**

**3. A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY AND THAT HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND**

**(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000; OR**



**(2) A RESTAURANT THAT:**

**(I) IS OPEN FOR BUSINESS AT LEAST 5 DAYS A WEEK AND SERVES AT LEAST:**

**1. TWO FULL-COURSE MEALS EACH DAY IT IS OPEN FROM MONDAY TO FRIDAY; AND**

**2. ONE FULL-COURSE MEAL EACH DAY IT IS OPEN ON SATURDAY AND SUNDAY;**

**(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND**

**(III) IS OPERATED IN FACILITIES THAT ARE VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) IN THIS SUBSECTION, "PREMISES" MEANS AN AREA:**

**(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED AND SERVED; OR**

**(II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING BY THE BOARD.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

**(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION;**

**(II) BEER FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK; AND**

**(III) WINE FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK IF:**

**1. THE AREA USED TO PREPARE AND CONSUME FOOD AND BEVERAGES OCCUPIES AT LEAST 90% OF THE SQUARE FOOTAGE OF THE LICENSED PREMISES; AND**

**2. THE LICENSE HOLDER DOES NOT SELL MORE THAN SIX BOTTLES OF WINE TO AN INDIVIDUAL AT ONE TIME.**

**(D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND TAXATION.**

**(1) IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED BUILDING, ON REQUEST BY THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL ASSESS THE BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION.**

**(2) THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION DOES NOT AFFECT THE RENEWAL OR TRANSFER OF A CLASS B LICENSE ISSUED BEFORE MAY 1, 1979.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(h)(2) and, as it related to the existence of a Class B license, (a)(1).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to a “bona fide” hotel is deleted as surplusage.

In subsection (b)(1)(ii)3 and (2)(ii) of this section, the references to “individuals” are substituted for the former, broader references to “persons” because the provisions refer only to human beings.

Also in subsection (b)(1)(ii)3 and (2)(ii), the former references to seating “capacity” are deleted as surplusage.

In subsection (d)(2) of this section, the former phrase “prohibit in any manner” is deleted as included in the reference to “does not affect”.

Former Art. 2B, § 6–201(h)(1)(i), which stated that former Art. 2B, § 6–201(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(h)(1)(ii), which defined “Board” as meaning the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 16–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**16–903. CLASS BC BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BC BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A CLASS BC LICENSE TO AN APPLICANT THAT HAS:**

**(1) A HOTEL OR RESTAURANT THAT MEETS THE LICENSING REQUIREMENTS IN § 16–902(C) OF THIS SUBTITLE; OR**

**(2) A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE, IF THE APPLICANT SURRENDERS THE CLASS B LICENSE TO THE BOARD BEFORE BEING ISSUED THE CLASS BC LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

**(i) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT OR HOTEL FOR ON-PREMISES CONSUMPTION;**

**(ii) BEER 7 DAYS A WEEK AT A RESTAURANT OR HOTEL FOR OFF-PREMISES CONSUMPTION; AND**

**(iii) BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT HELD OFF THE RESTAURANT OR HOTEL PREMISES FOR CONSUMPTION ON THE PREMISES OF THE EVENT.**

**(2) THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND ON THE DAYS AS SET OUT FOR A CLASS B LICENSE UNDER § 16-2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE FEE FOR A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(h)(3)(i) through (vi).

In subsection (b)(1) of this section, the former reference to "conditions" is deleted as included in the reference to "requirements".

In subsection (b)(2) of this section, the reference to "the Class BC license" is substituted for the former reference to "a new license under this section" for brevity.

In subsection (c)(2) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of the reference to "beer, wine, and liquor" in subsection (c)(1)(iii) of this section.

Defined terms: "Beer" § 1-101

"Board" § 16-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**16-904. CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BR BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(1) SERVES AT LEAST ONE FULL-COURSE EVENING DINNER MEAL AT LEAST 5 DAYS A WEEK;**

**(2) IS ONLY OPEN DURING THE TIME MEALS ARE SERVED;**

**(3) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATING AT BARS AND COUNTERS, FOR AT LEAST 50 INDIVIDUALS ; AND**

**(4) IS OPERATED IN FACILITIES VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$50,000.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) IN THIS SUBSECTION, "PREMISES" MEANS AN AREA:**

**(I) INSIDE THE RESTAURANT WHERE MEALS ARE PREPARED AND SERVED; OR**

**(II) OUTSIDE THE RESTAURANT THAT IS APPROVED IN WRITING BY THE BOARD.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A RESTAURANT FOR CONSUMPTION:**

**(I) WITH MEALS ON THE LICENSED PREMISES; OR**

**(II) ON THE LICENSED PREMISES IN ACCORDANCE WITH REGULATIONS THAT THE BOARD ADOPTS.**

**(D) VALUATION OF NEW OR IMPROVED BUILDING FOR ASSESSMENT AND TAXATION.**

**IF A LICENSE APPLICATION IS MADE FOR A NEW OR IMPROVED BUILDING, ON REQUEST OF THE BOARD THE SUPERVISOR OF ASSESSMENTS SHALL ASSESS THE BUILDING AND ADVISE THE BOARD OF THE VALUATION OF THE BUILDING FOR ASSESSMENT AND TAXATION.**

**(E) CATERED EVENTS PRIVILEGE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT HELD OFF THE LICENSED PREMISES FOR CONSUMPTION ON THE PREMISES OF THE CATERED EVENT IF THE LICENSE HOLDER:**

**(1) PROVIDES FOOD FOR CONSUMPTION AT THE CATERED EVENT; AND**

**(2) PAYS AN ANNUAL FEE OF \$250 IN ADDITION TO THE ANNUAL LICENSE FEE.**

**(F) FEE.****THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(h)(4) and (3)(iii)3, (iv), and (vii).

In subsection (b)(3) of this section, the reference to “individuals” is substituted for the former, broader references to “persons” because the provision refers only to human beings.

Also in subsection (b)(3) of this section, the former reference to seating “capacity” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the reference to “licensed” premises is substituted for the former reference to “restaurant or hotel” premises for brevity.

Also in the introductory language of subsection (e) of this section, the reference to “sell beer, wine, and liquor 7 days a week at a catered event” is substituted for the former reference to “the privileges of the holder of a Class BC license specified in subparagraph (2)(iii)3 of this subsection” for clarity.

In subsection (e)(1) of this section, the reference to “provides food for consumption at the catered event” is substituted for the former phrase “subject to the restrictions set forth in subparagraph (iv) of this subsection” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**16–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(I) HAS A DINING ROOM;**

**(II) HAS A REGULAR SEATING CAPACITY AT TABLES, EXCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 50 INDIVIDUALS; AND**

**(III) OPERATES IN A FACILITY WITH AN ASSESSED REAL PROPERTY VALUATION OF AT LEAST \$20,000.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE:**

**(1) FOR A CLUB THAT IS A LOCAL CHAPTER OF A NATIONALLY ORGANIZED NONPROFIT FRATERNAL OR VETERANS' ORGANIZATION IS \$1,200; AND**

**(2) FOR ANY OTHER CLUB IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(h)(2) and the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1)(ii) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this provision applies only to human beings.

In subsection (b)(2) of this section, the former reference to consumption "only" on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6-301(h)(1), which stated that former Art. 2B, § 6-301(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 16-101

"Club" § 1-101

“Wine” § 1-101

**16-906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(h).

Defined terms: “Beer” § 1-101

“County” § 16-101

“Wine” § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**16-1001. GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE OR ORGANIZATION THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) OWNS REAL ESTATE IN THE COUNTY; AND**
- (4) HAS A GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE BUILDINGS THAT ARE PART OF THE GOLF COURSE.**

- (2) A PATRON NEED NOT BE SEATED TO BE SERVED.**



**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 16–2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–501(b) through (g).

In subsection (b)(2) of this section, the former phrase “[s]ubject to the approval of the Board of License Commissioners” is deleted as implicit in the reference to “[t]he license” which is issued by the Board.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 16–2005 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–507 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–501(a), which stated that the provisions of former Art. 2B, § 8–501 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Board” § 16–101  
“County” § 16–101  
“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**16–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 16-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**16-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-207(d) through (f).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(ii), which stated that former Art. 2B, § 8-103, consisting of refillable container provisions, applied to Carroll County, and former Art. 2B, § 8-207(a), which stated that former Art. 2B, § 8-207 applied only in Carroll County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-207(b), which defined the term "Board" to mean the Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 16-101 of this title.

Former Art. 2B, § 8-207(c), which stated that there is a refillable container permit, is deleted as unnecessary in light of § 4-1104 of this article.

Defined terms: "Board" § 16-101

"License" § 1-101

"Off-sale" § 1-101

"Person" § 1-101

## **SUBTITLE 12. CATERER'S LICENSES.**

### **16-1201. CLASS H CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A CATERING ESTABLISHMENT THAT HAS:**

**(1) ONE OR MORE BANQUET ROOMS SUITABLE FOR PUBLIC GATHERINGS; AND**

**(2) FOOD PREPARATION FACILITIES ON THE PREMISES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO:**

**(I) PROVIDE FOOD AND ALCOHOLIC BEVERAGES; OR**

**(II) PROVIDE FOOD AND ALLOW PATRONS TO BRING PERSONAL ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE LICENSE HOLDER FOR CONSUMPTION AT A CATERED EVENT; AND**

**(2) SELL ALCOHOLIC BEVERAGES AT RETAIL AT THE PREMISES DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**(1) THE ANNUAL LICENSE FEE IS EQUAL TO THE FEE FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE AS PROVIDED IN § 16-902 OF THIS TITLE.**

**(2) THE BOARD MAY NOT ISSUE THE LICENSE BEFORE PAYMENT OF THE FEE IS RECEIVED BY THE BOARD.**

**(E) EFFECT OF SECTION.**

**A HOTEL OR RESTAURANT THAT HOLDS A CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR LICENSE IS NOT REQUIRED TO OBTAIN A CLASS H CATERER'S LICENSE IF CATERING IS OR HAS BEEN A PART OF THE SERVICES PROVIDED BY THE HOLDER OF THE CLASS B LICENSE.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a Class H license exists in Carroll County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6–703(c), (d), the first sentence of (e), and (b)(3).

Subsection (b) of this section is revised as a statement specifying the eligibility requirements of a Class H license, rather than as part of the former definition of a “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In the introductory language of subsection (b) of this section, the reference stating that the Board “may” issue a Class H license is substituted for the former reference stating that the Board “shall” issue the license to avoid the unintended implication that the Board is absolutely required to issue Class H licenses.

In subsection (c)(1)(ii) of this section, the reference to the “license holder” is substituted for the former reference to the “caterer” for clarity.

In subsection (c)(2) of this section, the former phrase “keep for sale” is deleted as included in the reference to “sell”.

Former Art. 2B, § 6–703(a), which stated that former Art. 2B, § 6–703 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–703(b)(2), which defined “Board”, is deleted as redundant of the definition of “Board” in § 16–101 of this title. Correspondingly, former Art. 2B, § 6–703(b)(1), which was the introductory language to the former definition subsection, is deleted as unnecessary.

The second sentence of former Art. 2B, § 6–703(e), which provided that any caterer holding a Class B beer, wine and liquor license shall automatically be issued a Class H caterer’s license without charge and surrender the Class B license on receipt of the Class H license, is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 16–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **16–1202. CLASS HC CATERER’S LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS HC CATERER'S (ON-SALE AND LIMITED OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK AT A CATERED EVENT FOR CONSUMPTION:**

**(I) ON THE LICENSED PREMISES; OR**

**(II) ON THE PREMISES WHERE THE CATERED EVENT IS HELD;**

**AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) LIMIT ON SELF-SPONSORED EVENTS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN A CALENDAR YEAR THE LICENSE HOLDER MAY HOLD NOT MORE THAN EIGHT EVENTS THAT THE LICENSE HOLDER SPONSORS.**

**(2) AN EVENT THAT THE LICENSE HOLDER SPONSORS MAY BE HELD ONLY AT A LOCATION AND ON A DATE THAT THE BOARD APPROVES IN ACCORDANCE WITH REGULATIONS THAT THE BOARD ADOPTS.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$250 GREATER THAN THE ANNUAL FEE FOR A CLASS B HOTEL OR RESTAURANT (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-703(f).

In subsection (c)(1)(ii) of this section, the former reference to catered events held "off the premises" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a holder "exercis[ing] the privileges of the license only during the hours and on the days authorized" for a Class B license is substituted for the former reference to "hours and days for sale for a Class HC licensee [being] the same as" for a Class B license to conform to the terminology used in other similar provisions of this article.

In subsection (d) of this section, the former reference to providing food "in addition to alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (e)(1) of this section, the reference to holding "not more than" eight events is substituted for the former reference to holding "only" eight events to clarify that the license holder does not have to hold exactly eight events.

Also in subsection (e)(1) of this section, the reference to events "that the license holder sponsors" is substituted for the former reference to events "that are self-sponsored" for clarity.

Defined terms: "Beer" § 1-101

"Board" § 16-101

"Hotel" § 1-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**16-1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 (“PER DIEM LICENSES”);**
- (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**
- (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);**
- (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**
- (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

**(B) EXCEPTION.**

**SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 16-1311 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 16-101

**16-1302. RESERVED.**

**16-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**16-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**



**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

**(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

**(1) CHOOSE 1 WEEKEND FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE ANNE ARUNDEL BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$50 FOR A 1-DAY OR 2-DAY FESTIVAL.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–805(b) through (h).

Throughout this section, the former references to a “special” beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to a “current retail alcoholic beverages license issued in the State” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Carroll County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to a “nonlicensed premises” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special beer festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the licensee from holding” another license for clarity.

Former Art. 2B, § 8–805(a), which defined the term “Board”, is deleted as redundant in light of the defined term “Board” in § 16–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“License” § 1–101

“License holder” § 1–101

**16-1305. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A MARYLAND WINE FESTIVAL (MWF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**THE COUNTY COMMISSIONERS:**

**(1) MAY CHOOSE 1 WEEKEND EACH YEAR DURING THE MONTHS OF JULY, AUGUST, OR SEPTEMBER FOR THE MARYLAND WINE FESTIVAL; AND**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$200.**

**(H) REGULATIONS.****THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-306.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a "retail" license is substituted for the former reference to an "existing State retail alcoholic beverages" license for brevity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provision to the contrary," is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the "license authoriz[ing] the holder" to display and sell is substituted for the former reference to the requirement that the "licensee shall" display and sell for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to a location "that is not already licensed" is substituted for the former reference to a location "which does not hold an alcoholic beverages license" for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to the Commissioners choosing a location in the County "for this festival" is deleted as surplusage.

In subsection (f) of this section, the reference to the license holder who "may hold" another license is substituted for the former statement that "[t]he provisions of this section may not prohibit the licensee from holding" another license for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes the holder of the license "to display and sell wine that is produced and processed in the State", may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: "Board" § 16-101  
"State" § 1-101  
"Wine" § 1-101

**16-1306. BEER TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER TASTING (BT) 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 BEER FOR TASTING IF:**

**(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER; AND**

**(2) THE CONSUMER IS NOT CHARGED FOR THE BEER.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

**(1) THE QUANTITY OF BEER SERVED TO EACH INDIVIDUAL;**

**(2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM WHICH THIS QUANTITY IS SERVED; AND**

**(3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.**

**(E) FEE.**

**IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-901(c) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "alcoholic beverages" is deleted in light of the reference to "beer" in accordance with the scope of this section.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" the consumption of beer is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase "or sampling purposes only" is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to consideration not being "exacted" is deleted as unnecessary in light of the reference to the consumer not being "charged".

In subsection (d)(1) of this section, the reference to each "individual" is substituted for the former, overbroad reference to each "person".

In subsection (e) of this section, the former phrases "[f]or holders of a BWL license" and "[f]or holders of a BW license" are deleted as surplusage.

Former Art. 2B, § 8-901(a), which stated that former Art. 2B, § 8-901 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-901(b), which defined "Board" to mean the Carroll County Board of License Commissioners, is deleted as redundant in light of the defined term "Board" in § 16-101 of this title.

Former Art. 2B, § 8-901(h), which authorized the Board to adopt regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16-206 of this title.

Defined terms: "Beer" § 1-101

"Board" § 16-101

"Consumer" § 1-101

"Wine" § 1-101

## **16-1307. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE (BW) LICENSE OR BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF WINE FOR TASTING IF:**

**(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE WINE; AND**

**(2) THE CONSUMER IS NOT CHARGED FOR THE WINE.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

**(1) THE QUANTITY OF WINE SERVED TO EACH INDIVIDUAL; AND**

**(2) THE NUMBER OF BOTTLES OF WINE FROM WHICH THIS QUANTITY IS SERVED.**

**(E) FEE.**

**IN ADDITION TO THE COST OF A BW LICENSE OR BWL LICENSE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-405(a).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "alcoholic beverages" is deleted in light of the reference to "wine" in accordance with the scope of this section.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" the consumption of wine is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase “or sampling purposes only” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to consideration not being “exacted” is deleted as unnecessary in light of the reference to the consumer not being “charged”.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overly broad reference to each “person” for clarity.

In subsection (e) of this section, the former phrases “[f]or holders of a BWL license” and “[f]or holders of a BW license” are deleted as surplusage.

Former Art. 2B, § 8–405(b), which authorized the Board to adopt rules or regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Consumer” § 1–101

“Wine” § 1–101

#### **16–1308. LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LIQUOR TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF LIQUOR FOR TASTING IF:**

**(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE LIQUOR; AND**

**(2) THE CONSUMER IS NOT CHARGED FOR THE LIQUOR.**

**(D) LIMIT ON SERVINGS.**



**AN INDIVIDUAL MAY CONSUME LIQUOR AT A LIQUOR TASTING IN A QUANTITY OF NOT MORE THAN:**

**(1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND**

**(2) FIVE OFFERINGS IN 1 DAY.**

**(E) DURATION OF LICENSE.**

**A LICENSE IS VALID FOR NOT MORE THAN 52 DAYS A YEAR AND MAY BE USED ON CONSECUTIVE OR NONCONSECUTIVE DAYS.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-9A-01(c) through (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" the consumption of liquor is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase "or sampling purposes only" is deleted as surplusage.

In the introductory language of subsection (d) of this section, the reference to an "individual" is substituted for the former, overbroad reference to a "person".

In subsection (d)(1) of this section, the reference to "each offering" is substituted for "a single sample" for clarity. Similarly, in subsection (d)(2) of this section, the reference to "offerings" is substituted for the former reference to "samples".

Former Art. 2B, § 8-9A-01(a), which stated that former Art. 2B, § 8-9A-01 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-9A-01(b), which defined "Board" to mean the Carroll County Board of License Commissioners, is deleted as redundant in light of the defined term "Board" in § 16-101 of this title.

Former Art. 2B, § 8–9A–01(i), which authorized the Board to adopt regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 16–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 16–101

“Consumer” § 1–101

“Wine” § 1–101

**16–1309. RESERVED.**

**16–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**16–1311. FEES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, OR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$50 PER DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(5) and (d)(6).

**16–1312. MULTIPLE EVENT ENTERTAINMENT LICENSE.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY A CLASS C BEER, WINE, AND LIQUOR LICENSE AT AN ENTERTAINMENT EVENT HELD BY A COUNTY FIRE DEPARTMENT OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER.**

**(C) LICENSE FORM.**

**(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD REQUIRES.**

**(2) THE APPLICANT SHALL SIGN THE LICENSE.**

**(D) LIMITATIONS.**

**(1) THE TOTAL NUMBER OF DAYS FOR WHICH A MULTIPLE EVENT LICENSE MAY BE USED MAY NOT EXCEED 40 IN A CALENDAR YEAR.**

**(2) A FIRE DEPARTMENT OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER MAY NOT BE ISSUED A MULTIPLE EVENT LICENSE MORE THAN ONE TIME IN A CALENDAR YEAR.**

**(E) FEES.**

**THE ANNUAL FEE FOR THE LICENSE IS:**

**(1) \$125, FOR NOT MORE THAN 10 EVENTS PER YEAR;**

**(2) \$250, FOR NOT MORE THAN 20 EVENTS PER YEAR;**

**(3) \$375, FOR NOT MORE THAN 30 EVENTS PER YEAR; AND**

**(4) \$500, FOR NOT MORE THAN 40 EVENTS PER YEAR.**

**(F) PER DIEM LICENSE AVAILABLE.**

**A FIRE COMPANY OR AN ARTS CENTER ON WEST MAIN STREET IN WESTMINSTER THAT HOLDS A CLASS C MULTIPLE EVENT LICENSE IS NOT PRECLUDED FROM OBTAINING A CLASS C PER DIEM LICENSE UNDER THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(k)(1) through (3) and (5) through (7).

Throughout this section, references to a "multiple event" license are substituted for the former references to "this special license" or "special" license to clarify the nature of the license created under this section.

In subsection (b) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage.

Also in subsection (b) of this section, the reference to an entertainment "event" is added for clarity.

Also in subsection (b) of this section, the former reference to “conducted” is deleted as redundant of the reference to “held”.

In subsection (d)(1) of this section, the reference to the days “for which a multiple event license may be used” is substituted for the former reference to the days “authorized by this special license” for clarity.

In subsection (d)(2) of this section, the reference to a “calendar” year is added to conform to the terminology used in subsection (d)(1) of this section.

Former Art. 2B, § 7–101(k)(4), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the general practice of the Board.

Defined terms: “Board” § 16–101  
 “License” § 1–101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **16–1401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**

(8) § 4-111 (“PAYMENT OF LICENSE FEES”);

(9) § 4-113 (“REFUND OF LICENSE FEES”); AND

(10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 16-1403 AND 16-1404 OF THIS SUBTITLE;

(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 16-1405 OF THIS SUBTITLE; AND

(3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 16-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 16-101

**16-1402. ADMINISTRATIVE FEE FOR NEW LICENSE.**

THE BOARD MAY CHARGE AN ADMINISTRATIVE FEE NOT EXCEEDING \$500 FOR PROCESSING AN APPLICATION FOR A NEW LICENSE.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(h)(2).

Former Art. 2B, § 10-104(h)(1), which stated that former Art. 2B, § 10-104(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16-101

“License” § 1-101

**16-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ix)1A.

Defined terms: “Board” § 16–101  
 “Central Repository” § 1–101  
 “License” § 1–101

**16–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2 and (ix).

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Also, the reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP, § 10–201.

Defined term: “Board” § 16–101

**16–1405. LICENSE TIED TO RESIDENCY.**

**THE LICENSE REMAINS VALID ONLY FOR AS LONG AS THE RESIDENT APPLICANT REMAINS A RESIDENT OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(4)(iv).

The former phrase “in addition to the applicant’s residential statement required under this section” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant reside 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 term: “County” § 16–101

**16–1406. DISPOSITION OF LICENSE FEES.**

**THE COUNTY COMMISSIONERS SHALL PAY 25% OF THE LICENSE FEES COLLECTED UNDER THIS TITLE TO THE MUNICIPALITY WHERE THE LICENSED PREMISES IS LOCATED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(h).

The reference to the “license fees” is substituted for the former reference to the “sum” for clarity.

The reference to a “licensed premises” is substituted for the former reference to a “place of business” for clarity.

The reference to “municipality” is substituted for the former reference to an “incorporated town” to conform to the terminology used throughout this article.

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

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**16–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”);**
- (3) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (4) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**

- (5) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (6) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);
- (7) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (8) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (9) § 4-212 (“LICENSE NOT PROPERTY”);
- (10) § 4-213 (“REPLACEMENT LICENSES”); AND
- (11) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE; AND**

**(2) § 4-209 (“HEARING”), SUBJECT TO § 16-1502 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 16-101

“License” § 1-101

“Local licensing board” § 1-101

**16-1502. HEARING.**

**THE BOARD IS NOT REQUIRED TO HOLD A HEARING BEFORE ISSUING A SPECIAL OR TEMPORARY LICENSE IF THE APPLICATION IS ONLY FOR A SPECIAL OR TEMPORARY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(f-1).



The reference to “not [being] required to hold a” hearing is substituted for the former reference to an “exempt[ion] from the requirement of a” hearing for clarity.

Former Art. 2B, § 10–202(a)(3)(iii), which authorized the Board to issue a license after the payment of a fee, is deleted as included in the general authority of the Board to issue a license under § 4–202 of this article and the general requirement to pay the license fee before issuance under § 4–111 of this article.

Defined terms: “Board” § 16–101

“License” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 9–102(b–1)(2)(ii), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Carroll County, is deleted as unnecessary. This revision applies the general rule to Carroll County. The fact that Carroll County is not covered by the exception need not be stated.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

#### **16–1601. QUOTA FOR CLASS A LICENSES.**

##### **(A) IN GENERAL.**

**(1) (I) THE AGGREGATE NUMBER OF ALL CLASS A BEER LICENSES, BEER AND WINE LICENSES, AND BEER, WINE, AND LIQUOR LICENSES IN EACH ELECTION DISTRICT MAY NOT BE MORE THAN ONE FOR EVERY 5,000 INDIVIDUALS.**

**(II) THE BOARD SHALL DETERMINE THE POPULATION OF EACH ELECTION DISTRICT BY USING THE MOST RECENT PUBLISHED POPULATION REPORT OF THE COUNTY PLANNING COMMISSION.**

**(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW CLASS A LICENSE IF, IN THE ELECTION DISTRICT IN WHICH THE LICENSE WOULD BE LOCATED:**

**(I) THE RATIO ALREADY EXCEEDS ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS; OR**

**(II) THE ISSUANCE OF THE LICENSE WOULD CAUSE THE RATIO TO EXCEED ONE CLASS A LICENSE FOR EVERY 5,000 INDIVIDUALS.**

**(B) WINERIES, RENEWALS, AND TRANSFERS NOT AFFECTED.**

**SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A WINERY THAT APPLIES FOR A CLASS A WINE LICENSE UNDER § 16-1701 OF THIS TITLE; OR**

**(2) THE RENEWAL OR TRANSFER OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-207(h).

In subsections (a)(1)(i) and (b)(1) of this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In the introductory language of subsection (a)(2) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In the introductory language of subsection (b) of this section, the reference to "[s]ubsection (a) of this section ... not apply[ing] to" the renewal or transfer of a license is substituted for the former phrase "[f]or the purposes of this section" the renewal or transfer of a license "issued by the Board of License Commissioners is not a new license" for clarity and brevity.

Former Art. 2B, § 9-207(a), which stated that former Art. 2B, § 9-207 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 16-101  
"License" § 1-101

**16-1602. RESERVED.**

**16-1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**16-1604. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**16-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 16-1702 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 16-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 16-101

“License” § 1-101

**16-1702. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS SATISFIED THAT ALL STATE OR LOCAL REAL OR PERSONAL PROPERTY TAXES OWED BY THE TRANSFEROR ARE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(h)(4).

The former reference to the transfer “or assignment ... or both” is deleted as surplusage. Similarly, the former reference to the transferor “or assignor ... or both” is deleted.

Former Art. 2B, § 10–503(h)(1), which stated that former Art. 2B, § 10–503(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101

“License” § 1–101

“State” § 1–101

### **16–1703. FEE.**

#### **(A) IN GENERAL.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$350, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE.**

#### **(B) NONREFUNDABLE FEE.**

**THE FEE IS NOT REFUNDABLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(h)(2).

Former Art. 2B, § 10–503(h)(3), which provided for a fee for the assignment of a license to another person, is deleted as unnecessary in light of the fee for a transfer of a license.

Defined term: “License” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **16–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

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

**16–1802. LATE FILING.**

**THE BOARD MAY IMPOSE A LATE FEE OF \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM AMOUNT OF \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(q).

The reference to each day “the application is late” is substituted for the former reference to each day “a licensee fails to renew the license after the application is due” for clarity, brevity, and consistency within this revision.

The reference to a limit on the “maximum amount” of fees that may be assessed is substituted for the former reference to “[t]he total amount of the fees” that may be assessed for clarity, brevity, and consistency within this revision.

The former redundant reference to a late fee of \$50 “per day” is deleted as included in the reference to a late fee of \$50 “for each day”.

Defined term: “Board” § 16–101

**16–1803. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ix)2.

Defined term: “License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**16–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 16-101  
 “License” § 1-101  
 “License holder” § 1-101

**16-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) INDIVIDUALS AT LEAST 15 YEARS OLD.**

**A HOLDER OF A CLASS B LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 15 YEARS OLD TO PERFORM A TASK OTHER THAN ONE INVOLVING SELLING, SERVING, OR DELIVERING ALCOHOLIC BEVERAGES.**

**(B) INDIVIDUALS AT LEAST 18 YEARS OLD.**

**(1) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES IN A RESTAURANT.**

**(2) A HOLDER OF A CLASS A LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO STOCK ALCOHOLIC BEVERAGES AND TO OPERATE A LOTTERY TICKET TERMINAL.**

**(c) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN ANY SOLELY BAR-RELATED CAPACITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(4)(ii) through (v).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (c) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

Former Art. 2B, § 12-302(b)(4)(i), which stated that former Art. 2B, § 12-302(b)(4) applied only in Carroll 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 (c) of this section, the phrase "bar-related capacity" is unclear.

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

**16-1903. DRIVE-THROUGH SALES.**

**A LICENSE HOLDER MAY NOT SELL, OFFER TO SELL, OR DISPENSE ALCOHOLIC BEVERAGES FROM A WALK-UP OR DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-207(b).

The former phrase "what is commonly termed" is deleted as surplusage.

Former Art. 2B, § 12-207(a), which stated that former Art. 2B, § 12-207 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

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

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**16–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Carroll County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.



In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of § 3–905 of this article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **16–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.**

### **(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL OR PROVIDE BEER ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–403(a)(6) and 11–507(b)(3)(i) and the introductory language of § 11–507(b)(2)(i).

In subsections (a) and (d) of this section, the references to “sell or provide beer” are substituted for the former references to “sell, offer for sale, or dispense” the beverages defined in this article for clarity.

In subsections (b), (c), and (d) of this section, the former references to authorization of license holders to sell or provide beer between 8 a.m. and 1 a.m. the following day “and no other hours” are deleted as surplusage.

Former Art. 2B, § 11–507(a), which stated that former Art. 2B, § 11–507 applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–507(b)(1), which stated that the “following restrictions, limitations, and regulations apply”, is deleted as surplusage.

Former Art. 2B, § 11–507(b)(5), which stated that the hours established for the sale of alcoholic beverages are to be in accordance with Eastern Standard Time and daylight time, when those times are effective, is deleted as surplusage.

#### **16–2003. WINE LICENSES.**

##### **A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE ON SUNDAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–507(b)(4).

Defined term: “Wine” § 1–101

#### **16–2004. BEER AND WINE LICENSES.**

##### **(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.**

##### **(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A 6–DAY OR 7–DAY CLASS B BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE FOR ON–PREMISES CONSUMPTION:**

**(i) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

(II) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 11 P.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY FROM 11 A.M. TO 11 P.M.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY.

(D) CLASS D BEER AND WINE LICENSE.

(1) A HOLDER OF A 6-DAY OR 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO MIDNIGHT.

(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL OR PROVIDE BEER AND WINE ON SUNDAY FROM 11 A.M. TO 11 P.M.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-401(h)(2), 11-302(d)(1), 11-403(a)(6), and 11-507(b)(2)(i)4 and (3).

In subsection (a) of this section, the reference to "sell or provide beer and wine" is substituted for the former reference to "sell, offer for sale, or dispense the beverages defined in this article" for clarity.

Former Art. 2B, § 11-302(k), which stated that the privileges conferred by a Class A beer and light wine license may be exercised from 11 a.m. to 6 p.m. on Sundays, is deleted as obsolete.

Former Art. 2B, § 11-507(b)(2)(i)1, which stated that when a holder of an on-sale license is open for business on Saturday at midnight the holder may remain open until 1 a.m. the Sunday immediately following, is deleted as redundant of subsection (b)(1)(i) of this section.

**16-2005. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY FROM 8 A.M. TO 11 P.M.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

**(E) CLASS H BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS H BEER, WINE, AND LIQUOR LICENSE MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY FROM 8 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(6) and 11-507(b)(2)(i)2 and 3 and (3)(i).

Throughout this section, references to “sell or provide” certain alcoholic beverages are substituted for the former references to “sell, offer for sale, or dispense” alcoholic beverages for clarity.

Former Art. 2B, § 11–303(a)(2)(iv), which stated that the hours of sale on Sunday for a Class A beer, wine, and liquor license are from 11 a.m. to 6 p.m., is deleted as obsolete.

## **16–2006. HOURS ON JANUARY 1.**

### **THIS ARTICLE DOES NOT RESTRICT ON JANUARY 1:**

**(1) THE SALE OF ALCOHOLIC BEVERAGES BY A HOLDER OF A CLASS B, CLASS C, CLASS H, OR PER DIEM LICENSE FROM MIDNIGHT TO 3 A.M.; OR**

**(2) A PERSON FROM CONSUMING ALCOHOLIC BEVERAGES FROM MIDNIGHT TO 3 A.M. ON THE PREMISES OF A HOLDER OF A CLASS B, CLASS C, CLASS H, OR PER DIEM LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(h)(2).

The references to a “per diem” license are substituted for the former references to “special” licenses for clarity.

Former Art. 2B, § 11–402(h)(1), which stated that former Art. 2B, § 11–402(h) applied only in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

## **16–2007. CONSUMPTION AFTER CLOSING TIME ALLOWED.**

**A LICENSE HOLDER MAY NOT ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES LATER THAN 15 MINUTES AFTER THE CLOSING TIME.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–507(b)(2)(ii).

The former reference to a closing time “indicated in this subsection” is deleted as unnecessary because the closing times for all licenses are indicated in this section.

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

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**16-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(5), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 16-101  
“License” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**16-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 16-101  
“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**16-2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4-806 (“REFUND”).

(B) VARIATION.

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 16-101

“License” § 1-101

“License holder” § 1-101

**16-2302. APPLICATION FOR CONTINUATION; ADDITIONAL CONTINUATION EXTENSION.**

(A) DEADLINE FOR APPLICATION.

**AN APPLICATION FOR THE CONTINUATION OF THE BUSINESS OF A DECEASED LICENSE HOLDER SHALL BE MADE WITHIN 60 DAYS AFTER THE DEATH OF THE LICENSE HOLDER.**

(B) EXTENSION BECAUSE OF LITIGATION.

**IF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR OF THE ESTATE SHOWS TO THE SATISFACTION OF THE BOARD THAT THE ESTATE CANNOT BE SETTLED WITHIN THE 18-MONTH EXTENSION PERIOD BECAUSE OF LITIGATION, THE BOARD MAY GRANT TO THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR ADDITIONAL TIME FOR THE CONTINUATION OF THE BUSINESS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(c)(2) and (3).

In subsection (b) of this section, the references to “personal representative” and “special administrator” are substituted for the former references to “executor” and “administrator” to conform to terminology used in the Estates and Trusts Article.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any provision to the contrary in this section” is deleted as surplusage.

Former Art. 2B, § 10–506(c)(1), which stated that former Art. 2B, § 10–506(c) applied only to Carroll County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 16–101  
 “License holder” § 1–101

#### **SUBTITLE 24. JUDICIAL REVIEW.**

##### **16–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 16–101

##### **16–2402. COSTS.**

###### **(A) CLERK TO COLLECT.**

**BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:**

**(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

**(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.**

###### **(B) NO ASSESSMENT AGAINST BOARD.**

**THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(d), as it related to Carroll County.



In subsection (a) of this section, the references to “an action for judicial review” and “the petitioner” are substituted for the former incorrect references to “an appeal” and “the person or persons so appealing” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: “Board” § 16–101  
“County” § 16–101

**16–2403. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)4.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 16–101  
“County” § 16–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**16–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an "establishment" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

**SUBTITLE 26. ENFORCEMENT.**

**16-2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 ("INSPECTIONS");**

(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6-204 (“POWER TO SUMMON WITNESSES”);

(4) § 6-205 (“PEACE OFFICERS”);

(5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).

(B) VARIATION.

SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 16-2603 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 16-101  
“State” § 1-101

**16-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

(A) IN GENERAL.

THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.

(B) REFUSAL TO COMPLY WITH SUBPOENA.

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(c)(1)(iv), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to "papers" are deleted as included in the references to "records" and "record".

In subsection (b)(1) of this section, the phrase "may petition" is substituted for the former phrase "shall report the fact to" for clarity.

Also in subsection (b)(1) of this section, the former phrase "for the county" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "may proceed" is substituted for the former phrase "shall proceed" for clarity.

Also in subsection (b)(2) of this section, the former phrase "in all respects" is deleted as surplusage.

Defined term: "Board" § 16-101

### **16-2603. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Carroll County.

Defined term: "County" § 16-101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **16-2701. 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) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(2) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**

**(4) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);**

**(5) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(6) § 6–310 (“PROVIDING FREE FOOD”);**

**(7) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**

**(8) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

**(9) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**

**(10) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**

**(11) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**

**(12) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

**(13) § 6–320 (“DISORDERLY INTOXICATION”);**

**(14) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 16-2702 OF THIS SUBTITLE;

(2) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 16-2702 OF THIS SUBTITLE; AND

(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 16-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 16-101

“License holder” § 1-101

“Retail dealer” § 1-101

**16-2702. ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

**SECTIONS 6-308 AND 6-319 OF THIS ARTICLE DO NOT APPLY TO:**

(1) A HOLDER OF A TEMPORARY LICENSE; OR

**(2) AN INDIVIDUAL CONSUMING ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES OF A HOLDER OF A TEMPORARY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(3).

Former Art. 2B, § 12-107(b)(4), which exempted persons holding a certain Class C beer, wine, and liquor license, now revised as a temporary license, is deleted as included in this section, which exempts persons holding any temporary license.

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

**16-2703. POSSESSION OF OPEN CONTAINER ON PRIVATE PROPERTY OR MOTORCYCLE.**

**(A) WRITTEN CONSENT OF OWNER OF PROPERTY REQUIRED.**

AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.

**(B) MOTORCYCLES.**

IN ADDITION TO THE PROHIBITIONS LISTED IN § 6-321 OF THIS ARTICLE, AN INDIVIDUAL MAY NOT POSSESS IN AN OPEN CONTAINER AN ALCOHOLIC BEVERAGE WHILE ON A MOTORCYCLE LOCATED IN THE PLACES LISTED IN § 6-321, UNLESS THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19-301(a)(2) and 19-303(5).

The former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19-301(a)(1)(ii), which stated that former Art. 2B, § 19-301(a) applied in Carroll County, is deleted as unnecessary in light of the organization of this revised title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**16–2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

**(B) PROHIBITED.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–110(a) and, as it related to Carroll County, the first sentence of (b).



In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “intellectual disability” for “mentally retarded” in the Code.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **16–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 16-101

**16-2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR LICENSE SUSPENSION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(h).

The former phrase “under the alcoholic beverage laws affecting Carroll County” is deleted as surplusage.

Defined terms: “Board” § 16-101  
“License” § 1-101

**TITLE 17. CECIL COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**17-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) EXCEPT AS PROVIDED IN SUBSECTIONS (D) AND (E) OF THIS SECTION, THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CECIL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Cecil County”.

**(C) COUNTY.**

**“COUNTY” MEANS CECIL COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Cecil County”.

**(D) HOTEL.**

**THE REQUIREMENTS RELATING TO AVERAGE DAILY RECEIPTS FOR A HOTEL UNDER § 1–101 OF THIS ARTICLE ARE NOT APPLICABLE TO A LICENSE ISSUED IN THE COUNTY.**

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

Defined terms: “County” § 17–101

“Hotel” § 1–101

“License” § 1–101

**(E) RESTAURANT.**

**THE REQUIREMENTS RELATING TO AVERAGE DAILY RECEIPTS FOR A RESTAURANT UNDER § 1–101 OF THIS ARTICLE ARE NOT APPLICABLE TO A LICENSE ISSUED IN THE COUNTY.**

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

Defined terms: “County” § 17–101

“License” § 1–101

“Restaurant” § 1–101

**17–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN CECIL COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**17-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 17-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4-101(i), which defined "light wine" in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.****17-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CECIL COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Cecil County exists.

**17-202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE OF HIGH MORAL CHARACTER AND POSSESS A SOUND REPUTATION FOR INTEGRITY.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 3 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(D) REMOVAL.**

**THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-104(a-1)(1) and (3) and the first sentence of 15-110(b).

In subsection (a) of this section, the reference to "members" is substituted for the former reference to "persons" to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members "constitut[ing]" the Board "of License Commissioners for the county" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to the terms being staggered “as required by the terms provided for members of the Board on July 1, 2016” is added as standard language. This addition is not intended to alter the term of any member of the Commission.

In subsection (d) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (d) of this section, the former reference to the County Commissioners removing a member of a board of license commissioners “appointed by them” is deleted as unnecessary because all of the members are appointed by the County Commissioners.

Former Art. 2B, § 15–101(i), which provided that the provisions of former Art. 2B, § 15–104 apply in Cecil County, is deleted as unnecessary in light of the reorganization of this revised article.

Defined terms: “Board” § 17–101  
 “County” § 17–101

### **17–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL DESIGNATE A CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(a–1)(2).

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 17–101

### **17–204. MEETINGS; COMPENSATION; STAFF.**

#### **(A) MEETINGS.**

**THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

#### **(B) COMPENSATION.**

**(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$3,000.**

**(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,500.**

**(2) (I) THE CHAIR AND EACH OTHER MEMBER OF THE BOARD SHALL BE REIMBURSED FOR EXPENSES IN ACCORDANCE WITH THE STANDARD STATE TRAVEL REGULATIONS.**

**(II) THE EXPENSES SHALL BE PAID BY THE COUNTY.**

**(C) STAFF.**

**SUBJECT TO § 17-205 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-104(a-1)(4), 15-109(i), and 15-112(a)(2).

In subsection (b)(1)(i) and (2)(i) of this section, the references to the "chair" are substituted for the former references 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)(2)(i) of this section, the reference to each "other" member of the Board is added for clarity.

In subsection (b)(2)(ii) of this section, the requirement that expenses be paid by the "County" is substituted for the former requirement that expenses be paid by the "Commissioners" for accuracy.

In subsection (c)(1)(iii) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

Defined terms: "Board" § 17-101

"County" § 17-101

**17-205. INSPECTORS.****(A) NUMBER OF INSPECTORS; EMPLOYMENT.**

**(1) THE BOARD MAY EMPLOY ONE FULL-TIME INSPECTOR AND AS MANY PART-TIME INSPECTORS AS THE BOARD CONSIDERS NECESSARY.**

**(2) THE EMPLOYMENT OF THE INSPECTORS IS SUBJECT TO THE COUNTY PERSONNEL POLICY AND PROCEDURE MANUAL.**

**(B) QUALIFICATIONS.**

**AN INDIVIDUAL MAY NOT ACCEPT APPOINTMENT OR CONTINUE AS AN INSPECTOR IF THE INDIVIDUAL OR A MEMBER OF THE INDIVIDUAL'S IMMEDIATE FAMILY HAS A PERSONAL OR FINANCIAL INTEREST DIRECTLY OR INDIRECTLY IN A LICENSE OR IN A PREMISES LICENSED UNDER THIS ARTICLE.**

**(C) POWERS.****AN INSPECTOR:**

**(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE; AND**

**(2) MAY SERVE A SUMMONS UNDER § 17-2603 OF THIS TITLE.**

**(D) DUTIES.****AN INSPECTOR SHALL:**

**(1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF A LICENSE;**

**(2) VISIT AND INSPECT AT UNANNOUNCED TIMES EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 90 DAYS;**

**(3) ENFORCE ALL ALCOHOLIC BEVERAGES LAWS;**

**(4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES LAWS AND REPORT THEM TO THE BOARD; AND**



**(5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS THAT THE INSPECTOR OBSERVED OR WERE REPORTED TO THE INSPECTOR.**

**(E) OATH.**

**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(F) COMPENSATION.**

**THE SALARIES AND TRAVEL EXPENSES OF THE INSPECTORS SHALL BE ESTABLISHED BY THE COUNTY COMMISSIONERS USING COUNTY PERSONNEL DEPARTMENT REGULATIONS AND GUIDELINES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(i)(3) through (6) and 16–410(b)(2)(i)4.

In subsections (a) and (f) of this section, the former references to an “alcoholic beverages” inspector are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to “additional” part-time inspectors is deleted as surplusage.

In subsection (b) of this section, the reference to an “individual” is substituted for the former reference to a “person” because only a human being and not the other entities included in the definition of “person” can serve as an inspector. Correspondingly, the references to an “individual” are substituted for the former references to an “inspector” for consistency and to clarify that this subsection applies to individuals who have not yet accepted appointment to the position of inspector as well as to inspectors themselves.

In subsection (c)(1) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is substituted for the former reference to the powers “in respect to the enforcement of the alcoholic beverages laws of the county” for consistency with other similar provisions of this article.

In subsection (c)(2) of this section, the reference to serving a summons “under § 17–2603 of this title” is added for clarity.

Also in subsection (c)(2) of this section, the former reference to inspectors “employed by the Cecil County Board of License Commissioners” having authority to serve a summons is deleted as unnecessary because all inspectors in Cecil County are employed by the Board.

In subsection (d)(1) of this section, the former reference to an “alcoholic beverages” license is deleted in light of the defined term “license”.

In subsection (d)(2) of this section, the reference to “once” every 90 days is added for clarity.

In subsection (e) of this section, the reference to the requirement to take the oath required by “Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to taking an oath required in the “Constitution of Maryland, to faithfully perform the duties entrusted to him” for brevity.

In subsection (f) of this section, the former requirement that the salaries of part-time inspectors “shall be as provided in the annual budget of the Board of County Commissioners for part-time inspectors and within the total appropriations for this purpose” is deleted in light of the requirement that the salaries of the inspectors be established by the County Commissioners.

Former Art. 2B, § 15–112(i)(1), which provided that former Art. 2B, § 15–112(i) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 17–101

“County” § 17–101

“License” § 1–101

“State” § 1–101

## **17–206. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Cecil County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem

necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 17–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **17–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 17–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **17–401. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”);**

- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 2-208(b)(2) as it

authorized the issuance of Class 7 micro-brewery licenses only in specific jurisdictions, not including Cecil County.

Defined terms: "County" § 17-101  
"Manufacturer's license" § 1-101

**17-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER'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, § 11-101(b)(6).

Defined terms: "Alcoholic beverage" § 1-101  
"Manufacturer's license" § 1-101

**SUBTITLE 5. WHOLESALER'S LICENSES.**

**17-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 17-101  
"Wholesaler's license" § 1-101

**17-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 17-503 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

**17-503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1-day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7-101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1-101

“Wholesaler’s license” § 1-101

**SUBTITLE 6. BEER LICENSES.**

**17-601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$60.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(i) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101

"Consumer" § 1-101

**17-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$75.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(i) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined terms: "Beer" § 1-101  
 "Hotel" §§ 1-101, 17-101  
 "Restaurant" §§ 1-101, 17-101

**17-603. CLASS C BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**



**THE ANNUAL LICENSE FEE IS \$75.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(i) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

**17–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(i) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

## **SUBTITLE 7. WINE LICENSES.**

### **17–701. CLASS A WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT WHERE THE WINERY IS LOCATED.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(6), (b)(1), (c)(1) and (2), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b)(1) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “Board” § 17–101  
 “County” § 17–101  
 “License” § 1–101  
 “Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **17–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$75.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(i) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers,” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

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

## **17–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$90.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(i) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**17-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(i) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

#### **17–804. CLASS D BEER AND WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

##### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

##### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$225.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(i) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

### **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**17-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(i) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, references to "beer, wine, [or] liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as unnecessary.

Also in subsection (b)(1) of this section, the former reference “to keep[ing] for sale” is deleted as included in the reference to “sell[ing]”.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

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

**17–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) HAS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS FOR THE ACCOMMODATION OF THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**



**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (3)(i) and (i)(2).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Former Art. 2B, § 6–201(i)(1), which stated that former Art. 2B, § 6–201(i) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Hotel” § 17–101

“Restaurant” § 17–101

“Wine” § 1–101

**17–903. CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT HAS:**

**(1) A CAPITAL INVESTMENT OF AT LEAST \$450,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR A LEASE; AND**

**(2) SEATING FOR AT LEAST 100 INDIVIDUALS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS OF SALE AS SET OUT FOR A CLASS BLX BEER, WINE, AND LIQUOR LICENSE UNDER § 17-2006(C) OF THIS TITLE.**

**(E) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$2,500.**

**(2) THERE IS NO ADDITIONAL SUNDAY FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(i)(3).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1) of this section, the former phrase "[n]otwithstanding the license quota provisions of § 8-208 of this article" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(2) of this section, the reference to "individuals" is substituted for the former, broader reference to "persons" because the provision refers only to human beings.

Also in subsection (b)(2) of this section, the former reference to seating "capacity" is deleted as surplusage.

In subsections (c) and (d) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (d) of this section, the reference to a “Class BLX beer, wine, and liquor license under § 17–2006(c) of this title” is substituted for the former reference to “during the hours and days authorized under a Class B beer, wine and liquor license” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Restaurant” § 17–101

“Wine” § 1–101

**17–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(1) HAS BEEN INCORPORATED FOR AT LEAST 2 YEARS BEFORE THE LICENSE APPLICATION IS MADE;**

**(2) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$50 PER YEAR PER MEMBER;**

**(3) MAINTAINS SLEEPING ACCOMMODATIONS ON THE CLUB PREMISES FOR 25 CLUB MEMBERS OR GUESTS; AND**

**(4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE CLUB PREMISES TO MEMBERS AND GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (i)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “the club may not operate as a place of public business” is deleted as implicit in the defined term “club”.

In subsection (b)(2) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (b)(3) of this section, the former phrase “at the time” is deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(i)(1), which stated that former Art. 2B, § 6–301(i) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(i)(4), which stated that on approval of the application by the Board and payment of the required license fee, an applicant may obtain a license from the Board, is deleted as redundant of § 4–111 of this article.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Club” § 1–101

“Wine” § 1–101

## **17–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (i)(2).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the phrase "at the place described in the license" is substituted for the former phrase "at the place described in it" for clarity.

Also in subsection (b) of this section, the former phrase "at retail" is deleted as surplusage.

Former Art. 2B, § 6-401(i)(1), which stated that former Art. 2B, § 6-401(i) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**17-1001. CLUB OR ORGANIZATION LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR CLUB OR ORGANIZATION LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE A BEER, WINE, AND LIQUOR LICENSE FOR THE USE OF A CLUB OR ORGANIZATION THAT:**

**(I) OWNS REAL PROPERTY IN THE COUNTY; AND**

**(II) 1. IF A YACHT CLUB, HAS AT LEAST 150 MEMBERS, OF WHICH AT LEAST 50 MEMBERS OWN YACHTS, BOATS, OR OTHER VESSELS; OR**

**2. IF A LOCAL VETERANS', FRATERNAL, OR SORORAL ORGANIZATION, IS ASSOCIATED WITH A NATIONAL ORGANIZATION.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 17-2006 OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$2,000 FOR A FOR-PROFIT CLUB OR ORGANIZATION; AND**

**(2) \$500 FOR A NONPROFIT CLUB OR ORGANIZATION.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 8-208(a).

In subsections (a) and (b)(1) of this section, the former references to a "7-day" license are deleted for consistency in license names throughout this article.

Subsection (c) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Cecil County.

Defined terms: "Beer" § 1-101

"Board" § 17-101

“Club” § 1-101  
“County” § 17-101  
“Wine” § 1-101

**17-1002. ENTERTAINMENT FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A LICENSE TO AN APPLICANT THAT HAS A CAPITAL INVESTMENT OF AT LEAST \$35,000,000 IN THE ENTERTAINMENT FACILITY FOR WHICH THE LICENSE IS SOUGHT, NOT INCLUDING REAL PROPERTY.**

**(2) THE BOARD MAY ISSUE ONE OR MORE LICENSES FOR THE SAME ENTERTAINMENT FACILITY.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(I) BY THE DRINK AND BOTTLE;**

**(II) FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT FACILITY; AND**

**(III) FOR CONSUMPTION ANYWHERE WITHIN THE ENTERTAINMENT FACILITY.**

**(2) THE LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL AND SERVE BEER, WINE, AND LIQUOR IN THE ENTERTAINMENT FACILITY DURING THE DAYS AND HOURS THAT THE ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$7,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(i)(4)(i), (ii), and (iv) through (viii) and 11–508(a)(3)(ii)4.

In subsection (b)(1) of this section, the former phrase “[n]otwithstanding § 8–208(b) of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell and serve” beer, wine, and liquor is substituted for the former reference to the “license authorizes the sales and serving of” beer, wine, and liquor for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–201(i)(4)(iii), which stated that a Class EF license may not sell alcoholic beverages for off–sale consumption, is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Wine” § 1–101

**17–1003. GOLF COURSE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ORGANIZATION OR COUNTRY CLUB THAT:**

**(1) IS PUBLIC OR PRIVATE;**

**(2) IS OPERATED FOR PROFIT;**

**(3) OWNS REAL ESTATE IN THE COUNTY; AND**

**(4) HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH AT LEAST 18 HOLES.**

**(C) SCOPE OF AUTHORIZATION.**



**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ONLY ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, THAT ARE USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(3) A PROHIBITION ON THE DISTANCE THAT LICENSED PREMISES SHALL BE FROM A STRUCTURE USED AS A HOSPITAL, HOUSE OF WORSHIP, OR SCHOOL DOES NOT APPLY TO THE LICENSE HOLDER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 17-2006 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-501.1(b) through (h).

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 17-2006 of this title" is substituted for the former reference to the "hours and days of sale are as specified ... in § 11-508 of this article" for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8-501.1(a), which stated that the provisions of former Art. 2B, § 8-501.1 applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 17-101

"County" § 17-101

"Wine" § 1-101

**17-1004. MOTEL-RESTAURANT OR HOTEL-RESTAURANT COMPLEX LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A PERSON OWNING OR LEASING A MOTEL-RESTAURANT COMPLEX OR HOTEL-RESTAURANT COMPLEX THAT HAS:**

**(1) A CAPITAL INVESTMENT OF AT LEAST \$1,000,000 IN THE BUILDINGS, NOT INCLUDING THE LAND; AND**

**(2) AN ENCLOSED DINING ROOM THAT SERVES FULL-COURSE MEALS FROM MENUS AT LEAST TWICE DAILY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 17-2006 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from the first through third sentences of former Art. 2B, § 8-208(i).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Cecil County.

In subsection (a) of this section, the former reference authorizing the Board to approve the issuance of an "additional" license is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to a "firm, or corporation" is deleted as included in the defined term "person".

The fourth sentence of former Art. 2B, § 8–208(i), which stated that the license holder shall be responsible for full compliance with all applicable statutes, ordinances and regulations, notwithstanding any lease or contractual provisions to the contrary, is deleted as unnecessary, as it merely repeats common practice.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Person” § 1–101

“Wine” § 1–101

### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

#### **17–1101. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

##### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

##### **(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17–1102 OF THIS SUBTITLE.**

**REVISOR’S NOTE:** This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 17–101

“License” § 1–101

“License holder” § 1-101

“Wine” § 1-101

**17-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE OR A CLASS B LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT BEGIN AND END AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE.**

**(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

**RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 17-2001 OF THIS TITLE.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(F) FEE.**

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

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(l)(8)(ii), (v), (vii), (viii), and (x).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 7-101(l)(8)(i), (iii), (iv), (vi), and (ix) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Defined terms: “Alcoholic beverage” § 1-101  
“Board” § 17-101

**SUBTITLE 12. CATERER’S LICENSES.**

**17-1201. LOCAL CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL BEER AND WINE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) (I) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR LICENSE IS ISSUED; OR**

**(II) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL BEER AND WINE LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER’S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL BEER, WINE, AND LIQUOR LICENSE OR A CLASS B RESTAURANT OR HOTEL BEER AND WINE LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Cecil County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6–712(b) through (g).

In subsections (b)(2), (c)(1), and (f) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of not more than 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (c)(1)(i) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(1)(ii) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the former phrase “under this article” is deleted as surplusage.

Also in subsection (c)(2) of this section, the reference to “the holder's Class B license” is substituted for the former reference to “a Class B restaurant or hotel beer, wine and liquor license or a Class B restaurant or hotel beer and light wine license” for brevity.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises for the “Class B” license is substituted for the former reference to the premises for the “existing” license for clarity.

Also in subsection (f) of this section, the former references to an “existing” Class B license are deleted as surplusage.

Former Art. 2B, § 6–712(a), which stated that former Art. 2B, § 6–712 applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 17–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

##### **17–1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 17–101

##### **17–1302. RESERVED.**

##### **17–1303. RESERVED.**

#### **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

##### **17–1304. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A WINE FESTIVAL (WF) LICENSE.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN THREE WINE FESTIVAL (WF) LICENSES.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR A WINE FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) MAY CHOOSE FOR EACH WINE FESTIVAL 1 WEEKEND EACH YEAR DURING JUNE, JULY, AUGUST, OR SEPTEMBER THAT DOES NOT CONFLICT WITH THE ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL, THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL, OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF EACH FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**



**(G) FEE.**

**THE LICENSE FEE IS \$20.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–306.1(c) through (j).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (a)(i) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to a “State retail alcoholic beverages” license for brevity.

In subsections (d)(2) and (e)(1) of this section, the former references to a festival or location “in the county” are deleted as surplusage.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “holder of a special WF license shall” display and sell for clarity and consistency with terminology used throughout this article.

Also in subsection (c) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for each festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the license holder from holding” another license for clarity.

Former Art. 2B, § 8–306.1(a), which defined “Board” to mean the Cecil County Liquor Board, is deleted as redundant in light of the defined term “Board” in § 17–101 of this title.

Former Art. 2B, § 8–306.1(b), which stated that former Art. 2B, § 8–306.1 applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 17–101

“State” § 1–101

“Wine” § 1–101

#### **17–1305. WINE TASTING (CLASS T) LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A WINE TASTING (CLASS T) LICENSE.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO HOLD WINE TASTING PARTIES AND DEMONSTRATIONS.**

##### **(C) FORM OF APPLICATION.**

**THE LICENSE SHALL BE:**

**(1) ISSUED ON A FORM THAT THE BOARD REQUIRES; AND**

**(2) SIGNED AND SWORN TO BY THE APPLICANT.**

##### **(D) LIMITATIONS.**

**(1) THE LICENSE ISSUED MAY BE ISSUED TO A PERSON NOT MORE THAN FOUR TIMES IN A CALENDAR YEAR.**

**(2) THE TOTAL NUMBER OF DAYS THAT THE LICENSE IS IN EFFECT MAY NOT EXCEED FOUR IN A CALENDAR YEAR.**

**(E) FEE.**

**THE LICENSE FEE IS \$25 PER DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(l)(6).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(2) of this section, the reference to the days that a license “is in effect” is substituted for the former reference to the days “authorized” by the license for clarity.

In subsection (e) of this section, the former requirement that the license fee is to be paid to the Board before the license is issued is deleted as redundant of § 4–411 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section does not specify to whom a Class T license may be issued.

- Defined terms: “Board” § 17–101
- “License” § 1–101
- “Person” § 1–101
- “Wine” § 1–101

**17–1306. RESERVED.**

**17–1307. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**17–1308. BOARD ACTION ON PER DIEM LICENSE APPLICATIONS.**

**(A) APPROVAL OR DISAPPROVAL OF APPLICATION.**

**(1) A SIMPLE MAJORITY OF THE TOTAL NUMBER OF THE MEMBERS OF THE BOARD MAY ACT TO APPROVE OR DENY AN APPLICATION FOR A PER DIEM LICENSE:**

**(i) IN A FORMAL MEETING, WITH A QUORUM PRESENT; OR**

**(II) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THROUGH ORAL OR WRITTEN CONTACT BY ANY METHOD BY THE CHAIR WITH EACH MEMBER OF THE BOARD.**

**(2) THE CHAIR SHALL MAKE A WRITTEN RECORD UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION OF HOW EACH MEMBER AND THE CHAIR VOTED.**

**(B) PUBLICATION OF APPLICATION MAY NOT BE REQUIRED.**

**THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A PER DIEM LICENSE AS A PREREQUISITE TO THE ISSUING OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(l)(3) and (5).

In the introductory language of subsection (a)(1) of this section, the former phrase “[i]n this subsection, where action of the Board is required,” is deleted as surplusage.

In subsection (a)(1)(ii) of this section, the former phrase “including telephone or facsimile” is deleted as included in the reference to “any method”.

Former Art. 2B, § 7-101(l)(1), which stated that former Art. 2B, § 7-101(l) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7-101(l)(2), which defined the term “Board”, is deleted as unnecessary because the term is defined in § 17-101 of this title.

Defined terms: “Board” § 17-101  
“License” § 1-101

**17-1309. LICENSE FOR USE AT ENTERTAINMENT EVENT.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS TO A CLUB FOR USE AT AN ENTERTAINMENT EVENT.**

**(B) FORM OF APPLICATION.**

**AN APPLICATION SHALL BE:**

**(1) ON A FORM THAT THE BOARD REQUIRES; AND**

**(2) SIGNED AND SWORN TO BY THE APPLICANT.**

**(C) LIMITATIONS.**

**(1) THE TOTAL NUMBER OF DAYS FOR WHICH THE LICENSE MAY BE USED MAY NOT EXCEED FOUR IN A CALENDAR YEAR.**

**(2) THE LICENSE MAY NOT BE ISSUED TO A CLUB MORE THAN FOUR TIMES IN A CALENDAR YEAR.**

**(D) FEES.**

**THE FEE FOR A LICENSE IS:**

**(1) \$10 PER DAY FOR A PER DIEM BEER LICENSE OR PER DIEM BEER AND WINE LICENSE; OR**

**(2) \$20 PER DAY FOR A PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(l)(4)(i) and (iii).

In subsection (a) of this section, the former reference to "except manufacturer's and wholesaler's" is deleted as surplusage in light of the fact that the authority to issue a manufacturer's or wholesaler's license lies with the Comptroller and not the Board.

Also in subsection (a) of this section, the former references to a "society" and an "association" are deleted as included in the defined term "club".

Also in subsection (a) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage.

Also in subsection (a) of this section, the reference to an entertainment "event" is added to conform to the terminology used throughout this article.

In subsection (c)(1) of this section, the reference to the total number of days "for which the license may be used" is substituted for the former reference to the total number of days "authorized by special licenses" for clarity.

In subsection (c)(2) of this section, the reference to "club" is substituted for the former reference to "organization" for consistency with the rest of this section.

Former Art. 2B, § 7-101(l)(4)(ii), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the routine practice of the Board.

Defined terms: “Board” § 17-101

“Club” § 1-101

“License” § 1-101

**17-1310. MULTIPLE EVENT ENTERTAINMENT LICENSE.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE TO A FIRE DEPARTMENT A MULTIPLE EVENT ENTERTAINMENT LICENSE OF ANY CLASS FOR USE AT AN ENTERTAINMENT EVENT HELD BY THE FIRE DEPARTMENT.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE RESPECTIVE CLASS OF LICENSE.**

**(C) FORM OF APPLICATION.**

**AN APPLICATION SUBMITTED UNDER THIS SECTION SHALL BE:**

**(1) ON A FORM THAT THE BOARD REQUIRES; AND**

**(2) SIGNED BY THE APPLICANT.**

**(D) FEES.**

**THE FEE FOR THE LICENSE IS:**

**(1) \$120 PER YEAR FOR A BEER OR BEER AND WINE LICENSE; OR**

**(2) \$240 PER YEAR FOR A BEER, WINE, AND LIQUOR LICENSE.**

**(E) LIMITATIONS.**

**(1) THE LICENSE MAY NOT BE ISSUED TO A FIRE DEPARTMENT MORE THAN ONCE A YEAR.**

**(2) THE NUMBER OF DAYS FOR WHICH THE LICENSE MAY BE USED MAY NOT EXCEED 24 PER CALENDAR YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(l)(7).

In subsection (a) of this section, the reference to a "multiple event entertainment license" is substituted for the former reference to a "special license[s]" to better describe the properties of the license.

Also in subsection (a) of this section, the term "issue" is substituted for the former term "grant" to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to "Cecil County" is deleted as unnecessary because the Board may issue a license to only those fire departments that are in Cecil County.

Also in subsection (a) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage.

Also in subsection (a) of this section, the reference to an entertainment "event" is added for clarity.

Also in subsection (a) of this section, the former reference to "conducted" is deleted as redundant of the reference to "held".

In subsection (d) of this section, the former reference to the fee being "paid before a license is issued" is deleted as surplusage because it simply restates the routine practice of the Board.

In subsection (e) of this section, the former reference to the "total" number of days is deleted as surplusage.

In subsection (e)(2) of this section, the reference to the days "for which the license may be used" is substituted for the former reference to the days "authorized by this special license" for clarity.

Defined term: "Board" § 17-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**17-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (9) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (10) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (11) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (12) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATION.**

**SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 17-1402 THROUGH 17-1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 17-101



**17-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Cecil County, 1.

Defined terms: "Board" § 17-101  
"Central Repository" § 1-101  
"License" § 1-101

**17-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR CLERKS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)4.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

The former phrase "[e]xcept as provided in subparagraph 6 of this subparagraph" is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Board" § 17-101

**17-1404. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORD INFORMATION.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORD INFORMATION BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)5.

The reference to "record information" is substituted for the former reference to "records check" to conform to the terminology used in CP § 10-201.

Defined term: "License" § 1-101

**17-1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2 and, as it related to Cecil County, (vi)1.

In this section, the reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: "Board" § 17-101

**17-1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)3 and, as it applied to Cecil County, (vi)1.

The reference to the Board's ability to set "and charge" a fee is added to expressly state what was only implied in the former law.

The reference to the "applicant's" fingerprints is added for clarity.

Defined term: "Board" § 17-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**17-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (5) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (6) § 4–209 (“HEARING”);**
- (7) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4–212 (“LICENSE NOT PROPERTY”);**
- (9) § 4–213 (“REPLACEMENT LICENSES”); AND**
- (10) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 17–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**
- (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 17–1503 OF THIS SUBTITLE; AND**
- (3) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), IN ADDITION TO § 17–1504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: "County" § 17-101

"License" § 1-101

"Local licensing board" § 1-101

**17-1502. EXCHANGE OF LICENSE FOR ONE OF DIFFERENT CLASS OR TYPE.**

**(A) AUTHORIZED.**

**A LICENSE HOLDER MAY APPLY TO THE BOARD TO EXCHANGE THE HOLDER'S CURRENT LICENSE FOR A LICENSE OF ANY OTHER CLASS OR TYPE.**

**(B) REQUIREMENT TO GIVE SAME CONSIDERATION.**

**THE BOARD SHALL GIVE A LICENSE HOLDER, INCLUDING A HOLDER OF A BEER OR BEER AND WINE LICENSE, WHO APPLIES FOR A LICENSE EXCHANGE UNDER THIS SECTION THE SAME CONSIDERATION THAT THE BOARD GIVES TO ANY OTHER APPLICANT FOR A LICENSE, INCLUDING A BEER, WINE, AND LIQUOR LICENSE.**

**(C) FACTORS IN APPROVING APPLICATION.**

**BEFORE DECIDING WHETHER TO APPROVE AN APPLICATION FOR A LICENSE EXCHANGE, THE BOARD SHALL:**

**(1) CONSIDER:**

**(I) THE GENERAL REPUTATION AND CHARACTER OF THE APPLICANT;**

**(II) THE MANNER IN WHICH THE APPLICANT CONDUCTS AND OPERATES THE BUSINESS BEING LICENSED; AND**

**(III) THE PUBLIC NECESSITY FOR THE LICENSE FOR WHICH THE APPLICATION IS MADE; AND**

**(2) REQUIRE:**

**(I) AN INSPECTION OF THE PREMISES FOR WHICH THE APPLICATION IS MADE; AND**

**(II) THE PREMISES TO COMPLY WITH ALL APPLICABLE REGULATIONS OF THE BOARD.**

**(D) EXCHANGE FEES.**

**(1) THERE IS A \$1,000 FEE TO EXCHANGE:**

**(I) ANY CLASS OF BEER LICENSE FOR ANY OTHER CLASS OF BEER LICENSE;**

**(II) ANY CLASS OF BEER AND WINE LICENSE FOR ANY OTHER CLASS OF BEER AND WINE LICENSE; OR**

**(III) ANY CLASS OF BEER, WINE, AND LIQUOR LICENSE FOR ANY OTHER CLASS OF BEER, WINE, AND LIQUOR LICENSE.**

**(2) THERE IS A \$2,000 FEE TO EXCHANGE:**

**(I) ANY CLASS OF BEER LICENSE OR BEER AND WINE LICENSE FOR THE SAME CLASS OF BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) ANY CLASS OF BEER LICENSE FOR ANY OTHER CLASS OF BEER AND WINE LICENSE.**

**(3) THERE IS A \$3,000 FEE TO EXCHANGE ANY CLASS OF BEER LICENSE OR BEER AND WINE LICENSE FOR ANY OTHER CLASS OF BEER, WINE, AND LIQUOR LICENSE.**

**(4) THE EXCHANGE FEES REQUIRED UNDER PARAGRAPHS (1), (2), AND (3) OF THIS SUBSECTION ARE IN ADDITION TO THE REGULAR ANNUAL LICENSE FEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-208(g) and the first, fourth, fifth, seventh, and eighth sentences of (c).

Throughout this section, the references to the "exchange" of a license are substituted for the former references to the "issu[ance]", "transfer[ence]" or "change" of a license to clarify that this section concerns the exchange by a license holder of one license for another, rather than the acquisition of an additional license or the transference of a license from one premises to another.

In subsection (a) of this section, the reference to a license "of any other class or type" is substituted for the former reference to a license "other than the license then being held" for brevity.

Also in subsection (a) of this section, the former reference to applying “at any time” is deleted as surplusage.

In subsection (b) of this section, the former reference to the “intent of this section” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to the Board “approv[ing] the application in its discretion” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the former reference to the “rules” of the Board is deleted as included in the reference to the “regulations” of the Board.

In subsection (d)(4) of this section, the reference to the “regular annual license fees” is substituted for the former reference to the “regular fee provided in this article for the license applied for” for brevity.

Former Art. 2B, § 8–208(d), which referred to licenses issued and outstanding on June 1, 1951, is deleted as obsolete.

Former Art. 2B, § 15–112(i)(2), which required the Board to issue all retail licenses except Class E, F, and G licenses, is deleted as unnecessary. Section 4–202 of this article authorizes a local licensing board to issue licenses in its jurisdiction and §§ 2–402, 2–404, 2–405, and 2–406 of this article authorize the Comptroller to issue Class E, F, and G licenses.

Defined terms: “Board” § 17–101

“Beer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

### **17–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

#### **17-1504. ISSUANCE FEES FOR NEW LICENSES.**

**(A) FEES FOR BEER, BEER AND WINE, AND BEER, WINE, AND LIQUOR LICENSES.**

**THE FEES FOR THE ISSUANCE OF A NEW LICENSE ARE:**

**(1) \$1,000 FOR ANY CLASS OF BEER LICENSE;**

**(2) \$2,000 FOR ANY CLASS OF BEER AND WINE LICENSE; AND**

**(3) \$3,000 FOR ANY CLASS OF BEER, WINE, AND LIQUOR LICENSE.**

**(B) FEES IN ADDITION TO ANNUAL FEES.**

**THE FEES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION ARE IN ADDITION TO THE REGULAR ANNUAL FEE REQUIRED UNDER THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the ninth sentence of former Art. 2B, 8-208(c).

The former reference to a new license "after July 1, 1972" is deleted as obsolete.

The reference to "this title" is substituted for the former broader reference to "this article" in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

## GENERAL REVISOR'S NOTE TO SUBTITLE

The second and third sentences of former Art. 2B, § 8–208(c), which specified notice and hearing requirements, are deleted as unnecessary. The same requirements are specified in Title 4, Subtitle 2 of this article and are cross-referenced in § 17–1501 of this subtitle.

The sixth sentence of former Art. 2B, § 8–208(c), which provided that an application is subject to the requirements of the provisions of this article applicable in the County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–208(e), which stated that an alcoholic beverages license when issued in the County does not vest a property right in the license holder, is deleted as redundant of § 4–212 of this article.

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.****PART I. LICENSING CONDITIONS.****17–1601. LICENSE QUOTA FOR REGISTERED VOTERS.****(A) IN GENERAL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A NUMBER OF LICENSES THAT, IN THE AGGREGATE, EXCEEDS 1 FOR EVERY 400 REGISTERED VOTERS OR MAJOR FRACTION IN THE COUNTY, AS DETERMINED BY THE CURRENT REGISTRATION OF VOTERS.**

**(2) A CLASS BLX BEER, WINE, AND LIQUOR RESTAURANT LICENSE, CLASS C CLUB LICENSE, MOTEL–RESTAURANT COMPLEX LICENSE, HOTEL–RESTAURANT COMPLEX LICENSE, OR CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY NOT BE COUNTED IN THE COMPUTATION OF THE AGGREGATE NUMBER OF LICENSES.**

**(B) COMPUTATION OF QUOTA FOR EACH ELECTION DISTRICT.**

**THE QUOTA SHALL BE COMPUTED AND APPLIED SEPARATELY FOR EACH ELECTION DISTRICT OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–208(b) and 6–201(i)(3)(i).

Defined terms: “Board” § 17–101

“County” § 17–101



“License” § 1-101

**17-1602. DRIVE-THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-208(b), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a “sales” facility is substituted for the former reference to a “purchase” facility for clarity.

Defined terms: “Alcoholic beverage” § 1-101  
“Board” § 17-101  
“License” § 1-101  
“Off-sale” § 1-101

**17-1603. RESERVED.**

**17-1604. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**17-1605. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**17-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND

(3) § 4-305 (“FILING FEE AND ENDORSEMENT”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO §§ 17-1702 AND 17-1703 OF THIS SUBTITLE; AND

(2) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”), SUBJECT TO § 17-1704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 17-101  
 “License” § 1-101

**17-1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-503(i)(2) and, as it related to the transfer of a license, 9-208(b).

The former references to a license “of any class” are deleted as surplusage.

Former Art. 2B, §§ 9-208(a) and 10-503(i)(1), which stated that former Art. 2B, §§ 9-208(a) and 10-503 applied only in Cecil County, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 17-101

"License" § 1-101

"Off-sale" § 1-101

**17-1703. TRANSFER ALLOWED AFTER DESTRUCTION OR CONDEMNATION OF PREMISES.**

**(A) TRANSFER TO BE IN SAME ELECTION DISTRICT.**

**ON APPROVAL BY THE BOARD, A HOLDER OF A LICENSE MAY TRANSFER THE LICENSE TO OTHER PREMISES IN THE SAME ELECTION DISTRICT IF THE PREMISES FOR WHICH THE LICENSE WAS ISSUED IS:**

**(1) SUBSTANTIALLY DESTROYED BY FIRE, EXPLOSION, OR CATASTROPHE;**

**(2) TAKEN BY CONDEMNATION; OR**

**(3) TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN.**

**(B) LICENSE EXPIRES IF TRANSFER NOT REQUESTED.**

**IF THE LICENSE HOLDER DOES NOT REQUEST A TRANSFER OF THE LICENSE WITHIN 6 MONTHS AFTER THE DATE OF LOSS, THE LICENSE SHALL EXPIRE AND BE AVAILABLE TO BE ISSUED TO AN APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-208(f).

In subsection (a) of this section, the former phrase "[n]otwithstanding the provisions of this section" is deleted in light of the organization of this revised article.

In subsection (b) of this section, the reference to "the license holder" is substituted for the former reference to "the holder of any premises destroyed as provided above" for clarity and brevity.

Also in subsection (b) of this section, the former phrase "as above provided" is deleted as surplusage. Similarly, the former reference to issue to an applicant "therefor" is deleted.

Defined terms: "Board" § 17-101

"License" § 1-101

"License holder" § 1-101

**17-1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) CHANGE OF OFFICER OR AUTHORIZED PERSON.**

**IF THERE IS A CHANGE IN AN OFFICER OF A CORPORATION OR AUTHORIZED PERSON OF A LIMITED LIABILITY COMPANY, THE CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT A WRITTEN NOTICE BY CERTIFIED MAIL TO THE BOARD WITHIN 30 DAYS AFTER INSTALLATION OF THE NEW OFFICER OR AUTHORIZED PERSON.**

**(B) NOTICE REQUIREMENTS.**

**A WRITTEN NOTICE SUBMITTED TO THE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE ACCOMPANIED BY:**

**(1) A \$5 FEE; AND**

**(2) A SWORN STATEMENT THAT INCLUDES:**

**(I) THE NAME AND ADDRESS OF EACH NEW OFFICER OR AUTHORIZED PERSON;**

**(II) THE OFFICE HELD BY EACH NEW OFFICER OR AUTHORIZED PERSON; AND**

**(III) THE NAME AND ADDRESS OF THE PREVIOUS OFFICER OR AUTHORIZED PERSON.**

**(C) ISSUANCE OF REVISED LICENSE.**

**AFTER RECEIVING A WRITTEN NOTICE PROVIDED IN ACCORDANCE WITH THIS SECTION, THE BOARD SHALL ISSUE A REVISED LICENSE LISTING THE CURRENT OFFICERS OR AUTHORIZED PERSONS.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 9-101(j).

In subsection (a) of this section, the former reference to "a license [being] issued to individuals as officers of a corporation or authorized persons of a limited liability company" is deleted as surplusage.

Also in subsection (a) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (c) of this section, the reference to the “current officers or authorized persons” is substituted for the former reference to “the individuals as current officers of the corporation or current authorized persons of the limited liability company” for brevity.

Defined terms: “Board” § 17–101

“License” § 1–101

“Person” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **17–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 17–101

“License” § 1–101

### **17–1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–103(b)(13)(vi)2C.

Defined term: “License” § 1–101

## **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

### **17–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 17-101  
 “License” § 1-101  
 “License holder” § 1-101

**17-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(5).

The reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined terms: “Alcoholic beverage” § 1-101  
 “License holder” § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.****17-2001. "RESTAURANT" DEFINED.**

IN THIS SUBTITLE, "RESTAURANT" MEANS A BUSINESS ESTABLISHMENT:

- (1) THAT IS FOR THE ACCOMMODATION OF THE PUBLIC;
- (2) THAT HAS A PROPER AND AN ADEQUATE DINING ROOM AND SUFFICIENT FACILITIES FOR PREPARING AND SERVING MEALS;
- (3) THAT HAS BEEN APPROVED BY THE BOARD; AND
- (4) WHOSE AVERAGE OF ANNUAL RECEIPTS FROM THE SALE OF FOOD COMPRISES AT LEAST 25% OF THE AVERAGE RECEIPTS OF THE BUSINESS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-508(b).

Defined term: "Board" § 17-101

**17-2002. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.****(A) IN GENERAL.**

(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE:

- (I) FROM 2 A.M. TO 6 A.M. ON MONDAY THROUGH SATURDAY;
- OR
- (II) FROM 2 A.M. TO 8 A.M. ON SUNDAY.

(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

**(B) PENALTY.**

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Cecil County, (2) and § 11–508(a)(1)(iii), as it related to the consumption of alcoholic beverages.

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of § 3–905 of this subtitle.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

### **17–2003. PROHIBITED HOURS OF SALE — SUNDAY.**



**ON SUNDAY, A LICENSE HOLDER MAY NOT SELL ANY ALCOHOLIC BEVERAGE ON ANY LICENSED PREMISES FROM 2 A.M. TO 8 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-508(a)(1)(iii), as it related to the sale of alcoholic beverages on Sunday.

Defined terms: "Alcoholic beverage" § 1-101  
"License holder" § 1-101

**17-2004. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(3) SALES OF BEER FOR ON-PREMISES CONSUMPTION MAY BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY BY A LICENSED RESTAURANT.**

**(4) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER LICENSE.**

**(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FOR ON-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER LICENSE.**

**(1) A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM 1 P.M. TO 10 P.M.**

**(2) TO SELL BEER ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(3) SALES OF BEER FOR ON-PREMISES CONSUMPTION MAY BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY BY A LICENSED RESTAURANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(a)(1)(ii) and, as it related to the sale of beer, (b)(2)(vii) and § 11-508(a)(1)(ii), (2)(ii), (3)(ii)1 and 3, and, as they related to beer licenses, (a)(2)(i) and (3)(i).

In subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the references to the authority of a "holder of a ... license may sell beer" are substituted for the former references to "the hours during which sales of any alcoholic beverages may be made" and to the authority of "all classes of alcoholic beverage license

holders to sell alcoholic beverages” in light of the narrow scope of this section, which applies only to beer licenses.

Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former references to the authority of a license holder to sell beer “on any day” Monday through Saturday are deleted as surplusage.

In subsection (a)(1) of this section, the former phrase “notwithstanding any other provisions of this subtitle” is deleted in light of the organization of this revised article.

Also in subsection (a)(1) of this section, the former phrase “[e]xcept for a holder of a Class BLX, EF, or C beer, wine and liquor license” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3) of this section, the former reference to a restaurant “as defined under subsection (b) of this section” is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to a Class C “(on-sale) (clubs)” license is deleted as surplusage.

Former Art. 2B, § 11–508(a)(1)(i), which exempted a Class EF license from the hours of sale provisions in this subtitle, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 17–2001

## **17–2005. BEER AND WINE LICENSES.**

### **(A) CLASS A BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(3) SALES OF BEER AND WINE FOR ON-PREMISES CONSUMPTION MAY BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION ONLY BY A LICENSED RESTAURANT.**

**(4) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER AND WINE ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-508(a)(1)(ii), (2)(ii), and (3)(ii)1 and 3 and, as they related to the sale of beer and wine, §§ 11-403(b)(2)(vii) and 11-508(a)(1)(iii), (2)(i), and (3)(i).

In subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the references to the authority of a "holder of a ... license" to "sell beer and wine" are substituted for the former references to "the hours during which sales of any alcoholic beverages may be made" and to the authority of "all classes of alcoholic beverage license holders to sell alcoholic beverages" for clarity and consistency within this article.

Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former references to the authority of a license holder to sell beer "on any day" Monday through Saturday are deleted as surplusage.

In subsection (a)(1) of this section, the former phrase "notwithstanding any other provisions of this subtitle" is deleted in light of the organization of this revised article.

In subsection (b)(3) of this section, the former reference to a restaurant "as defined under subsection (b) of this section" is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to a Class C "(on-sale) (clubs)" license is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"License holder" § 1-101

"Restaurant" § 17-2001

"Wine" § 1-101

**17-2006. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(i) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(ii) ON SUNDAY, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(i) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(ii) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

**(3) SALES OF BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION MAY BE CONDUCTED ON SUNDAY UNDER PARAGRAPH (1)(ii) OF THIS SUBSECTION ONLY BY A LICENSED RESTAURANT.**

**(4) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS BLX BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY, FOR ON-PREMISES CONSUMPTION.**

**(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) TO SELL BEER, WINE, AND LIQUOR ON SUNDAY UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE LICENSE HOLDER SHALL PAY AN ADDITIONAL FEE OF \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-508(a)(1)(ii), (2)(ii), and (3)(i)1, 2, and 3 and, as they related to sales of beer, wine, and liquor, §§ 11-403(b)(2)(vii) and 11-508(a)(1)(iii), (2)(i), and (3)(i).

Throughout this section, the references to the authority of a license holder to “sell beer, wine, and liquor” are substituted for the former references to a licensee who “seeks to sell alcoholic beverages” for clarity and consistency within this article.

In subsections (a)(1), (b)(1), (c), and (d)(1) of this section, the references to the authority of a “holder of a ... license” to “sell beer, wine, and liquor” are substituted for the former references to “the hours during which sales of any alcoholic beverages may be made” and to the authority of “all classes of alcoholic beverage license holders to sell alcoholic beverages” for clarity and consistency within this article.

Also in subsections (a)(1), (b)(1), (c)(1), and (d)(1) of this section, the former references to the authority of a license holder to sell beer, wine, and liquor “on any day” Monday through Saturday are deleted as surplusage.

In subsection (a)(1) of this section, the former phrase “notwithstanding any other provisions of this subtitle” is deleted in light of the organization of this revised article.

In subsection (b)(3) of this section, the former reference to a restaurant “as defined under subsection (b) of this section” is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to a Class C “(on-sale) (clubs)” license is deleted as surplusage.

Defined terms: “Beer” § 1-101

“License” § 1-101

“License holder” § 1-101

“Restaurant” § 17-2001

“Wine” § 1-101

## **17-2007. HOURS FOR SALE AND CONSUMPTION ON DECEMBER 31 AND JANUARY 1.**

### **(A) IN GENERAL.**

**THIS SUBTITLE DOES NOT RESTRICT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON A LICENSED PREMISES:**

**(1) ON JANUARY 1, BETWEEN MIDNIGHT AND 4 A.M.; OR**

**(2) ON DECEMBER 31, WHEN THAT DATE FALLS ON A SUNDAY, BETWEEN 7 P.M. AND 4 A.M. THE FOLLOWING DAY.**

### **(B) JANUARY 1 ON SUNDAY.**



**WHEN JANUARY 1 FALLS ON A SUNDAY, A PERSON MAY NOT SELL OR CONSUME ALCOHOLIC BEVERAGES ON A LICENSED PREMISES BETWEEN 4 A.M. AND THE APPROPRIATE OPENING HOUR OF SALE SPECIFIED IN THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(i)(2).

In subsection (a) of this section, the former reference to alcoholic beverages "under any class of license issued under this article" is deleted as surplusage.

In subsection (b) of this section, the former reference to "any class of" alcoholic beverages is deleted as surplusage.

Also in subsection (b) of this section, the reference to an opening hour of sale "specified in this subtitle" is substituted for the former reference to an hour of sale "listed in § 11-508 of this title" to conform to the organization of this revised article.

Former Art. 2B, § 11-402(i)(1), which stated that former Art. 2B, § 11-402(i) applied only in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

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

**17-2008. HOURS FOR CONSUMPTION ON SUNDAY — ALLOWED BY CLASS C LICENSE HOLDERS.**

**A HOLDER OF A CLASS C BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE MAY ALLOW THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(b)(2)(vii) as it related to the consumption of alcoholic beverages.

The former reference to Class C "(on-sale) (clubs)" licenses is deleted as surplusage.

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

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**17-2101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4-606 (“EFFECTS OF REVOCATION”).**

**(B) VARIATION.**

**SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 17-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(6), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied to Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 17-101

“License” § 1-101

“Local licensing board” § 1-101

**17-2102. NUDITY AND SEXUAL DISPLAYS.**

**IN ADDITION TO THE REVOCATION OF LICENSE REQUIRED UNDER § 4-605(A) OF THIS ARTICLE, IF AN ACTIVITY LISTED IN § 4-605 IS FOUND TO HAVE OCCURRED ON THE PREMISES FOR WHICH THE LICENSE WAS ISSUED, THE LICENSE HOLDER, OR THE EMPLOYEE, ENTERTAINER, OR PATRON WHO PERFORMED THE ACTIVITY, 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, § 10–405(h).

The reference to a “revocation of license” is substituted for the former reference to the “penalty provided” for clarity.

The reference to “a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both” is substituted for the former reference to “the penalty set forth in § 16–503 of this article” for clarity.

Defined terms: “License” § 1–101  
 “License holder” § 1–101

**17–2103. REQUIREMENT FOR LICENSED PREMISES; HARDSHIP EXTENSION.**

**(A) LICENSED PREMISES MUST REMAIN OPEN FOR AT LEAST 30 CONSECUTIVE DAYS PER YEAR.**

**A LICENSE SHALL BE REVOKED IF:**

**(1) A LICENSED PREMISES IS NOT OPEN FOR AT LEAST 30 CONSECUTIVE DAYS ON WHICH THE LICENSE IS AUTHORIZED TO BE USED DURING 1 YEAR; OR**

**(2) NO SALE OF ALCOHOLIC BEVERAGES IS MADE DURING THE 30–DAY PERIOD.**

**(B) HARDSHIP EXTENSION OF UP TO 1 YEAR AFTER REVOCATION.**

**IF THE LICENSE HOLDER SHOWS HARDSHIP BEFORE THE REVOCATION, THE BOARD MAY ALLOW THE LICENSE HOLDER AN ADDITIONAL PERIOD NOT EXCEEDING 1 YEAR BEFORE REVOKING THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–208(h).

In subsection (a)(1) of this section, the reference to days “on which the license is authorized to be used” is added for clarity.

In subsection (b) of this section, the former phrase “in its discretion” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 17–101

“License” § 1-101  
 “License holder” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**17-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 17-101  
 “License” § 1-101

**17-2202. ADDITIONAL CONDITIONS FOR EXPIRATION OF LICENSE.**

**IN ADDITION TO THE CONDITIONS STATED IN TITLE 4, SUBTITLE 7 OF THIS ARTICLE, A LICENSE EXPIRES IN THE COUNTY IF A LICENSE HOLDER:**

- (1) NO LONGER USES THE LICENSE;**
- (2) HAS THE INTENTION OF TERMINATING THE BUSINESS OF THE LICENSED PREMISES; AND**
- (3) HAS NOT TIMELY FILED:**
  - (I) AN APPLICATION FOR A TRANSFER TO ANOTHER LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE; OR**
  - (II) AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 18 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(g).

In the introductory language of this section, the word “expires” is substituted for the former phrase “is declared null and void” for clarity.

In item (3)(i) of this section, the reference to “an application” for a transfer “to another location or another person” is added for clarity.

In item (3)(ii) of this section, the reference to “an application for a certificate of permission or a renewal license for continuation of business” is substituted for the former erroneous reference to a “transfer of the license”, which did not appear in former Art. 2B, § 10–506, as that former section concerned a certificate of permission or renewal license that may be issued after the death of a license holder.

Defined terms: “County” § 17–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

### **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

#### **17–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 17–101

“License holder” § 1–101

### **SUBTITLE 24. JUDICIAL REVIEW.**

#### **17–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 17–101

### **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

#### **17–2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

##### **(A) IN GENERAL.**

**A PUBLIC CLUB, ROOM, OR OTHER UNLICENSED ESTABLISHMENT, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

- (1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**
- (2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**
- (3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED OR GIVEN ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY PURCHASED OR RESERVED; OR**
- (4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

**(B) PROHIBITION AGAINST OPERATOR OF UNLICENSED ESTABLISHMENT.**

**A PERSON THAT OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–104.

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities. In the introductory language of subsection (a) of this section, by adding the reference to an “unlicensed” establishment and deleting the former reference to a “bottle club”, this subsection conforms to the terminology used throughout this article.

In subsection (a) of this section, the former reference to a bottle club used “so as to evade the alcoholic beverage license laws or hours of operation” is deleted in light of the revised structure of this section.

In subsection (a)(1) of this section, the former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted as included in the reference to “serv[ing]” alcoholic beverages for clarity and brevity.

In subsection (b) of this section, the reference to the “establishment” is substituted for the former reference to an “unlicensed building” for clarity.

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

**17–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**
- (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Also in subsection (a)(1) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Also in subsection (b) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

## **SUBTITLE 26. ENFORCEMENT.**

### **17–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND**



**(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”).**

**(B) EXCEPTION.**

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 17-2602 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6-204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO § 17-2603 OF THIS SUBTITLE; AND**

**(2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 17-2605 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 17-101

“State” § 1-101

**17-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

**(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND**

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(5).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 17–101

### **17–2603. SERVICE OF SUMMONS.**

**IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A SUMMONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)4.

Defined term: “Board” § 17–101

### **17–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

#### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(v), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 17-101

#### **17-2605. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Cecil County.

Defined term: “County” § 17-101

#### **17-2606. OBSERVATION OF SALES BY OUT-OF-STATE OFFICIAL.**

##### **(A) REGISTRATION REQUIRED.**

**TO PROTECT THE PUBLIC SAFETY AND PEACE WHEN LAW ENFORCEMENT OFFICIALS ARE PRESENT IN THE COUNTY ENFORCING THE LAWS OF OTHER STATES, AN AGENT, AN EMPLOYEE, OR A REPRESENTATIVE OF AN ALCOHOLIC BEVERAGES LICENSING BOARD OF ANOTHER STATE WHO ENTERS THE COUNTY TO OBSERVE AN ALCOHOLIC BEVERAGE SALE:**

**(1) SHALL REGISTER IN PERSON AT LEAST 30 DAYS BEFORE ENTRY INTO THE COUNTY; AND**

**(2) WHEN REGISTERING, SHALL PROVIDE:**

**(I) A WRITTEN STATEMENT SETTING FORTH THE IDENTITY OF THE REGISTRANT;**

**(II) THE PURPOSE OF THE ENTRY INTO THE COUNTY;**

**(III) THE MAKE, MODEL, AND LICENSE NUMBER OF EACH VEHICLE TO BE USED FOR SURVEILLANCE ACTIVITY;**

**(IV) THE NAMES OF THE PREMISES WHERE SURVEILLANCE WILL BE CONDUCTED; AND**

**(V) THE SPECIFIC TIME FOR SURVEILLANCE OF EACH ESTABLISHMENT.**

**(B) CERTIFICATE OF REGISTRATION.**

**(1) THE SHERIFF'S OFFICE SHALL ISSUE A CERTIFICATE OF REGISTRATION TO EACH REGISTRANT.**

**(2) A REGISTRANT SHALL KEEP THE CERTIFICATE IN THE REGISTRANT'S POSSESSION DURING ALL INVESTIGATIVE ACTIVITIES.**

**(C) REGISTRATION VIOLATIONS.**

**(1) AN INDIVIDUAL WHO FAILS TO REGISTER AS REQUIRED BY THIS SECTION MAY NOT REGISTER FOR 6 MONTHS AFTER BEING FOUND IN VIOLATION OF THIS SECTION.**

**(2) THE BOARD SHALL SUSPEND THE REGISTRATION OF A REGISTRANT WHO VIOLATES THIS SECTION FOR 6 MONTHS.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION WHEN THE PERSON IS PROHIBITED FROM REGISTERING OR WHEN THE PERSON'S CERTIFICATE OF REGISTRATION IS SUSPENDED 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, § 16-409.

In subsection (a) of this section, the former reference to "promote" is deleted in light of the reference to "protect".

In subsection (b)(2) of this section, the former reference to "surveillance" activities is deleted as included in the reference to "investigative" activities.

In subsection (c)(1) of this section, the phrase “may not register” is substituted for the former phrase “shall lose his right to register” for brevity.

Also in subsection (c)(1) of this section, the phrase “after being found in violation of this section” is added for clarity.

In subsection (c)(2) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (d) of this section, the phrase “when the person is prohibited from registering or when the person’s certificate of registration is suspended” is substituted for the former reference to “during the period he has lost his right to register,” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 17–101

“County” § 17–101

“Person” § 1–101

“State” § 1–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **17–2701. 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) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

**(4) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(5) § 6–310 (“PROVIDING FREE FOOD”);**

- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 17-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 17-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 17-101

“License holder” § 1-101

“Retail dealer” § 1-101

**17-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) **SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

(1) **SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

(2) **MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

(B) **DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

(1) **THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

(2) **THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(ii), which stated that the provisions of former Art. 2B, § 12-108(f) applied in Cecil County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 17-101

"License holder" § 1-101

"State" § 1-101

**17-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**



**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 17-101

"License holder" § 1-101

"State" § 1-101

**SUBTITLE 28. PENALTIES.**

**17-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 17-101

**17-2802. PENALTY IMPOSED BY BOARD.**

**(A) FINE OR SUSPENSION.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$1,000 OR SUSPEND A LICENSE FOR A VIOLATION OF THIS TITLE.**

**(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(i).

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Defined terms: “Board” § 17–101

“County” § 17–101

“License” § 1–101

## **TITLE 18. CHARLES COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **18–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR CHARLES COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Charles County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS CHARLES COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Charles County”.

##### **(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (j).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**18–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN CHARLES COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**18–103. REGULATION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.**

**THE COUNTY COMMISSIONERS MAY REGULATE BY ORDINANCE THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER STRUCTURES OR ROADS ON LAND IN THE COUNTY OWNED BY:**

- (1) THE COUNTY;**
- (2) THE COUNTY BOARD OF EDUCATION; OR**
- (3) THE STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–105(b).

Former Art. 2B, § 18–105(a), as it related to Charles County, which stated that former Art. 2B, § 18–105 applied to Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 18–101  
“State” § 1–101

**18–104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 18–101

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **18–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR CHARLES COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Charles County exists.

Former Art. 2B, § 15–112(j), which provided that former Art. 2B, § 15–112(j) applied only in Charles County and that the Board is the alcoholic beverages license issuing authority, is deleted as unnecessary in light of the organization of this revised article and § 4–202 of this article, which gives each local licensing board in the State the authority to issue licenses.

### **18–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY COMMISSIONERS SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

**(B) QUALIFICATIONS.**

**(1) OF THE MEMBERS OF THE BOARD:**

**(I) AT LEAST ONE SHALL BE FROM EACH OF THE COUNTY COMMISSIONER DISTRICTS; AND**

**(II) ONE SHALL BE AT LARGE.**

**(2) EACH MEMBER OF THE BOARD SHALL BE A REGISTERED VOTER OF THE COUNTY.**

**(3) PREFERABLY, AT LEAST ONE MEMBER OF THE BOARD BEFORE BEING APPOINTED SHALL HAVE SOME FAMILIARITY OR EXPERIENCE WITH THE ALCOHOLIC BEVERAGES INDUSTRY.**

**(C) RESTRICTIONS.**

**(1) IN THIS SUBSECTION, "DIRECT OR INDIRECT INTEREST" MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTIALLY DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES;**

**(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**2. A LICENSE HOLDER.**

**(3) A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, OR A LICENSE HOLDER MAY NOT DIRECTLY OR INDIRECTLY OFFER A COMMISSION, REMUNERATION, OR GIFT TO:**

**(I) A MEMBER OF THE BOARD; OR**

**(II) SOMEONE ON BEHALF OF A MEMBER OF THE BOARD.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

**(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(E) REMOVAL.**

**THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR:**

**(1) A VIOLATION OF SUBSECTION (C) OF THIS SECTION OR OTHER MISCONDUCT IN OFFICE;**

**(2) INCOMPETENCE; OR**

**(3) WILLFUL NEGLIGENCE OF DUTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–104(b)(1)(i) through (iii) and (2) and the first sentence of 15–110(b).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle. Similarly, in the introductory language of subsection

(c)(2) of this section, the reference to a “member of the Board” is substituted for the former reference to a “Commissioner”, and in the introductory language of subsection (e) of this section, the reference to a “member” is substituted for the former reference to a “License Commissioner”.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board “of License Commissioners for the county” is deleted as surplusage.

In subsection (c)(2)(i) of this section, the former reference to an interest “to” a premises is deleted as included in the reference to an interest “in” a premises.

In subsection (c)(2)(v) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsection (c)(2)(v)1 and (3) of this section, the former references to a “corporation” are deleted as included in the reference to a “person”.

Also in subsection (c)(2)(v)1 and (3) of this section, the former references to “beer or other” alcoholic beverages are deleted as included in the defined term “alcoholic beverage”.

In subsection (c)(2)(v)2 and (3) of this section, the defined term “license holder” is substituted for the former references to a “licensee, licensed under the provisions of this article” to conform to the terminology used throughout this article.

In subsection (c)(3) of this section, the former reference to “profit” is deleted as included in the reference to “remuneration”.

In subsection (d)(1) of this section, the former reference to “the initial term of one member authorized on October 1, 1993” is deleted as obsolete.

In subsection (d)(3) of this section, the requirement that the terms of the members of the Board be staggered as required on July 1, 2016, is substituted for the former obsolete requirement that the terms of members be staggered “as required by the terms provided for members on October 1, 1993”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Charles County.

In the introductory language of subsection (e) of this section, the former reference to the County Commissioners removing a member of a board of license commissioners “appointed by them” is deleted as unnecessary because all of the members are appointed by the County Commissioners.

In subsection (e) of this section, the references to “misconduct in office”, “incompetence”, and “willful neglect of duty” are substituted for the former reference to “the causes in this section prescribed” for clarity.

Former Art. 2B, § 15–101(j), which provided that the provisions of former Art. 2B, § 15–104 apply in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 18–101

“County” § 18–101

“License holder” § 1–101

“Person” § 1–101

### **18–203. CHAIR.**

#### **(A) ELECTION BY MEMBERS OF BOARD.**

**FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A CHAIR.**

#### **(B) TERM LIMIT.**

**A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS AS CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(b)(1)(iv).

In this section, the references to a “chair” are substituted for the former references to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (b) of this section, the reference to a “member” is substituted for the former reference to a “person” for accuracy.

Defined term: “Board” § 18–101

### **18–204. QUORUM; MEETINGS; SALARIES; STAFF.**

#### **(A) QUORUM.**

**THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING BUSINESS.**

#### **(B) MEETINGS.**



**THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

**(C) SALARIES.**

**THE COUNTY COMMISSIONERS SHALL SET THE SALARIES OF THE CHAIR AND THE OTHER MEMBERS OF THE BOARD.**

**(D) STAFF.**

**(1) THE BOARD MAY:**

**(I) EMPLOY:**

- 1. A SECRETARY;**
- 2. INSPECTORS; AND**
- 3. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(II) SET THE COMPENSATION OF THE EMPLOYEES.**

**(2) (I) THE COUNTY COMMISSIONERS SHALL PROVIDE A CLERK, COUNSEL, AND SUPPLIES TO THE BOARD AS THE COUNTY COMMISSIONERS CONSIDER APPROPRIATE.**

**(II) THE COUNTY COMMISSIONERS MAY SET SALARIES FOR THE CLERK AND COUNSEL AS THE COUNTY COMMISSIONERS CONSIDER APPROPRIATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(j), 15–112(a)(2), and 15–104(b)(1)(vi) and the first sentence of (v).

In subsection (c) 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.

Also in subsection (c) of this section, the reference to “other” members of the Board is substituted for the former reference to “associate” members of the Board to conform to the terminology used in other similar provisions of this article.

In subsection (d)(1) of this section, the former phrase “except as otherwise provided by this article” is deleted as unnecessary.

In subsection (d)(1)(i)3 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

The second sentence of former Art. 2B, § 15–104(b)(1)(v), which stated that at least three members who are present at the hearing concerning an alcoholic beverages license must concur in the approval, denial, revocation, suspension, or reclassification of that license, is deleted as unnecessary in light of subsection (a) of this section, which states that three members of the Board are a quorum for transacting business.

Defined terms: “Board” § 18–101  
 “County” § 18–101

## **18–205. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Charles County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 18–101

### **SUBTITLE 3. LIQUOR CONTROL.**

## **18–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 18-101

#### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

##### **18-401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-208 ("CLASS 6 PUB-BREWERY LICENSE");**
- (8) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (9) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (10) § 2-211 ("RESIDENCY REQUIREMENT");**
- (11) § 2-212 ("ADDITIONAL LICENSES");**
- (12) § 2-213 ("ADDITIONAL FEES");**
- (13) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (14) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED");**

**(15) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**

**(16) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

**(17) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(ix), which stated that the Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 18-101  
 “Manufacturer’s license” § 1-101

**18-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(7).

Defined terms: “Alcoholic beverage” § 1-101  
 “Manufacturer’s license” § 1-101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**18-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 18-101  
“Wholesaler’s license” § 1-101

**18-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 18-503 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

**18-503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
 “Wholesaler’s license” § 1–101

#### **SUBTITLE 6. BEER LICENSES.**

##### **18–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

**A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(j).

Defined terms: “Beer” § 1–101  
 “County” § 18–101

##### **18–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(j).

Defined terms: “Beer” § 1–101

“County” § 18–101

**18–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(j).

Defined terms: “Beer” § 1–101  
“County” § 18–101

**18–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$240.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(j) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1-101

#### **SUBTITLE 7. LIGHT WINE LICENSES.**

##### **18-701. LIGHT WINE LICENSES — NOT APPLICABLE.**

**A LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that a light wine license may not be issued in Charles County.

Defined terms: “County” § 18-101  
“Light wine” § 18-101

#### **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

##### **18-801. CLASS A BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS A BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(j).

Defined terms: “Beer” § 1-101  
“County” § 18-101  
“Light wine” § 18-101

##### **18-802. CLASS B BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS B BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(j).

Defined terms: "Beer" § 1-101  
"County" § 18-101  
"Light wine" § 18-101

**18-803. CLASS C BEER AND LIGHT WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND LIGHT WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(j).

Defined terms: "Beer" § 1-101  
"County" § 18-101  
"Light wine" § 18-101

**18-804. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$340.**

**(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL LICENSE FEE:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(j) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Defined terms: “Beer” § 1–101

“Light wine” § 18–101

**18–805. CLASS H BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$340.**

**(2) A LICENSE HOLDER SHALL PAY, IN ADDITION TO THE ANNUAL LICENSE FEE:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–202(f) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to the license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Former Art. 2B, § 5–202(a)(3), which stated that former Art. 2B, § 5–202 applied in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Light wine” § 18–101

“Restaurant” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**18–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO:**

**(I) SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE; AND**

**(II) SERVE BEER, WINE, AND LIQUOR FOR TASTING AND SAMPLING IF:**

**1. THE TASTING OR SAMPLING IS HELD ON THE LICENSED PREMISES; AND**

**2. THE HOLDER SERVES NOT MORE THAN 1 OUNCE FROM EACH SERVING OF BEER, WINE, OR LIQUOR, IN A CONTAINER THAT HOLDS NOT MORE THAN 4 OUNCES, TO ANY ONE INDIVIDUAL.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$960.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(a)(1) and (3) and (j).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1)(i) of this section, the reference to "sell" is substituted for the former reference to "keep for sale and to sell" for brevity.

Also in subsection (b)(1)(i) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(1)(ii)2 of this section, the reference to each “serving” is substituted for the former reference to each “given brand” for clarity.

Also in subsection (b)(1)(ii)2 of this section, the reference to an “individual” is substituted for the former reference to a “person” because this provision refers only to human beings and not the other entities included in the defined term “person”.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

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

## **18–902. CLASS B–H BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–H (HOTEL) ON–SALE BEER, WINE, AND LIQUOR LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION IN A HOTEL COMMON AREA, FOR A PREMISES PRIMARILY ENGAGED IN THE DAY–TO–DAY RENTAL OF HOTEL ROOMS.**

### **(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18–2004(B) OF THIS TITLE.**

### **(D) FEES.**

#### **(1) THE ANNUAL LICENSE FEE IS \$360.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL YEARLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(j)(6).

Subsection (a) of this section is revised in standard language used to establish a license.

Subsection (c) of this section is new language added for clarity.

Defined terms: "Beer" § 1-101

"Board" § 18-101

"Hotel" § 1-101

"Wine" § 1-101

**18-903. CLASS B-N BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-N (NIGHTCLUB) ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE PREMISES OF A NIGHTCLUB FACILITY THAT:**

**(1) IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND**

**(2) HAS A SEATING CAPACITY OF MORE THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004(B) OF THIS TITLE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$610.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL YEARLY PAY \$200 IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(j)(5).

Subsection (a) of this section is revised in standard language used to establish a license.

Subsection (c) of this section is new language added for clarity.

Defined terms: "Beer" § 1-101

"Board" § 18-101

"Wine" § 1-101

**18-904. CLASS B-R (RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-R (RESTAURANT) ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT THAT:**

**(1) IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION; AND**

**(2) CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004(B) OF THIS TITLE.**

**(D) PROHIBITED ACTIVITIES.**

**A LICENSE HOLDER MAY NOT:**

**(1) ESTABLISH AN AREA ON THE PREMISES OF THE RESTAURANT THAT IS A BAR; OR**

**(2) PROVIDE LIVE ENTERTAINMENT.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$360.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL YEARLY PAY \$200 IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: Subsections (a), (b), (d), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(j)(2).

Subsection (a) of this section is revised in standard language used to establish a license.

Subsection (c) of this section is new language added for clarity.

Former Art. 2B, § 6-201(j)(10), which provided that the Board may adopt regulations to implement former Art. 2B, § 6-301, is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**18-905. CLASS B-RB BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-RB (RESTAURANT/BAR) ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

**(1) IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION;**

**(2) HAS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS; AND**

**(3) HAS A BAR, WITH STOOLS TO ACCOMMODATE CUSTOMERS WITH OR WITHOUT SERVICE OF FOOD.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004(B) OF THIS TITLE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$460.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL YEARLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(j)(3).

Subsection (a) of this section is revised in standard language used to establish a license.

Subsection (c) of this section is new language added for clarity.

Defined terms: "Beer" § 1-101

"Board" § 18-101

"Restaurant" § 1-101

"Wine" § 1-101

**18-906. CLASS B-T BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B-T (TAVERN) ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT OR BAR THAT:**

**(1) IS PRIMARILY ENGAGED IN SELLING AND SERVING ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND**

**(2) HAS A SEATING CAPACITY OF LESS THAN 100 PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004(B) OF THIS TITLE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$460.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL YEARLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6-201(j)(4).

Subsection (a) of this section is revised in standard language used to establish a license.

Subsection (c) of this section is new language added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 18–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**18–907. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(I) A NONPROFIT ORGANIZATION; OR**

**(II) A CLUB COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED.**

**(2) THE NONPROFIT ORGANIZATION OR CLUB FOR WHICH THE LICENSE IS ISSUED SHALL:**

**(I) OPERATE ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(II) MEET IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS MEMBERS AND GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION:**

**(1) IN THE CLUBHOUSE; OR**

**(2) ON PROPERTY DIRECTLY CONTIGUOUS TO THE CLUBHOUSE THAT IS:**

**(I) OWNED BY THE NONPROFIT ORGANIZATION OR CLUB; AND**

**(II) USED EXCLUSIVELY BY MEMBERS AND GUESTS FOR SOCIAL FUNCTIONS OR BUSINESS OF THE ORGANIZATION OR CLUB.**

**(D) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$350.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(j)(2) through (5) and, as it related to the Board issuing the license, the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1)(i) and (c)(2)(i) of this section, the former reference to a "bona fide" nonprofit organization is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the reference to a clubhouse that is used "exclusively for its members and guests" is substituted for the former phrase "for no other purpose" for clarity.

In the introductory language of subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

Former Art. 2B, § 6-301(j)(1), which stated that former Art. 2B, § 6-301(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 18-101

"Club" § 1-101

“Wine” § 1-101

**18-908. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE TWO TYPES OF CLASS D BEER, WINE, AND LIQUOR LICENSES.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSES AUTHORIZE THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

**(1) BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION; OR**

**(2) BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION AND LIQUOR FOR OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSES MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEES ARE:**

**(I) \$1,320, FOR A LICENSE TO SELL BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(II) \$1,020, FOR A LICENSE TO SELL BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION AND LIQUOR FOR OFF-PREMISES CONSUMPTION.**

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY:**

**(I) \$200, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (j)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (b) and (d) of this section, the references to “on- and off-premises consumption” are substituted for the former reference to “consumption on the premises or elsewhere” and the former references to “on- and off-sale” for clarity.

In subsection (b) of this section, the phrase “at the place described in the license” is substituted for the former phrase “at the place described in it” for clarity.

Former Art. 2B, § 6-401(j)(1), which stated that former Art. 2B, § 6-401(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101  
 “Wine” § 1-101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **18-1001. BASEBALL STADIUM LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B-STADIUM (BASEBALL STADIUM) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

**(1) THE OWNER OF A PROFESSIONAL TEAM FRANCHISE, WHETHER THE FRANCHISE IS A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY; OR**

**(2) A PRIVATE CONCESSIONAIRE THAT IS UNDER CONTRACT WITH THE COUNTY OR A PROFESSIONAL BASEBALL TEAM FRANCHISE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF A BASEBALL STADIUM OWNED OR OPERATED BY THE COUNTY TO INDIVIDUALS PRESENT AT A BASEBALL GAME OR OTHER EVENT HELD AT THE STADIUM.**

**(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, BEER, WINE, AND LIQUOR SHALL BE SERVED IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS ON THE STADIUM PREMISES.**

**(II) BEER, WINE, AND LIQUOR MAY BE SERVED IN GLASS CONTAINERS IN AN ENCLOSED STADIUM DINING AREA IN WHICH PATRONS ARE SEATED.**

**(3) A PATRON:**

**(I) MAY CONSUME AND CARRY BEER AND WINE ANYWHERE ON THE STADIUM PREMISES; BUT**

**(II) 1. MAY CONSUME LIQUOR ONLY IN AN ENCLOSED STADIUM DINING AREA OR BAR; AND**

**2. MAY NOT CARRY LIQUOR OUT OF THE ENCLOSED STADIUM DINING AREA OR BAR.**

**(4) THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

**(D) HOURS AND DAYS OF SALE.**

**EXCEPT AS PROVIDED IN REGULATIONS ADOPTED UNDER SUBSECTION (E) OF THIS SECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004 OF THIS TITLE.**

**(E) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS RELATING TO:**

**(1) THE MANNER OF SERVING ALCOHOLIC BEVERAGES;**

**(2) THE NUMBER OF OUTLETS AUTHORIZED TO SERVE ALCOHOLIC BEVERAGES; AND**

**(3) THE HOURS AND DAYS OF SALE.****(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(j)(9).

In subsection (c)(4) of this section, the former phrase “[e]xcept for a distributor of beer who is conducting business with a holder of a Class B–Stadium license for the purposes of this paragraph” is deleted as unnecessary.

In subsection (d) of this section, the reference to the authority for the license holder to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title” is added to provide a cross–reference to the provisions on hours and days of sale for a Class B beer, wine, and liquor license in Charles County.

In the introductory language of subsection (e) of this section, the former reference to “additional” regulations is deleted as surplusage.

Also in the introductory language of subsection (e) of this section, the former reference to regulations “consistent with this paragraph” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 18–101

“County” § 18–101

“Wine” § 1–101

**18–1002. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B–B&B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A BED AND BREAKFAST THAT:**



(1) HAS ROOMS, EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME;

(2) DOES NOT HAVE DINING FACILITIES THAT ARE OPEN TO THE PUBLIC; AND

(3) MEETS ALL OTHER QUALIFICATIONS TO HOLD A LICENSE ISSUED BY THE BOARD.

(c) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ONLY TO A GUEST:

(I) WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND

(II) WHO IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO IS REGISTERED ONLY TO OBTAIN ALCOHOLIC BEVERAGES.

(3) IF THE LICENSED PREMISES ENDS OPERATIONS AS A BED AND BREAKFAST, THE LICENSE IS VOID.

(d) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 18-2004 OF THIS TITLE.

(e) FEES.

THE ANNUAL LICENSE FEE IS:

(1) \$25 FOR A BED AND BREAKFAST WITH FIVE OR FEWER BEDROOMS;  
AND

(2) \$50 FOR A BED AND BREAKFAST WITH SIX OR MORE BEDROOMS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(j)(8)(i) through (viii) and (x).

In subsection (b)(1) of this section, the former reference to a specified “period of” time is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (c)(3) of this section, the former reference to a bed and breakfast “establishment” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 18–2004 of this title” is substituted for the former reference to the “hours and days of sale for sale under the license shall be in accordance with § 11–509 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–201(j)(8)(ix), which authorized the Board to adopt additional regulations consistent with this paragraph, is deleted as unnecessary because the Board has the power to adopt regulations under § 18–205 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 18–101

“Wine” § 1–101

### **18–1003. GOLF COURSE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS GC (GOLF COURSE) LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AND AN INDIVIDUAL TO CONSUME ALCOHOLIC BEVERAGES ALLOWED UNDER THE LICENSE ON THE LICENSED PREMISES OF A PUBLICLY OR PRIVATELY OWNED GOLF COURSE.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard language establishing a license in this article.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 8–502(b).

In subsection (b) of this section, the reference to an “individual” is substituted for the former reference to a “person” for clarity.

Former Art. 2B, § 8–502(a), which stated that the provisions of former Art. 2B, § 8–502 applied only in Charles 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 the hours and days of sale for the license are not stated in statutory law.

Defined term: “Alcoholic beverage” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **18–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTION OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

#### **(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT – DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 18–1102 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: "Beer" § 1-101

"County" § 18-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**18-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS C LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-209(d), (e), and (f).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 8–103(a)(1)(iii), which stated that former Art. 2B, § 8–103 applied with respect to draft beer in Charles County, and former Art. 2B, § 8–209(a), which stated that former Art. 2B, § 8–209 applied only in the County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–209(b), which defined the term “Board” to mean the Charles County Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 18–101 of this title.

Former Art. 2B, § 8–209(c), which stated that there is a refillable container permit, is deleted as unnecessary in light of § 4–1104 of this article.

Former Art. 2B, § 8–209(g), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 18–205 of this title.

Defined terms: “Beer” § 1–101  
 “Board” § 18–101  
 “License” § 1–101  
 “Off–sale” § 1–101

## **SUBTITLE 12. CATERER’S LICENSES.**

**18–1201. RESERVED.**

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

**18–1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);

(3) § 4-1205(B) (“LICENSE FEES – CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);

(4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

(5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”); AND

(2) § 4-1205(A) (“LICENSE FEES – CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”).

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 18-101

**18-1302. RESERVED.**

**18-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**18-1304. BEER AND WINE FESTIVAL LICENSE.**

**(A) “FESTIVAL” DEFINED.**

IN THIS SECTION, “FESTIVAL” MEANS THE CHARLES COUNTY BEER AND WINE FESTIVAL.

**(B) ESTABLISHED.**

**THERE IS A CHARLES COUNTY BEER AND WINE FESTIVAL (CBWF) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR 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 MAY DISPLAY AND SELL BEER AND WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, EACH YEAR FOR THE FESTIVAL.**

**(2) THE BOARD SHALL:**

**(I) CHOOSE A LOCATION THAT IS NOT LICENSED; AND**

**(II) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.**

**(3) THE WEEKEND CHOSEN FOR THE FESTIVAL MAY NOT:**

**(I) BE WITHIN 14 DAYS BEFORE OR AFTER THE DATES SELECTED FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; OR**

**(II) CONFLICT WITH THE DATES SELECTED FOR THE:**

- 1. ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**
- 2. BALTIMORE COUNTY WINE FESTIVAL;**
- 3. CALVERT COUNTY WINE FESTIVAL;**
- 4. HARFORD COUNTY WINE FESTIVAL;**
- 5. HOWARD COUNTY WINE FESTIVAL;**
- 6. QUEEN ANNE’S COUNTY BEER AND WINE FESTIVAL;**
- 7. MARYLAND WINE FESTIVAL IN SOMERSET COUNTY;**
- 8. CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY; OR**
- 9. WORCESTER COUNTY BEER AND WINE FESTIVAL.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**



**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE FESTIVAL LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE FESTIVAL LICENSE.**

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–308(c) through (i) and (a)(1) and (3).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (b) 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 a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages ... license issued under this article” for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the authorization that the “licensee may” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (f)(2)(i) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which is not licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2)(i) of this section, the former reference to a location “for this Festival” is deleted as surplusage.

Also in subsection (f)(2)(i) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery”, and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this section” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date is added for clarity.

Former Art. 2B, § 8–308(a)(2), which defined “Board” as meaning the Charles County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 18–101 of this title.

Former Art. 2B, § 8–308(b), which stated that former Art. 2B, § 8–308 applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 18–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**18–1305. RESERVED.**

**18–1306. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**18–1307. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D PER DIEM BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR A RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, CHARITABLE, OR HOSPITAL SUPPORTING ORGANIZATION.**

**(2) SUBJECT TO ANY CONDITIONS THE BOARD MAY IMPOSE, THE LICENSE MAY BE ISSUED FOR A PERIOD NOT EXCEEDING 10 CONSECUTIVE DAYS.**

**(C) FEE.**

**THE LICENSE FEE IS \$45.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(m)(2).

In this section, the term “license” is substituted for the former term “permit” to conform to the terminology used throughout this article.

In subsection (b)(1) of this section, the former reference to a “bona fide” religious, fraternal, civic, veterans’, hospital, or charitable organization is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to a hospital “supporting” organization is added for clarity, reflecting the terminology used in the Internal Revenue Code.

In subsection (b)(2) of this section, the former reference to a period not exceeding 10 consecutive days “from the effective date of the license” is deleted as surplusage.

Former Art. 2B, § 7–101(m)(1), which stated that former Art. 2B, § 7–101(m) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 18–101

“License” § 1–101

#### **18–1308. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A CLASS C BEER, WINE, AND LIQUOR LICENSE FOR THE USE OF A PERSON HOLDING AN ENTERTAINMENT EVENT CONDUCTED BY A CLUB, A SOCIETY, OR AN ASSOCIATION AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE MAY BE ISSUED FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

##### **(C) FEE.**

**THE LICENSE FEE IS \$25 PER DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(1)(i) and (7).

In subsection (b) of this section, the former reference to the license “entitl[ing] the holder to exercise any of the privileges conferred by this class of license” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 18–101

“Wine” § 1–101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **18–1401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**
- (4) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (5) § 4–110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (6) § 4–111 (“PAYMENT OF LICENSE FEES”);**
- (7) § 4–113 (“REFUND OF LICENSE FEES”); AND**
- (8) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 18-1404 OF THIS SUBTITLE;**

**(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 18-1404 OF THIS SUBTITLE;**

**(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 18-1402, 18-1403, 18-1407, AND 18-1408 OF THIS SUBTITLE;**

**(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 18-1405 OF THIS SUBTITLE; AND**

**(5) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 18-1410 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 18-101

**18-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Charles County, 1.

Defined terms: “Board” § 18-101

“Central Repository” § 1-101

“License” § 1-101

**18-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR CLERKS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)4.

The reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

The former phrase “[e]xcept as provided in subparagraph 6 of this subparagraph” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 18–101

#### **18–1404. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

##### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT FOR A NEW LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL CERTIFY TO THE BOARD THAT THE APPLICANT:**

- (1) IS AN OFFICER OF THE CORPORATION OR LIMITED LIABILITY COMPANY;**
- (2) MEETS ANY OTHER QUALIFICATION FOR LICENSING;**
- (3) OWNS AT LEAST A 20% INTEREST OF THE STOCK OF THE CORPORATION OR A 20% INTEREST IN THE LIMITED LIABILITY COMPANY; AND**
- (4) WILL MAINTAIN AT LEAST 20% OF THE STOCK OR AT LEAST A 20% INTEREST AS LONG AS THE APPLICANT IS THE LICENSE HOLDER.**

##### **(B) CLASS BLX LICENSE EXCEPTION.**

**(1) THE OWNERSHIP REQUIREMENT IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR A CLASS BLX LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY IN WHICH:**

**(I) THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**(II) A MAJORITY OF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS:**

**1. OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY COMPANIES; AND**

**2. IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(C) REQUIREMENTS FOR DOCUMENTATION.**

**AN APPLICANT FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT TO THE BOARD:**

**(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION; AND**

**(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A SCHEDULE THAT SHOWS:**

**(I) FOR EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION, THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD; OR**

**(II) FOR EACH MEMBER HOLDING AT LEAST A 5% INTEREST IN A LIMITED LIABILITY COMPANY, THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD.**

**(D) SECURITIES AND EXCHANGE COMMISSION EXCEPTION.**

**THE SCHEDULE REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SUBSECTION DOES NOT APPLY IF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(l)(2) through (4) and, as it related to applicants for new licenses, (1).

In subsection (a)(2) of this section, the former reference to licensing “under this section” is deleted as surplusage.

In subsection (a)(3) of this section, the reference to a 20% “interest” in the stock is added for clarity.

In subsection (a)(4) of this section, the phrase “of the stock” is added for consistency throughout the subsection.



Also in subsection (a)(4) of this section, the reference to “at least” a 20% interest is added for clarity.

Also in subsection (a)(4) of this section, the former reference to “in the corporation or limited liability company” is deleted for brevity.

In subsection (c)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined terms: “Board” § 18-101  
“License” § 1-101

**18-1405. STATEMENTS REQUIRED IN APPLICATION.**

**(A) IN GENERAL.**

**THE APPLICATION SHALL INCLUDE:**

**(1) A SIGNED STATEMENT BY THE APPLICANT THAT:**

**(i) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY;**

**OR**

**(ii) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, THAT THE APPLICANT AND NONE OF THE STOCKHOLDERS OF THAT CORPORATION HAVE BEEN CONVICTED OF A FELONY;**

**(2) A STATEMENT THAT THE APPLICANT IS AT LEAST 21 YEARS OLD;**

**(3) A CERTIFIED STATEMENT FROM THE TREASURER OF THE COUNTY THAT SHOWS THE VALUE OF THE MERCHANDISE, FIXTURES, AND INVENTORY, AS CERTIFIED BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR THE BUSINESS FOR WHICH THE APPLICATION IS MADE FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS TO BE ISSUED; AND**

**(4) A CERTIFIED STATEMENT FROM THE COUNTY TREASURER’S OFFICE THAT SHOWS THAT NO UNPAID TAXES ARE DUE ON THE MERCHANDISE, FIXTURES, AND INVENTORY FROM THE APPLICANT TO THE COUNTY OR MUNICIPALITY WHERE THE LICENSED PREMISES IS TO BE LOCATED.**

**(B) EXCEPTION.**

**THE REQUIREMENT UNDER SUBSECTION (A)(1)(II) OF THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR (BLX) LUXURY RESTAURANT LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-103(b)(9)(iv)3 and 10-104(j)(1).

In subsection (a)(3) and (4) of this section, the references to "inventory" are substituted for the former references to "stock-in-trade" to conform to the terminology used throughout this article.

Defined terms: "County" § 18-101  
 "License" § 1-101

**18-1406. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)5.

Defined term: "License" § 1-101

**18-1407. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2 and, as it related to Charles County, (vi)1.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

In this section, the reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: “Board” § 18–101

**18–1408. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)3.

The reference to the Board’s ability to set “and charge” a fee is added to expressly state what was only implied in the former law.

The reference to the “applicant’s” fingerprints is added for clarity.

Defined term: “Board” § 18–101

**18–1409. APPLICATION FEE FOR NEW LICENSES.**

**(A) IN GENERAL.**

**THE BOARD SHALL CHARGE AN APPLICATION FEE FOR A NEW LICENSE THAT IS:**

**(1) \$200, IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE;**

**AND**

**(2) NONREFUNDABLE, WHETHER THE APPLICATION IS APPROVED OR**

**DENIED.**

**(B) USE OF FEE.**

**THE BOARD SHALL USE THE APPLICATION FEE TO PAY ITS EXPENSES TO PROCESS THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(j)(2)(ii) and (iii) and, as it related to an application fee for a new license, (i).

Defined terms: “Board” § 18–101

“License” § 1–101

**18-1410. DISPOSITION OF LICENSE FEES.****(A) REMITTANCE TO BOARD OF COUNTY COMMISSIONERS.**

**THE BOARD OF LICENSE COMMISSIONERS SHALL REMIT PROMPTLY TO THE BOARD OF COUNTY COMMISSIONERS THE FEES COLLECTED AND REFUNDS PAID UNDER THIS ARTICLE.**

**(B) DEPOSIT OF FEES INTO GENERAL FUND.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL DEPOSIT FEES RECEIVED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION IN THE GENERAL FUND OF THE COUNTY.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES SUBSECTION (A) OF THIS SECTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(j).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the meaning of subsection (a) of this section is unclear. The subsection requires the Board of License Commissioners to remit to the Board of County Commissioners the fees collected and refunds paid under this article.

Defined terms: "County" § 18-101

"Person" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.****18-1501. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**

- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-209 (“HEARING”);
- (5) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (6) § 4-212 (“LICENSE NOT PROPERTY”); AND
- (7) § 4-213 (“REPLACEMENT LICENSES”).

**(B) EXCEPTION.**

**SECTION 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 18-1504 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 18-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 18-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 18-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (4) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), SUBJECT TO § 18-1505 OF THIS SUBTITLE; AND
- (5) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”), SUBJECT TO § 18-1507 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 18–101  
 “License” § 1–101  
 “Local licensing board” § 1–101

### **18–1502. HOLDERS OF OUT–OF–STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(6), except as it related to the renewal of a license by a person that holds an out–of–state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the defined term “person”.

Defined terms: “Alcoholic beverage” § 1–101  
 “Beer” § 1–101  
 “Board” § 18–101  
 “License” § 1–101  
 “Light wine” § 18–101  
 “Person” § 1–101  
 “State” § 1–101  
 “Wine” § 1–101

### **18–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and light wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"License" § 1-101  
"Light wine" § 18-101

**18-1504. NOTICE OF LICENSE APPLICATION.**

**(A) PUBLICATION IN NEWSPAPER OF GENERAL CIRCULATION.**

**BEFORE THE BOARD MAY APPROVE AN APPLICATION FOR A LICENSE, THE BOARD SHALL PUBLISH NOTICE OF THE APPLICATION TWO TIMES IN 2 SUCCESSIVE WEEKS IN ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY.**

**(B) POSTING NOTICE.**

**(1) AN APPLICANT FOR A NEW LICENSE OR AN UPGRADE OF AN EXISTING LICENSE SHALL POST THE NOTICE IN A CONSPICUOUS PLACE IN THE LOCATION DESCRIBED IN THE APPLICATION FOR 20 CONSECUTIVE DAYS BEFORE THE APPLICATION HEARING.**

**(2) THE BOARD SHALL SUPPLY THE APPLICANT WITH THE NOTICE ON A SIGN THAT MEASURES AT LEAST 24 BY 36 INCHES AND INCLUDES:**

**(I) THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE;**

**(II) THE NAME AND TRADE NAME OF THE APPLICANT;**

**(III) THE DATE, TIME, AND LOCATION OF THE APPLICATION HEARING; AND**

**(IV) CONTACT INFORMATION FOR THE APPLICANT.**

**(3) AN APPLICANT SHALL PAY TO THE BOARD A ONE-TIME POSTING FEE OF \$35 FOR A NEW LICENSE OR AN UPGRADE OF AN EXISTING LICENSE.**

**(C) ADDITIONAL NOTICE.**

**IF THE LOCATION DESCRIBED IN THE APPLICATION IS UNDER CONSTRUCTION OR RENOVATION OR IS NOT EASILY ACCESSIBLE TO THE PUBLIC, THE APPLICANT SHALL POST AN ADDITIONAL NOTICE ON THE PERIMETER OF THE LOCATION THAT IS EASILY ACCESSIBLE TO THE PUBLIC, SUCH AS:**

- (1) THE ENTRANCE TO THE LOCATION;**
- (2) A DRIVEWAY TO THE LOCATION; OR**
- (3) THE CURB OF THE LOCATION.**

**(D) SUBSTANTIAL COMPLIANCE WITH POSTING REQUIREMENTS SUFFICIENT.**

**THE BOARD MAY HOLD A HEARING AND ACT ON THE LICENSE APPLICATION WITHOUT FULL COMPLIANCE WITH THE POSTING REQUIREMENTS UNDER THIS SECTION IF THE APPLICANT DEMONSTRATES BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT SUBSTANTIALLY COMPLIED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a-1) and (b)(3)(ii), (iii), (iv), and (v) and, except as it related to the transfer of an existing license, (i).

Throughout this section, the references to an "application" hearing are added for clarity.

Also throughout this section, the references to "location" are substituted for the former references to "premises" for consistency with the terminology used in this article.

In subsection (a) of this section, the reference to "publish[ing] notice" is substituted for the former reference to "caus[ing] notice ... to be published" for brevity.

Also in subsection (a) of this section, the former phrase "[n]otwithstanding the provisions of subsection (a) of this section, in Charles County" is deleted in light of the organization of this revised article.

In subsection (b) of this section, the former phrase "[i]n addition to the requirements set forth in subsection (a-1) of this section in Charles County" is deleted as unnecessary.



In subsection (d) of this section, the reference to the Board's authority to "hold a hearing and act on the license application without full compliance with the posting requirements" is substituted for the former reference to "[f]ailure to comply with the posting requirements ... not divest[ing] the Board with jurisdiction to conduct the hearing" for clarity.

Also in subsection (d) of this section, the former reference to compliance "with the notice requirement" is deleted as surplusage.

Defined terms: "Board" § 18-101

"County" § 18-101

"License" § 1-101

### **18-1505. ADDITIONAL BOARD DETERMINATIONS.**

**IN A HEARING ON AN APPLICATION OR A PROTEST, THE GENERAL REPUTATION OF THE FOLLOWING IS ADMISSIBLE:**

- (1) THE APPLICANT OR LICENSE HOLDER;**
- (2) THE LOCATION DESCRIBED IN THE APPLICATION; AND**
- (3) THE PERSONS WHO CONGREGATE AT THE LOCATION DESCRIBED IN THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(g).

In the introductory language of this section, the reference to a "protest" hearing is substituted for the former reference to a hearing on "remonstrances" for clarity.

In item (2) of this section, the reference to the "location described in the application" is substituted for the former reference to the "place of business" to conform to terminology used throughout this article.

In item (3) of this section, the reference to persons who congregate "at the location described in the application" is substituted for the former reference to "therein and thereat" for clarity.

Defined terms: "License holder" § 1-101

"Person" § 1-101

### **18-1506. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

**(A) IN GENERAL.****THE BOARD MAY:**

**(1) GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION; AND**

**(2) ISSUE THE LICENSE WHEN CONSTRUCTION IS COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

**(B) EFFECT OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY 1, 2014.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–209(c) and, as it related to the renewal or transfer of a license, (e).

In the introductory language of this section, the former reference to an “application for a liquor license is made” is deleted as implicit in the reference to “give tentative approval to issuing a license”.

In subsection (a)(1) of this section, the term “establishment” is substituted for the former term “building” to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “when construction is completed” is substituted for the former reference to “[u]pon completion of the building” for clarity.

In subsection (b) of this section, the former reference to “affect, or prohibit” is deleted as included in the reference to “apply to”.

Former Art. 2B, § 9–209(a), which stated that former Art. 2B, § 9–209 applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 18–101  
“License” § 1–101

**18–1507. WAITING PERIOD AFTER DENIAL.**

**THE WAITING PERIODS SPECIFIED IN § 4-214(A) OF THIS ARTICLE DO NOT APPLY IF THE GROUNDS FOR THE DENIALS WERE THAT:**

**(1) THE LICENSE WAS NOT NECESSARY TO ACCOMMODATE THE PUBLIC;**

**(2) UNDER THE LICENSE, THE PREMISES WOULD NOT BE SUITABLE FOR THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(3) THE BOARD DETERMINED THE APPLICANT NOT TO BE A PROPER LICENSE HOLDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-208(f) and the second sentence of (a)(2)(ii).

In item (3) of this section, the reference to the “Board” is added to clarify that the Board determines whether an applicant is a proper person to be issued a license.

Defined terms: “Alcoholic beverage” § 1-101  
“License” § 1-101  
“License holder” § 1-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**18-1601. OFF-SALE LICENSE QUOTA.**

**(A) IN GENERAL.**

**(1) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BOARD MAY NOT ISSUE MORE THAN ONE OF ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR EVERY 1,350 RESIDENTS IN AN ELECTION DISTRICT IN THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

**(II) IN THE SIXTH ELECTION DISTRICT, THE BOARD MAY NOT ISSUE MORE THAN ONE OF ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR EVERY 2,700 RESIDENTS IN THE ELECTION DISTRICT, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

**(2) THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE ISSUED UNDER PARAGRAPH (1) OF THIS SUBSECTION FROM ONE ELECTION DISTRICT TO ANOTHER.**

**(3) THE BOARD MAY NOT ISSUE A NEW LICENSE IN AN ELECTION DISTRICT UNLESS THE ISSUE MAY BE MADE WITHOUT EXCEEDING THE QUOTAS PROVIDED FOR IN PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) EFFECT OF SECTION.**

**(1) THIS SECTION DOES NOT REQUIRE THE FORFEITURE OR REVOCATION OF A LICENSE IN EFFECT ON OCTOBER 1, 1992.**

**(2) IN AN ELECTION DISTRICT IN WHICH A QUOTA ESTABLISHED IN SUBSECTION (A)(1) OF THIS SECTION WAS EXCEEDED AS OF OCTOBER 1, 1992, THE TOTAL NUMBER OF LICENSES MAY BE REDUCED ONLY:**

**(I) BY THE VOLUNTARY RELINQUISHMENT OF A LICENSE BY THE LICENSE HOLDER;**

**(II) BY THE BANKRUPTCY OF THE LICENSE HOLDER; OR**

**(III) IN ACCORDANCE WITH ANOTHER PROVISION OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-209(b).

In subsection (a)(2) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

In subsection (b)(1) of this section, the reference to a license "in effect" is substituted for the former reference to a license "issued and outstanding" for brevity.

In subsection (b)(2)(iii) of this section, the phrase "in accordance with" another provision of this article is substituted for the former phrase "by the workings of" another provision of this article for clarity.

Defined terms: "Board" § 18-101

"County" § 18-101

"License" § 1-101

"License holder" § 1-101

"Off-sale" § 1-101

**18-1602. DISTANCE RESTRICTION FROM SCHOOL.****(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE:**

**(I) WITH AN ON-SALE PRIVILEGE, FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A SCHOOL ACCREDITED BY THE STATE BOARD OF EDUCATION; OR**

**(II) WITH AN OFF-SALE PRIVILEGE, FOR AN ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF A SCHOOL ACCREDITED BY THE STATE BOARD OF EDUCATION.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE SCHOOL IS TO BE MEASURED IN A DIRECT LINE FROM THE NEAREST WALL OF THE ESTABLISHMENT TO THE PROPERTY LINE OF THE SCHOOL.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE ISSUED FOR AN ESTABLISHMENT LOCATED IN A MUNICIPALITY IN THE COUNTY;**

**(2) A SCHOOL THAT LOCATES ITS BUILDING WITHIN 500 FEET OF AN EXISTING LICENSED PREMISES; OR**

**(3) THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY 1, 2014.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-209(d) and (e).

In subsection (a)(1)(i) and (ii) of this section, the references to an "establishment" are substituted for the former references to a "building" to conform to the terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the reference to an "establishment" is substituted for the former reference to a "premises".

Also in subsection (a)(1)(i) and (ii) of this section, the former references to a license “to sell alcoholic beverages” are deleted as included in the defined term “license”.

In subsection (a)(2) of this section, the reference to “[t]he distance from the establishment to the school [being]” measured is added for clarity.

In subsection (b)(2) of this section, the former phrase “in the event” is deleted as unnecessary.

In subsection (b)(3) of this section, the former reference to certain provisions not “affect[ing], or prohibit[ing], in any manner,” the renewal or transfer of a certain license is deleted as included in the reference to the provisions not “apply[ing] to” the renewal or transfer of a certain license.

Defined terms: “Board” § 18–101

“County” § 18–101

“License” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

**18–1603. RESERVED.**

**18–1604. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**18–1605. CLASS B–BLX (LUXURY RESTAURANT) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BLX (LUXURY RESTAURANT) ON–SALE BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LUXURY–TYPE RESTAURANT THAT HAS:**

**(I) A CAPITAL INVESTMENT OF AT LEAST \$550,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR LEASES; AND**

**(II) SEATING FOR AT LEAST 150 INDIVIDUALS.**

**(2) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF BEER, WINE, AND LIQUOR.**

**(C) SIX-LICENSE LIMIT.**

**A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN MORE THAN SIX CLASS B AND CLASS BLX LICENSES IN ANY COMBINATION.**

**(D) PRESUMPTION OF INDIRECT INTEREST.**

**AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

**(1) A COMMON PARENT COMPANY;**

**(2) A FRANCHISE AGREEMENT;**

**(3) A LICENSING AGREEMENT;**

**(4) A CONCESSION AGREEMENT;**

**(5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;**

**(6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;**

**(7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

**(E) BOARD TO DEFINE “LUXURY-TYPE RESTAURANT”.**

**SUBJECT TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(7)(i) and (iii) through (vii).

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because the provision refers only to human beings.

Also in subsection (b)(1)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In subsection (c) of this section, the defined term “person” is substituted for the former reference to “individual, corporation, limited liability company, partnership, limited partnership, joint venture, association, or other person or combination of persons” for brevity. Similarly, in the introductory language of subsection (d) of this section, the word “persons” is substituted for the former reference to “individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons”.

In subsection (e) of this section, the phrase “[s]ubject to the requirements of subsection (b) of this section” is added for clarity.

Former Art. 2B, § 6–201(j)(1), which stated that former Art. 2B, § 6–201(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(j)(7)(ii), which stated that the license shall be applied for in the same manner as other classes of licenses, is deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 18–101

“Person” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

#### GENERAL REVISOR'S NOTE TO PART

Former Art. 2B, § 9–102(p), which authorized the Charles County Board of License Commissioners to issue two additional Class BLX licenses for use in a luxury-type restaurant for each Charles County Class BLX licensee who applies, is deleted as obsolete.

#### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**



**18-1701. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**
- (3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 18-1702 OF THIS SUBTITLE; AND**
- (2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 18-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 18-101  
 “License” § 1-101

**18-1702. REQUIREMENTS FOR TRANSFER.****(A) RECORD OF CRIMINAL CONVICTIONS.**

**(1) IF A LICENSE IS TO BE TRANSFERRED TO A DIFFERENT LICENSE HOLDER, THE BOARD SHALL INVESTIGATE WHETHER THE TRANSFEREE HAS A RECORD OF CRIMINAL CONVICTIONS AND REQUEST FROM THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC**

**SAFETY AND CORRECTIONAL SERVICES A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

**(2) THE BOARD SHALL ADOPT REGULATIONS TO PRESERVE THE CONFIDENTIALITY OF THE RECORDS OBTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) CONSIDERATION OF NEED FOR LICENSE AT DIFFERENT LOCATION.**

**IF A LICENSE IS TO BE TRANSFERRED TO A DIFFERENT LOCATION, THE BOARD SHALL CONSIDER THE EXISTING NEED FOR THAT CLASS OF LICENSE AT THE PROPOSED LOCATION.**

**(C) CERTIFICATION SHOWING VALUE OF PROPERTY AND PAYMENT OF TAXES.**

**A TRANSFER OF A LICENSE MAY NOT BE MADE UNLESS THE BOARD IS PRESENTED WITH:**

**(1) A CERTIFICATE FROM THE TREASURER OF THE COUNTY SHOWING THE VALUE OF THE MERCHANDISE, FIXTURES, AND INVENTORY, AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, FOR THE BUSINESS FOR WHICH THE APPLICATION IS MADE FOR THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR THE LICENSE IS TO BE ISSUED; AND**

**(2) A CERTIFICATE FROM THE COUNTY OR A MUNICIPALITY SHOWING THAT ALL REAL OR PERSONAL PROPERTY TAXES DUE THE COUNTY, THE MUNICIPALITY, OR THE STATE ARE PAID.**

**(D) TRANSFER PROHIBITED TO CERTAIN ESTABLISHMENTS.**

**EXCEPT BY WAY OF RENEWAL, A LICENSE MAY NOT BE TRANSFERRED TO A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE OR ITS FRANCHISOR OR FRANCHISEE, OR CONCESSIONAIRE OF ANY KIND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(j)(3) through (5) and, as it related to the transfer of a license, (6).

In subsection (a)(1) of this section, the reference to a requirement to "request from the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services a State and national criminal history records check" is added as implicit in the requirement for the

Board to “investigate whether the transferee has a police record of criminal convictions”.

Also in subsection (a)(1) of this section, the former reference to a “police” record of criminal convictions is deleted as surplusage.

In subsection (b) of this section, the former reference to a proposed “new” location is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a transfer “as authorized in subsection (a) of this section” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to unpaid “real or personal property taxes” is substituted for unpaid taxes due to the “County, incorporated city, or place where the licensed premises is to be located” and the “County or State of Maryland on the ... fixtures, and stock-in-trade where the licensed premises is to be located” for brevity.

Also in subsection (c)(2) of this section, the reference to the “County or a municipality” is substituted for the former reference to the “Treasurer of the county” for accuracy.

Also in subsection (c)(2) of this section, the reference to the requirement to show “that all real or personal property taxes due to the County, the municipality, or the State are paid” is substituted for the former reference to the requirement to show “that there are no unpaid taxes due from transferor or assignor to the:

1. County, incorporated city, or place where the licensed premises is to be located; and

2. County or State of Maryland on the merchandise, fixtures, and stock-in-trade where the licensed premises is to be located” for clarity, consistency, and brevity. *See, e.g.*, § 12–1502 of this article.

In subsection (d) of this section, the former reference to “any business establishment of the type known as” chain stores is deleted as surplusage.

Also in subsection (d) of this section, the former reference to a license “of any class” is deleted as surplusage.

Former Art. 2B, § 10–503(j)(1), which stated that former Art. 2B, § 10–503(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 18–101

“County” § 18–101

“License” § 1-101  
“License holder” § 1-101  
“State” § 1-101

**18-1703. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICANT FOR A TRANSFER OF LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL CERTIFY TO THE BOARD THAT THE APPLICANT:**

- (1) IS AN OFFICER OF THE CORPORATION OR LIMITED LIABILITY COMPANY;**
- (2) MEETS ANY OTHER QUALIFICATION FOR LICENSING;**
- (3) OWNS AT LEAST A 20% INTEREST OF THE STOCK OF THE CORPORATION OR A 20% INTEREST IN THE LIMITED LIABILITY COMPANY; AND**
- (4) WILL MAINTAIN AT LEAST 20% OF THE STOCK OR AT LEAST A 20% INTEREST AS LONG AS THE APPLICANT IS THE LICENSE HOLDER.**

**(B) CLASS BLX LICENSE EXCEPTION.**

**(1) THE OWNERSHIP REQUIREMENT IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO AN APPLICANT FOR A TRANSFER OF A CLASS BLX LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY IN WHICH:**

**(I) THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**(II) A MAJORITY OF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS:**

- 1. OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY COMPANIES; AND**
- 2. IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(C) REQUIREMENTS FOR DOCUMENTATION.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT TO THE BOARD:**

**(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION; AND**

**(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A SCHEDULE THAT SHOWS:**

**(I) FOR EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION, THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD; OR**

**(II) FOR EACH MEMBER HOLDING AT LEAST A 5% INTEREST IN A LIMITED LIABILITY COMPANY, THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD.**

**(D) SECURITIES AND EXCHANGE COMMISSION EXCEPTION.**

**THE SCHEDULE REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SECTION DOES NOT APPLY IF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(l)(2) through (4) and, as it related to an applicant for a transfer of a license, (1).

In subsection (a)(2) of this section, the former reference to licensing "under this section" is deleted as surplusage.

In subsection (a)(3) of this section, the reference to a 20% "interest" in the stock is added for clarity.

In subsection (a)(4) of this section, the phrase "of the stock" is added for consistency throughout the subsection.

Also in subsection (a)(4) of this section, the reference to "at least" a 20% interest is added for clarity.

Also in subsection (a)(4) of this section, the former reference to "in the corporation or limited liability company" is deleted for brevity.

In subsection (c)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined terms: “Board” § 18–101  
 “License” § 1–101

## **18–1704. FEES.**

### **(A) IN GENERAL.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$200, WHICH IS NONRETURNABLE.**

### **(B) POSTING FEE.**

**IN ADDITION TO THE FEE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, AN APPLICANT FOR A TRANSFER OF A LICENSE SHALL PAY TO THE BOARD A ONETIME POSTING FEE OF \$35.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(j)(2) and, as they related to the transfer of a license, §§ 10–104(j)(2)(i) and 10–202(b)(3)(i).

In subsection (a) of this section, the former reference to “an assignment” is deleted as included in the reference to “a transfer”.

In subsection (b) of this section, the reference to the “fee required” is substituted for the former reference to the “requirements set forth” for clarity.

Also in subsection (b) of this section, the former reference to the transfer of an “existing” license is deleted as implicit.

Former Art. 2B, § 10–104(j)(3), which stated that former Art. 2B, § 10–104 did not apply to renewals of licenses, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 18–101  
 “License” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **18–1801. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4-403 (“RENEWAL APPLICATION”);**
- (3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);**
- (4) § 4-408 (“ISSUANCE OF RENEWED LICENSES”);**
- (5) § 4-409 (“MULTIPLE LICENSES”); AND**
- (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTION.**

**SECTION 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 18-1802 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 18-1803 OF THIS SUBTITLE; AND**
- (2) § 4-406 (“PROTESTS”), SUBJECT TO § 18-1804 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 18-101  
“License” § 1-101

**18-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**(A) TIME FOR FILING.**

**TO RENEW A LICENSE, THE LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD ON OR BEFORE MARCH 31.**

**(B) LATE FILING.**

**THE BOARD:**

**(1) SHALL ACCEPT LATE RENEWAL APPLICATIONS THROUGH THE DATE OF THE NEXT BOARD MEETING FOLLOWING MARCH 31; AND**

**(2) MAY FINE THE LICENSE HOLDER \$50 FOR EACH DAY THE APPLICATION IS LATE, UP TO A MAXIMUM TOTAL OF \$500 PER RENEWAL APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(i)(2).

In subsection (a) of this section, the reference to filing an application “with the Board” is added for clarity.

Also in subsection (a) of this section, the reference to “the license holder” is added to state expressly what was only implied in the former law, that the renewal application must be filed by the license holder.

In subsection (b) of this section, the reference stating that “[t]he Board ... shall accept” a late renewal application, subject to a fine, is substituted for the former reference stating that “a person who files” a late renewal application, subject to a penalty, for clarity.

In subsection (b)(1) of this section, the reference to a “late” renewal application is substituted for the former reference to a renewal application filed “after March 31” for clarity.

Also in subsection (b)(1) of this section, the reference to the acceptance of late renewal applications “through” the date of the next Board meeting is substituted for the former reference stating that “[a] renewal application may not be submitted later than” the date of the next Board meeting for clarity and brevity.

In subsection (b)(2) of this section, the reference stating that the Board “may fine the license holder” \$50 per day the renewal application is late is substituted for the former reference stating that a person who files a late renewal application “is subject to a penalty of” \$50 per day the renewal application is late for clarity.



Defined terms: “Board” § 18–101  
“License” § 1–101  
“License holder” § 1–101

**18–1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNLESS THE LICENSE HOLDER PRESENTS TO THE BOARD CERTIFICATION FROM THE TREASURER OF THE COUNTY SHOWING:**

**(1) THE VALUE OF THE INVENTORY AND PERSONAL PROPERTY, AS CERTIFIED TO THE COUNTY BY THE STATE DEPARTMENT OF ASSESSMENT AND TAXATION, OF THE UNDERLYING BUSINESS FOR THE PREVIOUS CALENDAR YEAR; AND**

**(2) THAT THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT TO:**

**(I) THE COUNTY, A MUNICIPALITY, OR A TOWN WHERE THE LICENSED PREMISES IS LOCATED; AND**

**(II) THE COUNTY OR THE STATE ON THE INVENTORY AND PERSONAL PROPERTY OF THE UNDERLYING BUSINESS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(i)(1).

The references to the “inventory” of a business are substituted for the former references to the “stock-in-trade” of a business for clarity, brevity, and consistency within this revision.

In item (1) of this section, the reference to the “inventory and personal property ... of the underlying business” is substituted for the former reference to the merchandise, fixtures, or “stock-in-trade for the business for which the application is made” for brevity. Similarly, in item (2)(ii) of this section, the reference to “the underlying business” is substituted for the former reference to “where the licensed premises is to be located”.

Also in item (1) of this section, the reference to the “previous” calendar year is substituted for the former reference to the calendar year “next preceding the year the license is to be issued” for clarity and brevity.

In item (2)(i) of this section, the reference to a “municipality” is substituted for the former reference to an “incorporated city” for consistency with the terminology of the Local Government Article.

Defined terms: “Board” § 18–101

“County” § 18–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

#### **18–1804. PROTESTS.**

##### **(A) BASIS OF PROTEST; OATH REQUIRED.**

##### **A PROTEST OF A LICENSE RENEWAL SHALL:**

**(1) SPECIFY THE BASIS ON WHICH THE PROTEST IS MADE; AND**

**(2) BE FILED UNDER OATH.**

##### **(B) DENIAL OF PROTEST WITHOUT HEARING.**

**THE BOARD WITHOUT A HEARING MAY APPROVE A LICENSE RENEWAL THAT IS UNDER PROTEST IF THE BOARD FINDS THAT THE BASIS OF THE PROTEST LACKS SUBSTANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(a)(1)(iii)3, the first clause of 1, and, as it related to protests of license renewals in Charles County, 2.

In the introductory language of subsection (a) of this section, the reference to a protest “of a license renewal” is added for clarity.

In subsection (b) of this section, the reference to a license renewal “that is under protest” is added for clarity.

Defined terms: “Board” § 18–101

“License” § 1–101

#### **18–1805. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 18–1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(6), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 18–1502 of this title,” is added to clarify that this section is an exception to § 18–1502.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 18–101

“State” § 1–101

“Wine” § 1–101

#### **18–1806. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

**SECTION 18–1506 OF THIS TITLE DOES NOT APPLY TO THE RENEWAL OF A LICENSE ISSUED BEFORE MAY 1, 2014.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–209(e), as it related to the renewal of a license.

The former reference to provisions “affect[ing], or prohibit[ing], in any manner,” is deleted as unnecessary.

Defined term: “License” § 1–101

#### **18–1807. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–103(b)(13)(vi)2C.

Defined term: “License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**18–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 18–1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 18–101

“License” § 1–101

“License holder” § 1–101

**18–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) INDIVIDUALS AT LEAST 18 YEARS OLD.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES IN A RESTAURANT IN CONNECTION WITH SERVING A MEAL.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS BARTENDER OR IN ANY SOLELY BAR-RELATED CAPACITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-209.2.

The references to an "individual" are substituted for the former references to "[p]ersons" because this section applies only to human beings.

In subsection (b) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the phrase "bar-related capacity" is unclear.

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

**18-1903. UNOBSTRUCTED VIEW REQUIRED.**

**(A) IN GENERAL.**

**A LICENSE HOLDER OR AGENT OR EMPLOYEE OF THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES ONLY IN A ROOM HAVING AT LEAST ONE PLAIN GLASS WINDOW OR DOOR THAT ALLOWS AN INDIVIDUAL STANDING ON THE OUTSIDE TO OBSERVE THE INTERIOR OF THE LICENSED PREMISES AT ALL HOURS.**

**(B) OBSTRUCTIONS NOT ALLOWED.**

**THE VIEW AFFORDED BY THE WINDOW OR DOOR MAY NOT BE OBSTRUCTED.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$250 OR IMPRISONMENT OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–209.

In subsection (a) of this section, the reference to “an individual” is substituted for the former reference to “persons” because this section applies only to human beings.

Also in subsection (a) of this section, the former reference to a “servant” is deleted as included in the reference to an “agent or employee”.

In subsection (b) of this section, the language stating that “[t]he view afforded by the window or door may not be obstructed” is substituted for the former language stating that “no curtain, blind, screen or other obstruction shall be placed before such windows, or doors” for clarity.

In subsection (c) of this section, the former reference to “any of the provisions of” this section is deleted as surplusage.

Also in subsection (c) of this section, the former phrase “upon trial” is deleted as unnecessary in light of the phrase “on conviction”.

Also in subsection (c) of this section, the former phrase “in the county jail or in the house of correction” is deleted as surplusage.

Also in subsection (c) of this section, the former references to a fine of “not less than \$50” and confinement “for not less than 60 days” are deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, there is no maximum imprisonment time indicated.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **18–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, OPERATOR, OR MANAGER OF A LICENSED PREMISES UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Charles County, (2) and the first clause of the first sentence of § 11-509(b).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a licensed premises under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

**18–2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**RESERVED.**

**(B) CLASS B BEER LICENSE.**

**RESERVED.**

**(C) CLASS C BEER LICENSE.**

**RESERVED.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(E) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.**

**(1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES SET OUT IN SUBSECTION (D) OF THIS SECTION.**

**(2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME SET OUT IN SUBSECTION (D) OF THIS SECTION.**



**(F) SALE OF NONALCOHOLIC ITEMS.****A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(G) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the first sentence and the second sentence of (b), and the second sentence of (c).

In the introductory language of subsection (d) of this section, the reference to "sell beer" is substituted for the former reference to "the hours of sale for alcoholic beverages" to conform to the terminology used throughout this article.

In subsection (g) of this section, the reference to "imprisonment" is substituted for the former reference to "confine[ment] in the county jail or in the house of correction" to conform to the terminology used in this and other revised articles.

Also in subsection (g) of this section, the former minimum penalty of \$50 or 60 days in the county jail or house of correction is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11-509(a)(1), which stated that former Art. 2B, § 11-509 applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

The first sentence of former Art. 2B, § 11-509(c), which stated that the hours stated in this section are in accordance with Eastern Standard Time or daylight time, when either is in effect, is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"On-sale" § 1-101

“Person” § 1-101

**18-2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**RESERVED.**

**(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**RESERVED.**

**(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(E) CLASS H BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS H BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(F) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.**

**(1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES SET OUT IN SUBSECTIONS (D) AND (E) OF THIS SECTION.**

**(2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME SET OUT IN SUBSECTIONS (D) AND (E) OF THIS SECTION.**

**(G) SALE OF NONALCOHOLIC ITEMS.**

**A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(H) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the first sentence and the second sentence of (b), and the second sentence of (c).

In subsection (h) of this section, the reference to "imprisonment" is substituted for the former reference to "confine[ment] in the county jail or in the house of correction" to conform to the terminology used in this and other revised articles.

Also in subsection (h) of this section, the former minimum penalty of \$50 or 60 days in the county jail or house of correction is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101

"On-sale" § 1-101

"Person" § 1-101

**18-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**A HOLDER OF A CLASS B-BLX (LUXURY RESTAURANT), B-H (HOTEL), B-N (NIGHTCLUB), B-R (RESTAURANT), B-RB (RESTAURANT/BAR), OR B-T (TAVERN) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(E) PART OF PREMISES OPEN ONLY DURING HOURS OF SALE.**

**(1) THE PART OF A PREMISES WHERE ALCOHOLIC BEVERAGES ARE SOLD OR DISPLAYED MAY BE OPEN ONLY DURING THE HOURS OF SALE FOR**

**ALCOHOLIC BEVERAGES SET OUT IN SUBSECTIONS (A) THROUGH (D) OF THIS SECTION.**

**(2) A LICENSE HOLDER WITH AN ON-SALE LICENSE SHALL REMOVE ALL BOTTLES AND CONTAINERS FROM THE TABLE ON OR BEFORE THE CLOSING TIME SET OUT IN SUBSECTIONS (A) THROUGH (D) OF THIS SECTION.**

**(F) SALE OF NONALCOHOLIC ITEMS.**

**A LICENSE HOLDER MAY SELL NONALCOHOLIC ITEMS:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 5 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(G) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-509(a)(2) and (3), the second clause of the first sentence and the second sentence of (b), and the second sentence of (c).

In subsection (g) of this section, the reference to "imprisonment" is substituted for the former reference to "confine[ment] in the county jail or in the house of correction" to conform to the terminology used in this and other revised articles.

Also in subsection (g) of this section, the former minimum penalty of \$50 or 60 days in the county jail or house of correction is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"On-sale" § 1-101

"Person" § 1-101

"Wine" § 1-101

**18-2005. HOURS ON JANUARY 1.**

**ON APPLICATION, THE BOARD SHALL ISSUE A SPECIAL PERMIT AUTHORIZING THE LICENSE HOLDER TO STAY OPEN ON JANUARY 1 DURING HOURS THAT ARE SUBJECT TO REGULATIONS THAT THE BOARD ADOPTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(j)(2).

The defined term "license holder" is substituted for the former reference to "licensees therein" for clarity.

The reference to an authorization for a license holder to stay open, subject "to regulations that the Board adopts" is substituted for the former reference to an authorization "without regard to any restrictions as to hours or days of sale contained in this subtitle. However, licensees are subject to regulations adopted by the Board" for brevity.

The former reference to regulations "restricting and specifying the hours during which classes of those licensees may stay open on New Year's Day" is deleted as surplusage.

Former Art. 2B, § 11-402(j)(1), which stated that former Art. 2B, § 11-402(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 18-101  
 "License holder" § 1-101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 11-403(a)(10), which stated that former Art. 2B, § 11-403(a)(1) did not apply in Charles County, is deleted as unnecessary in light of the organization of this revised article.

The third sentence of former Art. 2B, § 11-509(b), which prohibited the sale of any alcoholic beverages between midnight on Sunday and 6 a.m. on Monday, is deleted as redundant of §§ 18-2002(d), 18-2003(d) and (e), and 18-2004, which prohibit the sale of alcoholic beverages before 6 a.m. on Monday and after midnight on Sunday.

### **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

#### **18-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(7), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "County" § 18-101

"License" § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **18-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: "County" § 18-101

"License" § 1-101

### **18-2202. SEASONAL CLOSING.**

**THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR NOT MORE THAN 6 MONTHS IF:**

**(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND**

**(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(f)(2)(i) and, as it related to Charles County, (1).

In item (1) of this section, the former phrase "under its jurisdiction" is deleted as surplusage.

Defined terms: "Board" § 18-101

"License holder" § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.****18-2301. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4-806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 18-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 18-101

“License” § 1-101

“License holder” § 1-101

**18-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR**



**CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**(1) A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE BOARD MAY ISSUE A RENEWAL LICENSE UNDER THIS SUBSECTION WITHOUT A HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(d) and (b)(5).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(1)(iii) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

In subsection (b)(2) of this section, the reference to the authority of the Board to “issue a renewal license under this subsection without a hearing” is substituted for the former reference stating that the “requirements for a renewal license ... shall be handled by the Board of License Commissioners administratively and without the necessity of a hearing” for clarity and brevity.

Defined terms: “Board” § 18–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **18–2401. APPLICATION OF GENERAL PROVISIONS.**

#### **TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 18–101

**18-2402. COSTS.****(A) CLERK TO COLLECT.**

**BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:**

**(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

**(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.**

**(B) NO ASSESSMENT AGAINST BOARD.**

**THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(d), as it related to Charles County.

In subsection (a) of this section, the references to "an action for judicial review" and "the petitioner" are substituted for the former incorrect references to "an appeal" and "the persons or persons so appealing" to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: "Board" § 18-101

"County" § 18-101

**18-2403. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)5.

The reference to the "circuit court for the County" is substituted for the former reference to the "court" for clarity.

Defined terms: "Board" § 18-101

“County” § 18–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**18–2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN UNLICENSED ESTABLISHMENT THAT OFFERS OR PROVIDES LIVE ENTERTAINMENT MAY NOT, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED:**

- (1) ALCOHOLIC BEVERAGES;**
- (2) SETUPS; OR**
- (3) OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

**(B) EXCEPTION.**

**AS LONG AS LIVE ENTERTAINMENT IS NOT OFFERED OR PROVIDED ON MORE THAN 8 DAYS IN A CALENDAR MONTH, THE FOLLOWING ARE EXEMPTED FROM THE PROHIBITIONS IN SUBSECTION (A) OF THIS SECTION:**

- (1) THE ROOM OF A REGISTERED GUEST IN A HOTEL OR MOTEL;**
- (2) PROPERTY OWNED BY A VOLUNTEER FIRE COMPANY;**
- (3) PROPERTY OWNED AND OPERATED BY A COMMUNITY OR HOMEOWNERS ASSOCIATION COMPOSED ONLY OF PROPERTY OWNERS IN A SINGLE SUBDIVISION; OR**
- (4) PROPERTY OWNED BY A RELIGIOUS INSTITUTION.**

**(C) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–105(a), (b), (d), (e), and (f).

In subsection (a) of this section, the former reference to a club serving or allowing a customer to consume alcoholic beverages “after legal closing hours for establishments licensed under this article from supplies that the patrons previously purchased or reserved” is deleted as included in the prohibition against an establishment serving or allowing a customer to consume at any time alcoholic beverages that have been previously purchased by the customer.

Also in subsection (a) of this section, the reference to an “establishment” is substituted for the former reference to a “person, corporation, partnership, club, or organization” for clarity and consistency within this article.

In subsection (a)(1) of this section, the former reference to an establishment that offers or provides live entertainment “to its members or to the public” is deleted as surplusage.

In subsection (b)(4) of this section, the former reference to a “bona fide” religious institution is deleted as setting an unconstitutional standard for a religious institution to meet.

Former Art. 2B, § 20–105(c), which stated that former Art. 2B, § 20–105 applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **18–2502. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

### **(A) CONSUMING OR TRANSFERRING OF ALCOHOLIC BEVERAGES.**

**ALCOHOLIC BEVERAGES MAY NOT BE BROUGHT INTO AN ESTABLISHMENT AND CONSUMED OR TRANSFERRED IF THE ESTABLISHMENT IS A PLACE OF ADULT ENTERTAINMENT THAT PROVIDES ENTERTAINMENT LISTED UNDER § 4–605 OF THIS ARTICLE.**

### **(B) PENALTY.**

**(1) AN OPERATOR OF A PLACE OF ADULT ENTERTAINMENT THAT KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IN THE ESTABLISHMENT IS**

**GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(j)(2).

In subsections (a) and (b) of this section, the references to "establishment" are substituted for the former references to "premises" for clarity and consistency within this subtitle.

Also in subsections (a) and (b) of this section, the references to "adult" entertainment are substituted for the former references to "public" entertainment for clarity.

Former Art. 2B, § 11-304(j)(1), which provided that former Art. 2B, § 11-304(j) applied only in Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Alcoholic beverage" § 1-101

**18-2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF**

**ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a)(1) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

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

**SUBTITLE 26. ENFORCEMENT.**

**18-2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6-202 ("INSPECTIONS");**

**(2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES");**

(3) § 6-204 (“POWER TO SUMMON WITNESSES”);

(4) § 6-205 (“PEACE OFFICERS”);

(5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 18-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 18-101

“State” § 1-101

**18-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(6).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 18–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **18–2701. 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) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

(8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

(16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(18) § 6-327 (“TAX EVASION”);

(19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(20) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 18-2702 OF THIS SUBTITLE; AND

**(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 18-2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 18-101  
“License holder” § 1-101  
“Retail dealer” § 1-101

**18-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) PENALTY.**

**(1) IF A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER VIOLATES § 6-304 OF THIS ARTICLE:**

**(I) THE BOARD MAY IMPOSE ON THE LICENSE HOLDER:**

**1. FOR THE FIRST OFFENSE, A FINE NOT EXCEEDING \$750 OR A SUSPENSION OF THE LICENSE NOT EXCEEDING 3 DAYS OR BOTH; AND**

**2. FOR EACH SUBSEQUENT OFFENSE, A PENALTY THAT THE BOARD DETERMINES; AND**

**(II) THE BOARD MAY IMPOSE ON THE EMPLOYEE A FINE NOT EXCEEDING \$500 FOR EACH OFFENSE.**

**(2) WHEN DETERMINING THE NUMBER OF DAYS FOR A SUSPENSION OF A LICENSE FOR A SUBSEQUENT OFFENSE AS PROVIDED FOR IN PARAGRAPH (1)(i)2 OF THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

**(I) THE CLASS OF LICENSE; AND**

**(II) THE ECONOMIC IMPACT THAT THE SUSPENSION WILL HAVE ON THE BUSINESS, TAKING INTO ACCOUNT THE TOTAL SALES OF ALCOHOLIC BEVERAGES OF THE LICENSED ESTABLISHMENT BEFORE THE SUSPENSION COMPARED TO THE ESTIMATED TOTAL SALES DURING THE SUSPENSION.**

**(3) A FINE IMPOSED UNDER THIS SECTION SHALL BE IMPOSED SUBJECT TO § 10-1001 OF THE STATE GOVERNMENT ARTICLE.**

**(D) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**(E) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 12-108(a)(2) and (3)(ii) and (f)(2) and 16-507(j)(2), (3), and (4) and the second sentence of (1).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or the court sitting as a jury” for brevity.

Also in subsection (b)(1) of this section, the former phrase “in fact” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “violat[ing] § 6–304 of this article” is substituted for the former reference to “sell[ing] alcoholic beverages to a person under 21 years of age” for brevity and clarity.

In subsection (c)(1)(i) of this section, the reference to imposing certain penalties “on the license holder” is added for clarity.

In subsection (c)(2)(ii) of this section, the former phrase “ratio between” is deleted as surplusage.

Also in subsection (c)(2)(ii) of this section, the reference to the total sales of alcoholic beverages “of the licensed establishment” is added for clarity.

In subsection (c)(3) of this section, the references to a fine “imposed” are substituted for the former references to a fine “levied” for clarity and consistency with other similar provisions of this article.

In subsection (d) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Former Art. 2B, § 12–108(f)(1)(iii), which stated that former Art. 2B, § 12–108(f)(2) applied to Charles County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 18–101

“County” § 18–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

**18–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 18-101  
 "License holder" § 1-101  
 "State" § 1-101

**18-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) "KNOWINGLY" DEFINED.**

**IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

- (1) A HABITUAL DRUNKARD;**
- (2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–110(a) and, as it related to Charles County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “mentally retarded” in the Code with “intellectual disability”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court”

are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder's employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6-402 of this article.

Defined terms: "Alcoholic beverage" § 1-101

"License holder" § 1-101

### **18-2705. SELLING OR PROVIDING GO CUPS.**

**A RETAIL DEALER MAY NOT SELL OR PROVIDE A GO CUP TO AN INDIVIDUAL TO CONSUME ALCOHOLIC BEVERAGES OFF THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-209.1.

The defined term "retail dealer" is substituted for the former reference to a "retail alcoholic beverages licensee" to conform to the terminology used throughout this article.

The former word "give" is deleted as included in the word "provide".

Defined terms: "Alcoholic beverage" § 1-101

"Retail dealer" § 1-101

## **SUBTITLE 28. PENALTIES.**

### **18-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 18-101



**18-2802. PENALTY IMPOSED BY BOARD.**

**(A) IN GENERAL.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION OF A PROVISION OF THIS ARTICLE THAT APPLIES IN THE COUNTY.**

**(2) THE FINE SHALL BE IMPOSED SUBJECT TO § 10-1001 OF THE STATE GOVERNMENT ARTICLE.**

**(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(j)(1) and (4).

In subsection (a) of this section, the former phrase “[n]otwithstanding any provision of this Code to the contrary” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a fine “imposed” is substituted for the former reference to a fine “levied” for clarity and consistency with other similar provisions of this article.

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Defined terms: “Board” § 18-101

“County” § 18-101

“License” § 1-101

**TITLE 19. DORCHESTER COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**19-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR DORCHESTER COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Dorchester County”.

**(C) COUNTY.**

**“COUNTY” MEANS DORCHESTER COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Dorchester County”.

**19-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN DORCHESTER COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**19-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 19–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(k), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

#### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

##### **19–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR DORCHESTER COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that a Board of License Commissioners for Dorchester County exists.

##### **19–202. MEMBERSHIP.**

###### **(A) COMPOSITION.**

**THE COUNTY COUNCIL SITS AS THE BOARD.**

###### **(B) SUBSTITUTE MEMBER.**

**(1) EACH MEMBER OF THE COUNTY COUNCIL MAY APPOINT A SUBSTITUTE MEMBER TO THE BOARD.**

**(2) THE SUBSTITUTE MEMBER SHALL BE FROM THE SAME COUNTY COUNCIL DISTRICT AS THE APPOINTING MEMBER OF THE COUNTY COUNCIL.**

**(3) THE SUBSTITUTE MEMBER SERVES:**

**(I) AT THE WILL OF THE APPOINTING MEMBER OF THE COUNTY COUNCIL; AND**

**(II) FOR AS LONG AS THE APPOINTING MEMBER OF THE COUNTY COUNCIL REMAINS IN OFFICE AS A MEMBER OF THE COUNTY COUNCIL.**

**(4) THE SUBSTITUTE MEMBER HAS ALL THE POWERS AND DUTIES OF THE APPOINTING MEMBER OF THE COUNTY COUNCIL WHEN ACTING ON THE BOARD.**

**(C) RESTRICTIONS.****(1) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN THE MANUFACTURE OF ANY ALCOHOLIC BEVERAGE; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE PURCHASE OR SALE OF AN ALCOHOLIC BEVERAGE, OTHER THAN THE SALARY PAYABLE FOR THE PERFORMANCE OF THE DUTIES OF THE POSITION REQUIRED UNDER THIS SECTION.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–105(b) and, as it related to Dorchester County, (a) and 15–112(k)(2)(ii) and, as it related to members of the Board, (i).

In subsections (a) and (b) of this section, references to the “County Council” are substituted for the former obsolete references to the “Board of County Commissioners” and “County Commissioners”. Similarly, in subsection (b) of this section, the references to a “member of the County Council” are substituted for the former references to a “commissioner” or “County Commissioner”.

In subsection (a) of this section, the reference to “sits as” is substituted for the former reference to “shall ex officio constitute” for brevity.

In subsection (b)(1) of this section, the reference to “[e]ach member of” the County Council is added for clarity.

In subsection (b)(4) of this section, the former reference to the “authority” of the substitute member is deleted as included in the reference to the “powers and duties” of the substitute member.

In subsection (c)(1)(i) of this section, the former phrase “in any alcoholic beverage purchased or sold under the provisions of this article” is deleted as included in subsection (c)(1)(ii) of this section.

In subsection (c)(1)(ii) of this section, the former reference to “wages” is deleted as included in the reference to “salary”.

Also in subsection (c)(1)(ii) of this section, the former reference to an “office” is deleted as included in the reference to a “position”.

Also in subsection (c)(1)(ii) of this section, the former reference to duties of the position “authorized” under this section is deleted as included in the reference to duties of the position “required” under this section.

Former Art. 2B, § 15–101(k), which provided a cross–reference to provisions applicable to Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 19–101

“County” § 19–101

“Person” § 1–101

## **19–203. COMPENSATION; STAFF.**

### **(A) COMPENSATION.**

**(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$3,000.**

**(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,500.**

### **(2) EXPENSES OF THE BOARD:**

**(I) ARE SUBJECT TO COUNTY PERSONNEL POLICIES AND RULES; AND**

**(II) SHALL BE PROVIDED FOR IN THE COUNTY BUDGET.**

### **(B) STAFF.**

**(1) THE BOARD MAY:**

**(I) EMPLOY AND SET THE COMPENSATION OF CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(II) WITH THE APPROVAL OF THE COUNTY COUNCIL:**

**1. EMPLOY AN INSPECTOR AND A RECORDING SECRETARY WHO SHALL BE EMPLOYEES OF THE COUNTY AS PROVIDED IN THE COUNTY BUDGET; AND**

**2. APPOINT LEGAL COUNSEL.**

**(2) RESTRICTIONS APPLICABLE TO MEMBERS OF THE BOARD UNDER § 19-202(C) OF THIS SUBTITLE SHALL APPLY TO LEGAL COUNSEL AND STAFF ASSIGNED TO THE BOARD.**

**(3) COUNTY PERSONNEL POLICIES AND RULES SHALL APPLY TO:**

**(I) STAFF ASSIGNED TO THE BOARD; AND**

**(II) STAFF EXPENSES.**

**(4) STAFF EXPENSES SHALL BE PROVIDED FOR IN THE COUNTY BUDGET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-109(k) and 15-112(a)(2) and, as it related to employees, (k)(2) and (3).

In subsection (a)(1)(i) of this section, the reference to a "chair" is substituted for the former reference to a "Chairman" because SG § 2-1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(1)(ii) of this section, the reference to "other" members of the Board is substituted for the former reference to "regular" members of the Board for clarity.

In subsection (b)(1) of this section, the former phrase "except as otherwise provided by this article" is deleted as unnecessary.

In subsection (b)(1)(i) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

Former Art. 2B, § 15–112(k)(1), which provided that former Art. 2B, § 15–112 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 19–101  
“County” § 19–101

**19–204. INSPECTOR MAY ISSUE SUMMONS.**

**THE INSPECTOR ASSIGNED TO THE BOARD MAY SERVE A SUMMONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)5.

Defined term: “Board” § 19–101

**19–205. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Dorchester County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 19–101

**SUBTITLE 3. LIQUOR CONTROL.**

**19–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 19-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 18-201, which required the Dorchester County Dispensary system to remain in operation until such time as the General Assembly enacts a comprehensive plan of legislation that creates a rational system of alcoholic beverages licenses for the county, is deleted as obsolete. There is no longer a dispensary system in the County. The Board of License Commissioners for the County is the license issuing authority.

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**19-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (8) § 2-211 ("RESIDENCY REQUIREMENT");**
- (9) § 2-212 ("ADDITIONAL LICENSES");**



(10) § 2-213 (“ADDITIONAL FEES”);

(11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 19-403 OF THIS SUBTITLE; AND

(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 19-404 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 19-101

“Manufacturer’s license” § 1-101

**19-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER'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 OR AN ELECTION DAY.**

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

The former phrase "[e]xcept as provided in subsections (b) and (c)" is deleted as unnecessary.

Defined terms: "Alcoholic beverage" § 1-101  
 "Manufacturer's license" § 1-101

**19-403. CLASS 6 PUB-BREWERY LICENSE.****(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) HOURS AND DAYS OF RETAIL SALE.**

**A HOLDER OF A CLASS 6 PUB-BREWERY LICENSE MAY SELL ALCOHOLIC BEVERAGES AT RETAIL:**

**(1) MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) SUNDAY FROM NOON TO MIDNIGHT, EXCEPT IF CHRISTMAS EVE OR NEW YEAR'S EVE IS ON A SUNDAY, THEN FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) ENTERPRISE ZONES.**

**(1) THE COMPTROLLER MAY ISSUE TO A SINGLE APPLICANT ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT**

**NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE IN THE COUNTY, IF THE APPLICANT HOLDS NO MORE THAN THREE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(2) THIS SUBSECTION DOES NOT LIMIT THE NUMBER OF CLASS 6 PUB-BREWERY LICENSES THAT THE COMPTROLLER MAY ISSUE IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a Class 6 pub-brewery license in Dorchester County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Dorchester County, the introductory language of (g)(1), § 11-510(b)(8), and, as it related to the availability of a Class 6 pub-brewery license in an enterprise zone, § 12-104(e)(6).

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding any other provisions of this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to selling alcoholic beverages “at retail” is added for clarity.

Defined terms: “Alcoholic beverage” § 1-101  
“Comptroller” § 1-101  
“County” § 19-101  
“License” § 1-101

**19-404. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; OR**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE COUNTY.**

**(C) ENTERPRISE ZONES.**

**(1) THE COMPTROLLER MAY ISSUE TO A SINGLE APPLICANT ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE IN THE COUNTY, IF THE APPLICANT HOLDS NO MORE THAN THREE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(2) THIS SUBSECTION DOES NOT LIMIT THE NUMBER OF CLASS 7 MICRO-BREWERY LICENSES THAT THE COMPTROLLER MAY ISSUE IN THE COUNTY.**

**(D) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO-BREWERY LICENSE ARE THE SAME AS THOSE FOR A CLASS D BEER LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-208(a), (b)(2)(x) and (3)(i) and (iii)3, and (f)(1)(iv) and, as it related to the availability of a Class 7 micro-brewery license in an enterprise zone, 12-104(e)(6).

In the introductory language of subsection (b) of this section, the qualification “[n]otwithstanding § 2-209(b) of this article” is added to reflect the availability of a Class 7 micro-brewery license to the holder of a Class D alcoholic beverages license in Dorchester County, even though the general rule, revised in § 2-209(b) of Division I of this article, allows only the holder of a Class B beer, wine, and liquor license to hold a Class 7 license.

Defined terms: “Comptroller” § 1-101

“County” § 19-101

“License” § 1-101

## **SUBTITLE 5. WHOLESALER'S LICENSES.**

### **19-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 19-101  
 "Wholesaler's license" § 1-101

**19-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 19-503 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

**19-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization

of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **19–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(k) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101

“Consumer” § 1–101

## **19–602. CLASS B BEER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(k) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

**19–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(k) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

**19–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**



**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(k) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **19-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(7), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 19–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **19–801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(k) and (a)(1).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(2) of this section, the word "sell" is substituted for the former word "deliver" to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**19-802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.****THERE IS A CLASS B BEER AND WINE LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE ISSUED ON OR BEFORE JUNE 30, 2008, FOR ON- AND OFF-PREMISES CONSUMPTION, MAY BE RENEWED BUT MAY NOT BE TRANSFERRED.**

**(C) FEE.****THE ANNUAL LICENSE FEE IS \$300.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(k) and, except as it related to on- and off-premises consumption, (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to issuing a license "[w]ithout seating capacity restrictions" is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to a license holder "[c]ontinu[ing] to exercise all of the privileges of the license throughout the term of the license" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**19-803. CLASS C BEER AND WINE LICENSE.****(A) ESTABLISHED.****THERE IS A CLASS C BEER AND WINE LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(k) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Wine" § 1-101

**19-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$275.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(k) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

### **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

#### **19-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

##### **(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(k) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Also in subsection (b)(1) of this section, the former reference to “keep[ing] for sale” is deleted as included in the reference to “sell[ing]”.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**19–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT, MOTEL, OR HOTEL THAT HAS A FACILITY:**

**(1) FOR SERVING FULL-COURSE MEALS AT LEAST TWICE DAILY; AND**

**(2) WITH SEATING AT TABLES FOR AT LEAST 50 INDIVIDUALS, NOT INCLUDING SEATS AT BARS OR COUNTERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(k)(2) and (3) and, as it related to the existence of a Class B license, (a)(1).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a "restaurant" facility is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "for at least 50 individuals" is substituted for the former reference to "for 50 or more persons" to conform to the style used throughout this revised article and because this subsection refers only to human beings.

Also in subsection (b)(2) of this section, the former reference to seating "capacity" is deleted as surplusage.

In subsection (c) of this section, the reference to "authorizes" is substituted for the former reference to "provides for" for accuracy.

Former Art. 2B, § 6-201(k)(1), which stated that former Art. 2B, § 6-201(k) applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 19-101

"Hotel" § 1-101

"Wine" § 1-101



**19-903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE COUNTY COUNCIL MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A YACHT CLUB AND COUNTRY AND GOLF CLUB THAT:**

**(I) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS BEFORE FILING THE APPLICATION FOR THE LICENSE;**

**(II) HAS AT LEAST 250 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER ADULT MEMBER;**

**(III) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(IV) OWNS OR OPERATES A CLUBHOUSE THAT IS ON THE PREMISES AND PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS;**

**(2) A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED THAT:**

**(I) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION THAT WAS GRANTED AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(II) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER;**

**(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(IV) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS;**

**(3) A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL ORGANIZATION THAT:**

**(I) IS COMPOSED OF INDUCTED MEMBERS;**

**(II) HAS BEEN OPERATING IN THE COUNTY FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(III) HAS AT LEAST 125 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER; AND**

**(IV) OWNS OR OPERATES A HOME OR CLUBHOUSE PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; OR**

**(4) THE NONPROFIT ORGANIZATION, SAILWINDS OF CAMBRIDGE, INC., SO LONG AS AN INDIVIDUAL OR GROUP OF INDIVIDUALS DOES NOT DERIVE PERSONAL PROFITS FROM THE OPERATION OF THE ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) WRISTBANDS DISTRIBUTED AT SAILWINDS.**

**WHEN ALCOHOLIC BEVERAGES ARE SERVED AT AN EVENT OPEN TO THE PUBLIC AT SAILWINDS OF CAMBRIDGE, INC., THE LICENSE HOLDER:**

**(1) MAY DISTRIBUTE A WRISTBAND AT THE EVENT TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

**(2) IF WRISTBANDS ARE DISTRIBUTED AT THE EVENT, MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO IS NOT WEARING A WRISTBAND.**

**(E) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$1,000.**

**(2) THE COUNTY COUNCIL SHALL REMIT THE LICENSE FEE:**

**(I) IF THE LICENSED PREMISES IS IN A MUNICIPALITY, TO THE GOVERNING BODY OF THE MUNICIPALITY; OR**

**(II) IF THE LICENSED PREMISES IS NOT IN A MUNICIPALITY, TO THE FINANCE DEPARTMENT OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (k)(2) through (8).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former references to a “bona fide” yacht club and golf and country club, a “bona fide” nonprofit organization or club, a “bona fide” nonprofit and nationwide fraternal organization, and “bona fide” members are deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to the County Council “issu[ing]” a license to an organization is substituted for the former reference to an organization “obtain[ing]” a license from the County Council to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b) of this section, the former phrase “[u]pon payment of the license fee,” is deleted as redundant of § 4–111 of this article.

In subsection (b)(1)(iv) and (2)(iv) of this section, the phrase “for its members and guests” is substituted for the former phrase “for no other purpose” for clarity.

In subsection (b)(1)(iv) of this section, the former phrase “and not directly or indirectly owned or operated as a public business” is deleted as implicit in the defined term “club”.

In subsection (b)(2)(i) of this section, the reference to a charter “that was granted” before the license application was made is added for clarity.

In subsection (b)(3) of this section, the former requirement that a lodge or chapter “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the lodge or chapter is part of a nonprofit organization.

In subsection (b)(3)(i) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of the fraternal organization” for brevity.

In subsection (b)(3)(ii) of this section, the former phrase “in existence” is deleted as implicit in the reference to “operating”.

In subsection (b)(4) of this section, the former reference to a license “renew[al]” is deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on-premises consumption”.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

In subsection (e)(2) of this section, the reference to “remit[ting]” is substituted for the former reference to “pay[ing]” for clarity.

Also in subsection (e)(2) of this section, the references to a “municipality” are substituted for the former references to “the corporate limits of any city or town” and “that city or town” to conform to the terminology used throughout this article.

Also in subsection (e)(2) of this section, the references to the “licensed premises” are substituted for the former reference to the “organization” for clarity.

In subsection (e)(2)(i) of this section, the reference to the “governing body” of a municipality is substituted for the former reference to the “mayor and city council” in order to cover all forms of municipal government.

Former Art. 2B, § 6–301(k)(1), which stated that former Art. 2B, § 6–301(k) applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

#### **19–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) BOARD MAY DETERMINE NUMBER OF LICENSES.**

**IN ACCORDANCE WITH § 4-202 OF THIS ARTICLE, THE BOARD MAY LIMIT THE NUMBER OF CLASS D BEER, WINE, AND LIQUOR LICENSES TO BE ISSUED.**

**(D) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(k)(2) through (5), (7), and (8)(ii) and the second and third sentences of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the phrase "at the place described in the license" is substituted for the former phrase "at the place described in it" for clarity.

In subsection (c) of this section, the reference to "limit[ing]" is substituted for the former reference to "decid[ing]" for clarity.

Also in subsection (c) of this section, the former reference to "only" the Board is deleted as unnecessary.

Former Art. 2B, § 6–401(k)(1), which stated that former Art. 2B, § 6–401(k) applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–401(k)(8)(i), which stated that the Board shall determine whether the premises for which a Class D license is issued meets the requirements of former Art. 2B, § 9–210, which prohibited a licensed establishment within a certain distance from a school or place of worship, is deleted as unnecessary because it merely restated common practice.

Defined terms: “Beer” § 1–101

“Board” § 19–101

“License” § 1–101

“Wine” § 1–101

#### **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**19–1001. RESERVED.**

#### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**19–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 19-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
“County” § 19-101  
“License” § 1-101  
“License holder” § 1-101  
“Wine” § 1-101

**19-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF:**

- (1) A CLASS B BEER LICENSE;**
- (2) A CLASS B BEER AND WINE LICENSE;**
- (3) A CLASS B BEER, WINE, AND LIQUOR LICENSE;**
- (4) A CLASS D BEER LICENSE;**
- (5) A CLASS D BEER AND WINE LICENSE; OR**
- (6) A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

- (1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) SHELVING FOR BEER RESTRICTED.**

**IN AN AREA OF THE LICENSED PREMISES THAT IS ACCESSIBLE TO THE PUBLIC, THE PERMIT HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER FOR OFF-PREMISES CONSUMPTION.**

**(E) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING LIMITING THE NUMBER OF REFILLABLE CONTAINER PERMITS THAT MAY BE ISSUED IN THE COUNTY.**

**(F) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-210(d), (f), (h), (k), and (m).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Also in subsection (a) of this section, the former reference to an "alcoholic beverages license" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container license is issued" for brevity.

Former Art. 2B, § 8-210(a), which defined "Board" to mean the Board of License Commissioners of Dorchester County, is deleted as redundant of the defined term "Board" in § 19-101 of this title.

Former Art. 2B, § 8-210(b), which stated that former Art. 2B, § 8-210 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.



Former Art. 2B, § 8–210(c), (e), (g), (i), (j), and (l) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Defined terms: “Beer” § 1–101

“Board” § 19–101

“License” § 1–101

“Off–sale” § 1–101

## **SUBTITLE 12. CATERER’S LICENSES.**

### **19–1201. CLASS B CATERER’S LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B CATERER’S LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON TO CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES IF THE PERSON HOLDS:**

**(I) A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) A CATERER’S LICENSE ISSUED BY THE COUNTY HEALTH DEPARTMENT.**

**(2) THE BOARD IS NOT REQUIRED TO PUBLISH AN APPLICATION BEFORE ISSUING THE LICENSE.**

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

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B BEER AND WINE LICENSE IS ISSUED; OR**

**(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) NOTICE REQUIREMENT.**

**THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE AN EVENT FOR WHICH THE LICENSE IS TO BE USED.**

**(E) FOOD AND WRISTBAND REQUIREMENTS.**

**THE LICENSE HOLDER:**

**(1) SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT; AND**

**(2) WHEN CATERING A PUBLIC EVENT:**

**(I) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL AT THE CATERED EVENT WHO IS AT LEAST 21 YEARS OLD; AND**

**(II) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL WHO IS NOT WEARING THE WRISTBAND.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(G) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CLASS B CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B RESTAURANT OR HOTEL LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a Class B caterer's license exists in Dorchester County.

Subsections (b) through (g) of this section are new language derived without substantive change from former Art. 2B, § 6-713(b) through (g).

In subsections (b)(1)(i), (c)(1)(i), and (g) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of not more than 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(2) of this section, the former reference to publishing an application “for a Class B caterer’s license” before issuing the license is deleted as surplusage.

In subsection (c)(1)(i) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(1)(ii) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c)(2) of this section, the reference to the “holder’s Class B license” is substituted for the former reference to the “holder’s Class B beer and light wine license or Class B beer, wine and liquor license” for brevity.

In subsection (e)(1) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (g) of this section, the reference to the premises for the “Class B restaurant or hotel” license is substituted for the former reference to the premises for the “holder’s” license for clarity.

Former Art. 2B, § 6–713(a), which stated that former Art. 2B, § 6–713 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 19–101

“County” § 19–101

“Hotel” § 1–101

“On-sale” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

#### **19–1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 (“PER DIEM LICENSES”);**
- (2) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**
- (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 19-1309 OF THIS SUBTITLE;**
- (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 19-1310 OF THIS SUBTITLE; AND**
- (3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY §§ 19-1309 AND 19-1310 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 19-101

**19-1302. RESERVED.**

**19-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**19-1304. BEER AND WINE FESTIVAL LICENSE.**

**(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS THE DORCHESTER COUNTY BEER AND WINE FESTIVAL.**

**(B) ESTABLISHED.**

**THERE IS A DORCHESTER COUNTY BEER AND WINE FESTIVAL (DBWF) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, CLASS 4 LIMITED WINERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY 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 40,000 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**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR THE FESTIVAL;**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED;  
AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.****(K) REGULATIONS.****THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-307(c) through (i) and (b)(1) and (3).

Throughout this section, the former references to a "special" license are deleted as surplusage.

Subsection (b) 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 a "retail" license is substituted for the former reference to an "existing State retail alcoholic beverages license ... issued under this article" for brevity.

Also in subsection (c) of this section, the former phrase "[n]otwithstanding any other provision of this article," is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the "license authoriz[ing] the holder" to display and sell is substituted for the former reference to the requirement that the "licensee shall" display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be "[p]rice filed in accordance with regulations adopted by the Comptroller" is deleted as obsolete. *See* General Revisor's Note to Division II.

In subsection (f)(2) of this section, the reference to a location that is not "already licensed" is substituted for the former reference to a location that is not "licensed under this article" for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former phrase "for this Festival" is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location "in the county" is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who "may hold" another license is substituted for the former statement that "[t]his

section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this section,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–307(a), which stated that former Art. 2B, § 8–307 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–307(b)(2), which defined “Board” to mean the Dorchester County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 19–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 19–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

## **19–1305. WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A 1–DAY WINE TASTING (WT) LICENSE.**



**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A WINE (W) LICENSE, BEER AND WINE (BW) LICENSE, OR BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF WINE FOR TASTING IF:**

- (1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE WINE; AND**
- (2) THE CONSUMER IS NOT CHARGED FOR THE WINE.**

**(D) PUBLICATION OF APPLICATION NOT REQUIRED.**

**THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A WT LICENSE BEFORE ISSUING THE LICENSE.**

**(E) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

- (1) 1 OUNCE FROM EACH OFFERING; AND**
- (2) 4 OUNCES FROM ALL OFFERINGS IN A DAY.**

**(F) FEE.**

**THE LICENSE FEE IS \$25 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-405.1(b) through (f).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Also in subsection (a) of this section, the former reference to "alcoholic beverages" is deleted in light of the reference to "wine" in accordance with the scope of this section.

In the introductory language of subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of wine is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former reference to “sampling” is deleted as included in the reference to “tasting”.

In subsection (c)(2) of this section, the former reference to consideration not being “exacted” is deleted as unnecessary in light of the reference to the consumer not being “charged”.

In the introductory language of subsection (e) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (e) of this section, the references to “each offering” and “all offerings” are substituted for the former references to “a single brand” and “all brands” for consistency with terminology used throughout the article.

Former Art. 2B, § 8–405.1(a), which stated that former Art. 2B, § 8–405.1 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 19–101

“Consumer” § 1–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

## **19–1306. BEER AND WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OF BEER OR WINE.**

**(2) THE HOLDER OF A CLASS A BEER LICENSE MAY USE THE LICENSE TO HOLD TASTINGS OF BEER ONLY.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING IF:**

**(1) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE; AND**

**(2) THE BEER OR WINE IS CONSUMED ON THE PREMISES OF THE HOLDER OF THE CLASS A LICENSE.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.**

**(3) THE BOARD MAY ISSUE THE LICENSE WITHOUT A PUBLIC HEARING.**

**(4) IF AN INITIAL LICENSE APPLICATION IS DENIED:**

**(I) THE APPLICANT MAY RESUBMIT THE APPLICATION; AND**

**(II) ON REQUEST FROM THE APPLICANT, THE BOARD SHALL HOLD A PUBLIC HEARING ON THE LICENSE APPLICATION BEFORE DETERMINING WHETHER TO ISSUE THE LICENSE.**

**(5) THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE THE EVENT AT WHICH THE LICENSE IS TO BE USED.**

**(6) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE HOLDER'S CLASS A LICENSE IS RENEWED.**

**(E) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) (I) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

**(II) 8 OUNCES FROM ALL OFFERINGS OF BEER IN 1 DAY; AND**

- (2) (I) 1 OUNCE FROM EACH OFFERING OF WINE; AND
- (II) 4 OUNCES FROM ALL OFFERINGS OF WINE IN 1 DAY.

(F) DISPOSAL OF REMAINING BEER OR WINE.

AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL PROPERLY DISPOSE OF BEER OR WINE THAT REMAINS IN A CONTAINER THAT WAS OPENED FOR TASTING.

(G) FEE.

THE LICENSE FEE IS:

- (1) \$150 FOR NOT MORE THAN 15 BEER OR WINE TASTINGS PER YEAR;
- OR
- (2) \$250 FOR NOT MORE THAN 30 BEER OR WINE TASTINGS PER YEAR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–405.2(b) through (h).

Throughout this section, the former references to “sampling” or “samplings” are deleted as redundant of the references to “tasting” or “tastings”.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer or wine is added for clarity and consistency with terminology used throughout this article.

In subsections (c) and (f) and in the introductory language of subsection (e) of this section, the references to “beer or wine” are substituted for the former references to the broader term “alcoholic beverages” in accordance with the scope of this section.

In the introductory language of subsection (e) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (e) of this section, the references to “each offering” and “all offerings” are substituted for the former references to “a single brand” and “all brands” for consistency with terminology used throughout this article.

Former Art. 2B, § 8–405.2(a), which stated that former Art. 2B, § 8–405.2 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 19–101

“Consumer” § 1–101

“Wine” § 1–101

**19–1307. RESERVED.**

**19–1308. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**19–1309. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER AND A CLASS C PER DIEM BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**A HOLDER OF A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE:**

**(1) MAY CATER AN EVENT AT THE PLACE DESCRIBED IN THE LICENSE ON THE EFFECTIVE DAYS OF THE LICENSE;**

**(2) SHALL DISTRIBUTE AT THE EVENT FOR WHICH THE LICENSE IS ISSUED A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

**(3) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY INDIVIDUAL WHO DOES NOT WEAR THE WRISTBAND.**

**(C) FEE.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR CLASS C PER DIEM BEER AND WINE LICENSE IS \$15 PER DAY.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE OF \$50; AND**

**(2) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF SUBSEQUENT REQUESTS FOR A LICENSE FOR CATERING ADDITIONAL EVENTS.**

REVISOR'S NOTE: Subsection (a) of this section is standard language added to establish licenses.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 7-101(b)(6).

Defined terms: "Alcoholic beverage" § 1-101

"Person" § 1-101

**19-1310. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE:**

**(1) MAY CATER AN EVENT AT THE PLACE DESCRIBED IN THE LICENSE ON THE EFFECTIVE DAYS OF THE LICENSE;**

**(2) SHALL DISTRIBUTE AT THE EVENT FOR WHICH THE LICENSE IS ISSUED A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

**(3) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO ANY INDIVIDUAL WHO DOES NOT WEAR THE WRISTBAND.**

**(C) FEE.**

**THE FEE FOR THE LICENSE IS \$25 PER DAY.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE OF \$50; AND**

**(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$500 AND DENIAL OF SUBSEQUENT REQUESTS FOR A LICENSE FOR CATERING ADDITIONAL EVENTS.**

REVISOR'S NOTE: Subsection (a) of this section is standard language added to establish licenses.

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

In subsection (d)(2) of this section, the reference to “subsequent requests” is substituted for the former reference to “further” requests for clarity.

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

**19–1311. CLUB LICENSE.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS THAT ENTITLES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THAT CLASS AT AN EVENT HELD BY A CLUB.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO CATER AN EVENT AT THE PLACE DESCRIBED IN THE LICENSE ON THE DAYS THAT THE LICENSE IS IN EFFECT.**

**(C) PUBLICATION OF APPLICATION NOT REQUIRED.**

**THE BOARD MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION UNDER THIS SECTION AS A PREREQUISITE TO THE ISSUING OF THE LICENSE.**

**(D) FORM OF APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE:**

- (1) COMPLETED ON A FORM THAT THE BOARD PROVIDES;**
  - (2) SIGNED BY THE APPLICANT; AND**
  - (3) NOTARIZED.**
- (E) FEES.**

**THE FEE IS:**

- OR**
- (1) \$15 PER DAY FOR A BEER LICENSE OR BEER AND WINE LICENSE;**
  - (2) \$25 PER DAY FOR A BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(n)(2) through (4), (6), and (7).

In subsection (a) of this section, the former reference to “except for any license issued by the Comptroller” is deleted as unnecessary in light of the division of authority between the Board and the Comptroller.

Also in subsection (a) of this section, the former reference to a club being “not for profit” is deleted as included in the definition of “club”.

Also in subsection (a) of this section, the former reference to a “society, association, or organization” is deleted as included in the definition of “club”.

In subsection (b) of this section, the former reference to a license “under this subsection” is deleted as surplusage.

Former Art. 2B, § 7–101(n)(1), which stated that former Art. 2B, § 7–101(n) applied only in Dorchester County, is deleted as unnecessary in light of the revised organization of this article.

Former Art. 2B, § 7–101(n)(5), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the routine practice of the Board.

Defined terms: “Board” § 19–101

“Club” § 1–101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**



**19-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (8) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (9) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTION.**

**SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 19-1403 THROUGH 19-1407 OF THIS SUBTITLE; AND**

**(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 19-1402 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Dorchester County.

Defined term: “County” § 19-101

**19-1402. 1-YEAR RESIDENCY REQUIREMENT.**

**AN APPLICANT SHALL BE A RESIDENT OF THE COUNTY FOR 1 YEAR BEFORE APPLYING FOR A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(4)(iii).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant be a resident of the County for 1 year before applying for the license 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: “County” § 19-101  
“License” § 1-101

**19-1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Dorchester County, 1.

Defined terms: “Board” § 19-101

“Central Repository” § 1–101  
“License” § 1–101

**19–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR CLERKS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)4.

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

The former phrase “[e]xcept as provided in subparagraph 6 of this subparagraph” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 19–101

**19–1405. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)5.

Defined term: “License” § 1–101

**19–1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2 and, as it related to Dorchester County, (vi)1.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

The reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: "Board" § 19-101

**19-1407. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)3.

The reference to the Board's ability to set "and charge" a fee is added to expressly state what was only implied in the former law.

The reference to the "applicant's" fingerprints is added for clarity.

Defined term: "Board" § 19-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**19-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**
- (2) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (3) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**

- (4) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (5) § 4-209 (“HEARING”);
- (6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4-212 (“LICENSE NOT PROPERTY”);
- (9) § 4-213 (“REPLACEMENT LICENSES”); AND
- (10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 19-1502 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

**(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 19-1502 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(3) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 19-1503 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 19-101

“License” § 1-101

“Local licensing board” § 1-101

**19-1502. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises "operated as" a bowling establishment is deleted as surplusage.

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

### **19-1503. NOTICE OF LICENSE APPLICATION.**

**(A) POSTING NOTICE ON PLACE SUBJECT TO APPLICATION.**

**THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

**(B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(b)(1)(i)6 and (ii).

In subsection (a) of this section, the reference to the "location" is substituted for the former reference to the "premises" for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days, for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with the language used in subsection (b) of this section.

In subsection (b) of this section, the reference to a “date” for an application hearing is added for clarity.

Defined terms: “Board” § 19–101

“License” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

#### **19–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

##### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET IN A DIRECT LINE OF A PLACE OF WORSHIP OR A PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL IS TO BE MEASURED FROM THE ESTABLISHMENT IN A DIRECT LINE TO THE NEAREST POINT OF THE MAIN BUILDING OF THE PLACE OF WORSHIP OR SCHOOL.**

##### **(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO THE ISSUANCE OF:**

**(1) A LICENSE FOR A PREMISES THAT WAS LICENSED ON OCTOBER 1, 1996;**

**(2) A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR A PREMISES IN CAMBRIDGE OR SECRETARY; OR**

**(3) A TEMPORARY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-210.

In subsection (a)(1) and (2) of this section, the references to an "establishment" are substituted for the former references to a "building" to conform to the terminology used throughout this article.

In subsection (a)(1) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (a)(1) of this section, the former reference to a license "to sell any alcoholic beverage" is deleted as included in the defined term "license". Similarly, in subsection (b)(1) of this section, the former reference to a license "to sell alcoholic beverages" is deleted.

Also in subsection (a)(1) of this section, the former reference to a "church" is deleted as included in the reference to a "place of worship".

In subsection (b)(3) of this section, the former reference to a "special" license is deleted as unnecessary in light of the reference to a "temporary" license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9-210(a), revised in subsection (a)(1) of this section, applies only to a kindergarten, an elementary school, or a secondary school, and not to a middle school.

Defined terms: "Board" § 19-101  
"License" § 1-101

**19-1602. RESERVED.**

**19-1603. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**19-1604. ADDITIONAL CLASS A LICENSES.**

**(A) AUTHORIZED HOLDER.**



**THE BOARD MAY ISSUE A CLASS A BEER LICENSE OR CLASS A BEER AND WINE LICENSE FOR A PREMISES LICENSED UNDER A CLASS B OR CLASS D LICENSE.**

**(B) BOARD MAY LIMIT NUMBER OF LICENSES.**

**THE BOARD MAY LIMIT THE NUMBER OF CLASS A BEER LICENSES AND CLASS A BEER AND WINE LICENSES THAT THE BOARD ISSUES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–6).

In this section, the former references to “additional” Class A licenses are deleted as surplusage.

In subsection (a) of this section, the reference to “[t]he Board” being the issuing authority is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provision of this section” is deleted as surplusage.

Defined terms: “Board” § 19–101  
“License” § 1–101

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**19–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–305 (“FILING FEE AND ENDORSEMENT”).**

**(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 19-1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10-503(k).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the substitution of names of officers that do not apply in the County.

Defined terms: “County” § 19-101  
“License” § 1-101

**19-1702. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.****(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.****(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT AND PAYMENT OF A \$5 FEE, THE BOARD SHALL:**

**(1) AMEND ITS RECORDS; AND****(2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first through fourth sentences of former Art. 2B, § 10-301(h)(1), as they related to Dorchester County.

In subsection (a) of this section, the former reference to an officer who has "been removed from office" is deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsection (a)(1) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any "class of alcoholic beverage" license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "notwithstanding any other provision of this article" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to an officer who has "been removed from office" is deleted as implicit in the reference to an officer who "no longer holds an office".

In subsection (a)(2) of this section, the reference to requirements "applicable to the original officer" is substituted for the former reference to requirements "the substitute would have to meet if the substitute were named in the original application" for brevity.

Also in subsection (a)(2) of this section, the former reference to a "fit" individual is deleted as implicit in the requirement that the individual be

approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In the introductory language of subsection (c) of this section, the former reference to a payment of \$5 “for this service” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 19–101  
 “Club” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **19–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 19–101  
 “License” § 1–101

##### **19–1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–103(b)(13)(vi)2C.

Defined term: “License” § 1–101

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**19-1901. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 19-1902 OF THIS SUBTITLE; AND**
- (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 19-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 19-101

“License” § 1-101

“License holder” § 1-101

**19-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A HOLDER OF A CLASS A BEER LICENSE MAY EMPLOY AN INDIVIDUAL AT LEAST 16 YEARS OLD TO STOCK BEER AT THE LICENSE HOLDER’S PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(b)(6).

The reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

The reference to the license holder’s “premises” is substituted for the former reference to the license holder’s “place of business” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “License holder” § 1–101

**19–1903. ALCOHOL AWARENESS CERTIFICATE VALID FOR ONLY ONE ESTABLISHMENT.**

**AN ALCOHOL AWARENESS PROGRAM CERTIFICATE OF COMPLETION HELD BY AN EMPLOYEE OR AN EMPLOYEE’S EMPLOYER MAY NOT BE USED AT MORE THAN ONE LICENSED ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(h)(2).

Former Art. 2B, § 13–101(h)(1), which stated that former Art. 2B, § 13–101(h) applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**19–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES THAT IS LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Dorchester County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1-101

“Person” § 1-101

**19-2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON EACH DAY OF THE WEEK, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER (ON-SALE) LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER (ON-SALE) LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from Art. 2B, §§ 11-403(a)(11) and 11-510(b)(1), (2), (4), and (5).

Throughout this section, the references to the authority of a holder of a license to "sell beer" are substituted for the former references to the hours during



which “beer license sales are permitted” to conform to the terminology used throughout this article.

In subsections (b) and (c) of this section, the former exemption from the prohibition against selling alcoholic beverages at a bar or counter on Sunday is deleted as unnecessary, as the prohibition is not stated here.

Former Art. 2B, § 11–510(a), which stated that former Art. 2B, § 11–510 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Beer” § 1–101

**19–2003. CLASS A WINE LICENSE.**

**A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–510(b)(9).

In the introductory language of this section, the reference to the authority of a holder of a Class A wine license to “sell wine” during specified times is substituted for the former reference to the times during which “sales are permitted” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**19–2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; AND**

**(2) EXCEPT AS PROVIDED IN § 19–2006 OF THIS SUBTITLE, ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS B BEER AND WINE (ON-SALE AND OFF-SALE) LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY FROM 10 A.M. TO MIDNIGHT.**

**(C) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(D) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(11) and 11-510(b)(3), (10), (11), and (12).

Throughout this section, the former phrase "[n]otwithstanding any other provisions of this subtitle" is deleted as unnecessary in light of the organization of this revised article.

Also throughout this section, the references to the authority of a holder of a license to "sell beer and wine" are substituted for the former references to the "hours for sale for alcoholic beverages" to conform to the terminology used throughout this article.

In subsections (b) and (c) of this section, the former exemption from the prohibition against selling alcoholic beverages at a bar or counter on Sunday is deleted as unnecessary, as the prohibition is not stated in these subsections.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**19-2005. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;  
AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 7 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 1:45 A.M. THE FOLLOWING DAY; AND**

**(2) EXCEPT AS PROVIDED IN § 19-2006 OF THIS SUBTITLE, ON SUNDAY, FROM NOON TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(11) and 11-510(b)(6), (7), (13), and (14).

Throughout this section, the references to the authority of a holder of a beer, wine, and liquor license to "sell beer, wine, and liquor" during specified times are substituted for the former references to the times during which "sales are permitted" or "sales are allowed" to conform to the terminology used throughout this article.

In subsections (b) and (c) of this section, the former exemption from the prohibition against selling alcoholic beverages at a bar or counter on Sunday is deleted as unnecessary, as the prohibition is not stated here.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**19-2006. HOURS ON DECEMBER 24 AND 31.**

**IF DECEMBER 24 OR DECEMBER 31 IS ON A SUNDAY, THE HOURS OF SALE ARE:**

**(1) FOR BEER LICENSES:**

**(I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) CLASSES B, C, AND D, FROM NOON TO 2 A.M. THE FOLLOWING DAY;**

**(2) FOR CLASS A WINE LICENSES, FROM NOON TO 2 A.M. THE FOLLOWING DAY;**

**(3) FOR BEER AND WINE LICENSES:**

**(I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

- (II) CLASS B, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND
- (III) CLASSES C AND D, FROM NOON TO 2 A.M. THE FOLLOWING DAY; AND
- (4) FOR BEER, WINE, AND LIQUOR LICENSES:
  - (I) CLASS A, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND
  - (II) CLASSES B, C, AND D, FROM NOON TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-510(b)(1), (2)(ii), (3)(ii), (4)(ii), (5)(ii), (6)(ii), (7)(ii), (9)(ii), (10)(ii), (11)(ii), (12)(ii), (13)(ii), and (14)(ii), as they related to hours of sale if Christmas Eve or New Year's Eve is on a Sunday.

#### **19-2007. HOURS FOR ON-PREMISES CONSUMPTION.**

##### **(A) IN GENERAL.**

##### **ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES IS ALLOWED:**

- (1) UNTIL 2 A.M. THE FOLLOWING DAY; OR
- (2) IF DECEMBER 24 OR DECEMBER 31 IS ON A SUNDAY, UNTIL 3 A.M. DECEMBER 25 OR JANUARY 1.

##### **(B) CLEARING OF TABLES AND BAR AREAS.**

**WHEN CONSUMPTION OF ALCOHOLIC BEVERAGES MUST END UNDER SUBSECTION (A) OF THIS SECTION, ALL TABLES AND BAR AREAS MUST BE CLEARED OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-510(c).

In subsection (a)(2) of this section, the reference to "December 24 or December 31" is substituted for the former reference to "Christmas Eve or New Year's Eve" for clarity.

Defined term: "Alcoholic beverage" § 1-101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.****19-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(8), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 19-101  
 “License” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.****19-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 19-101  
 “License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.****19-2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

(2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);

(3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND

(4) § 4-806 (“REFUND”).

(B) VARIATION.

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 19-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 19-101

“License” § 1-101

“License holder” § 1-101

**19-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

(A) **NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

(1) **ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

(I) **THE SURVIVING SPOUSE;**

(II) **THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

(III) **THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

(2) **THE NEW LICENSE SHALL BE ISSUED:**

(I) **FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.****(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

- (1) THE SURVIVING SPOUSE;**
- (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**
- (3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(6).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former



reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 19–101

“License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 24. JUDICIAL REVIEW.**

##### **19–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 19–101

#### **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

##### **19–2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

###### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO AN ESTABLISHMENT FOR WHICH THE BOARD HAS:**

**(1) ISSUED A LICENSE; OR**

**(2) APPROVED AN APPLICATION FOR A WAIVER OF THIS SECTION.**

###### **(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT, INCLUDING A PLACE OF ADULT ENTERTAINMENT THAT ALLOWS AT ITS LOCATION A FORM OF SEXUAL DISPLAY OR ATTIRE LISTED UNDER § 4–605 OF THIS ARTICLE, MAY NOT:**

**(1) KNOWINGLY ALLOW AN INDIVIDUAL TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT; OR**

**(2) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED ON THE PREMISES OF THE ESTABLISHMENT OR AT A LOCATION UNDER THE CONTROL OF THE ESTABLISHMENT:**

**(I) ALCOHOLIC BEVERAGES;**

**(II) SETUPS, INCLUDING DRINKING CONTAINERS AND ICE; AND**

**(III) OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE DUTIES OF THIS SECTION.**

**(D) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–105.1(a), (c), (d), (e), (f), and (g).

Subsection (b) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In subsection (b) of this section, the references to an “establishment” are substituted for the former defined term “bottle club”. Actions that were formerly included within the former defined term “bottle club” are prohibited under the substantive provisions of this subsection.

Also in subsection (b) of this section, the reference to “adult” entertainment is substituted for the former reference to “public” entertainment for clarity.

Also in subsection (b) of this section, the reference to a “location” is substituted for the former reference to a “premises” to avoid the implication that the location is licensed by the Board.

Also in subsection (b) of this section, the former reference to a “business” establishment is deleted as included in the reference to an establishment “for profit”.

In subsection (b)(2) of this section, the former reference to “dispens[ing]” alcoholic beverages is deleted as included in the reference to “serv[ing]” alcoholic beverages.

Former Art. 2B, § 20–105.1(b), which stated that former Art. 2B, § 20–105.1 applied only in Dorchester 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 subsection (a)(2) of this section refers to “an application for a waiver of this section” but does not specify under what conditions the application may be granted.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 19–101

“License” § 1–101

“Person” § 1–101

**19–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 19–2501 of this subtitle, a person who operates an unlicensed building who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment or place is subject only to a fine not exceeding \$50.

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

**SUBTITLE 26. ENFORCEMENT.****19–2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**
- (8) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 6–204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO § 19–2602 OF THIS SUBTITLE; AND**
- (2) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO § 19–2603 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 19–101  
“State” § 1–101

**19-2602. SERVICE OF SUMMONS.**

**IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204 OF THIS ARTICLE, AN INSPECTOR ASSIGNED TO THE BOARD MAY SERVE A SUMMONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(b)(2)(i)5.

The former reference to an inspector being "employed by Dorchester County" is deleted as surplusage.

Defined term: "Board" § 19-101

**19-2603. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED IN § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Dorchester County.

Defined term: "County" § 19-101

**SUBTITLE 27. PROHIBITED ACTS.****19-2701. 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) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**

- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-320 (“DISORDERLY INTOXICATION”);
- (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 19-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 19-2703 OF THIS SUBTITLE;

(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 19-2704 OF THIS SUBTITLE; AND

(4) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 19-2707 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 19-101

“License holder” § 1-101

“Retail dealer” § 1-101

**19-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) **SUMMONS; BAIL.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

(B) **DUE CAUTION STANDARD FOR NONRESIDENTS.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:



**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(c) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former reference to "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(iv), which stated that former Art. 2B, § 12-108(f)(2) applied in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 19-101  
"License holder" § 1-101  
"State" § 1-101

**19-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 19–101  
 “License holder” § 1–101  
 “State” § 1–101

**19–2704. UNLAWFUL DISPLAY OR CONSUMPTION OF OTHER ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**A PERSON MAY NOT DISPLAY OR CONSUME IN A LICENSED ESTABLISHMENT ANY ALCOHOLIC BEVERAGE OTHER THAN THOSE THAT THE LICENSE HOLDER OF THE LICENSED ESTABLISHMENT MAY SELL.**

**(B) CRIMINAL PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$25.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–202.

In subsection (a) of this section, the reference to a “licensed establishment” is substituted for the former reference to a “bar, restaurant, tavern or any other licensed place” for brevity.

Also in subsection (a) of this section, the reference to “consum[ing]” is substituted for the former reference to “drink[ing]” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “lawfully” selling is deleted as unnecessary.

In subsection (b) of this section, the former reference to a fine “not less than five dollars (\$5.00)” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Person” § 1–101

**19–2705. INDIVIDUAL UNDER THE AGE OF 21 YEARS ON CLASS D PREMISES — PROHIBITED.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE ON THE PREMISES FOR WHICH A CLASS D (ON–SALE) BEER, WINE, AND LIQUOR LICENSE HAS BEEN ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(k)(6).

Defined terms: “Beer” § 1–101

“On–sale” § 1–101

“Wine” § 1–101

**19–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON PREMISES.**

**(A) PROHIBITED.**

**A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ABOUT THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–210(b).

In subsection (a) of this section, the defined term “license holder” is substituted for the former reference to a “licensee under this article” for brevity and consistency throughout this article.

Also in subsection (a) of this section, the reference to “an individual under the age of 21 years” is substituted for the former reference to “a person not designated in § 1–102(a)(6) of this article” for clarity and consistency with other similar provisions of this article.

Also in subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

Also in subsection (a) of this section, the reference to “premises” is substituted for the former reference to “place of business” for brevity.

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).

Former Art. 2B, § 12–210(a), which stated that former Art. 2B, § 12–210 applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
 “License holder” § 1–101  
 “Person” § 1–101

### **19–2707. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–301(a)(2).

The former definition of “unless authorized” is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(iii), which stated that former Art. 2B, § 19–301(a)(2) applied in Dorchester 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 this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**SUBTITLE 28. PENALTIES.**

**19–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 19–101

**19–2802. PENALTY IMPOSED BY BOARD.**

**(A) FINE OR SUSPENSION.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS A CAUSE FOR SUSPENSION OF A LICENSE.**

**(B) CONDITIONS.**

**A PENALTY IMPOSED UNDER THIS SECTION:**

**(1) IS IN ADDITION TO AND DOES NOT LIMIT ANY OTHER PENALTY FOR THE SAME VIOLATION; AND**

**(2) IS INDEPENDENT OF ANY COURT ACTION BASED ON THE SAME VIOLATION.**

**(C) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(k)(2) through (4).

In subsection (a) of this section, the reference to a cause for suspension “of a license” is substituted for the former reference to a cause for suspension “under the provisions of this article that apply in the county” for brevity.

In subsection (c) of this section, the reference to “[f]ines” is substituted for the former reference to “[m]oney” to conform to the terminology used throughout this article.

Former Art. 2B, § 16–507(k)(1), which stated that former Art. 2B, § 16–507(k) applied only in Dorchester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 19–101

“County” § 19–101

“License” § 1–101

**TITLE 20. FREDERICK COUNTY.****SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.****20–101. DEFINITIONS.****(A) IN GENERAL.****IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Frederick County”.

**(C) COUNTY.**

**“COUNTY” MEANS FREDERICK COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Frederick County”.

**20–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN FREDERICK COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**20–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

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

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(l), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.****20–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR FREDERICK COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–103(a)(1).

Former Art. 2B, § 15–101(l), which provided a cross–reference to provisions applicable to Frederick County, is deleted as unnecessary in light of the organization of this revised article.

**20–202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A REGISTERED VOTER OF THE COUNTY DURING THE MEMBER'S TERM OF OFFICE; AND**

**(2) AN INDIVIDUAL OF GOOD MORAL CHARACTER AND INTEGRITY WHO REASONABLY REFLECTS THE CITIZENRY OF THE COUNTY.**

**(C) RESTRICTIONS.**



**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. A LICENSE HOLDER.**

**(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO FINE NOT EXCEEDING \$1,000.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 5 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(E) VACANCIES.**

**A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE, MISCONDUCT, NEGLIGENCE OF A DUTY REQUIRED BY LAW, OR UNPROFESSIONAL OR DISHONORABLE CONDUCT.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–103(a)(2) through (9) and (f)(2) and, as it related to members of the Board, (1)(i) and (ii) and 15–110(a), as it related to removal procedures.

In the introductory language of subsection (b) of this section, the reference to “[e]ach member of the Board” is substituted for the former phrase “[t]o qualify for appointment to the Board, a person.” for brevity.

In subsection (b)(1) of this section, the former reference to a member “continu[ing] to be a registered voter of the county” during the term of office is deleted as surplusage.

In subsection (c) of this section, the references to a “member” of the Board are substituted for the former references to a “Commissioner” of the Board to conform to the terminology used throughout this article.

In subsection (c)(2)(v) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsection (c)(2)(v)1 of this section, the former reference to “corporation” is deleted as included in the defined term “person”.

Also in subsection (c)(2)(v)1 of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the reference to “alcoholic beverages”.

In subsection (c)(2)(v)2 of this section, the defined term “license holder” is substituted for the former reference to a “licensee, licensed under the provisions of this article” to conform to the terminology used throughout this article.

In subsection (c)(3) of this section, the reference to “[a] person who” violates this subsection is added to conform to the terminology used in other similar provisions of this article.

In subsection (d)(2) of this section, the reference to the requirement that the terms of the members of the Board be staggered as required on July 1, 2016, is substituted for the former obsolete requirement that the terms be staggered as required on July 1, 1989. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Frederick County.

In subsection (e) of this section, the reference to a member serving “only for the rest of the term and” until a successor is appointed is added as standard language.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2) of this section, the reference to an individual “who reasonably reflects the citizenry of the County” is unclear.

Defined terms: “Board” § 20–101

“County” § 20–101

“License holder” § 1–101

“Person” § 1–101

## **20–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–103(b).

The reference to a “chair” is substituted for the former reference to a “chairperson” to conform to the terminology used in other similar provisions of this article.

Defined term: “Board” § 20–101

## **20–204. QUORUM; MEETINGS; COMPENSATION; STAFF.**

**(A) QUORUM.**

**A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

**(B) MEETINGS.**

**THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

**(C) COMPENSATION.**

**(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$7,000.**

**(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$6,500.**

**(2) THE CHAIR AND OTHER MEMBERS OF THE BOARD SHALL BE REIMBURSED FOR REASONABLE EXPENSES.**

**(D) STAFF.**

**(1) WITH THE APPROVAL OF THE GOVERNING BODY OF THE COUNTY, THE CHAIR OF THE BOARD MAY EMPLOY THE CLERICAL ASSISTANTS NECESSARY TO DISCHARGE THE DUTIES OF THE BOARD.**

**(2) THE SALARY OF THE CLERICAL ASSISTANTS SHALL BE SET BY THE GOVERNING BODY OF THE COUNTY AND PROVIDED FOR IN THE COUNTY BUDGET.**

**(3) THE RESTRICTIONS AND PENALTY UNDER § 20-202(C) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO EMPLOYEES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-103(c), (e), and (f)(2) and, as it related to employees of the Board, (1)(i) and (ii).

In subsection (c)(1)(i) of this section, the reference to a "chair" is substituted for the former reference to a "chairperson" to conform to the terminology used in other similar provisions of this article.

In subsection (c)(1)(ii) of this section, the reference to "[e]ach other" member is added for clarity.

In subsection (d)(3) of this section, the cross-reference to “§ 20–202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities” is substituted for the provisions in former Art. 2B, § 15–103(f)(1)(i) and (ii) and (2) applying to employees for brevity.

Former Art. 2B, § 15–109(l), which provided a cross-reference to the salary of the Board, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–112(l), which stated that the appointment of an inspector and the employment of clerical assistants in Frederick County are provided for in former Art. 2B, § 15–103, is deleted as obsolete in light of the organization of this revised article. The employment of clerical assistants is provided for in subsection (d) of this section, and the employment of inspectors is provided for in § 20–205 of this subtitle.

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

## **20–205. INSPECTORS.**

### **(A) APPOINTMENT.**

#### **THE BOARD MAY APPOINT:**

**(1) ONE CHIEF INSPECTOR; AND**

**(2) NOT MORE THAN:**

**(I) ONE FULL-TIME INSPECTOR IN ADDITION TO THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR; OR**

**(II) TWO PART-TIME INSPECTORS.**

### **(B) QUALIFICATIONS.**

**TO QUALIFY FOR APPOINTMENT AS AN INSPECTOR OF ANY TYPE, AN INDIVIDUAL SHALL:**

**(1) BE OF HIGH MORAL CHARACTER; AND**

**(2) POSSESS A SOUND REPUTATION FOR SOBRIETY, HONESTY, AND INTEGRITY.**

**(C) COMPENSATION.**

**(1) AN INSPECTOR OF ANY TYPE SHALL:**

**(I) RECEIVE THE COMPENSATION SET BY THE GOVERNING BODY OF THE COUNTY AND PROVIDED FOR IN THE COUNTY BUDGET;**

**(II) BE REIMBURSED FOR REASONABLE EXPENSES; AND**

**(III) RECEIVE REIMBURSEMENT FOR MILEAGE AT THE STANDARD RATE SET BY THE GOVERNING BODY OF THE COUNTY.**

**(2) REIMBURSEMENT FOR MILEAGE DOES NOT INCLUDE TRAVEL TO AND FROM THE INSPECTOR'S HOME AND OFFICE.**

**(D) POWERS AND DUTIES.**

**(1) AN INSPECTOR OF ANY TYPE:**

**(I) MAY ISSUE A CIVIL CITATION AS ALLOWED UNDER § 20-2603 OF THIS TITLE; AND**

**(II) SHALL:**

**1. POSSESS THE POWER OF A PEACE OFFICER IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**

**2. SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS OR VIOLATIONS THAT THE INSPECTOR OBSERVED OR THAT WERE REPORTED TO THE INSPECTOR;**

**3. ASSIST THE BOARD TO ENFORCE THE ALCOHOLIC BEVERAGES LAWS; AND**

**4. HAVE ANY OTHER DUTIES THAT THE BOARD REQUIRES.**

**(2) THE CHIEF INSPECTOR SHALL DETERMINE THE HOURS AND ASSIGNMENTS OF ALL INSPECTORS.**

**(E) RESTRICTIONS.**

**THE RESTRICTIONS AND PENALTY UNDER § 20-202(C) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO FULL-TIME AND PART-TIME INSPECTORS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-103(d) and (f)(2) and, as it related to inspectors, (1)(i) and (ii) and, as it related to Frederick County, 16-408.

Also throughout this section, the former references to "alcoholic beverages" inspectors are deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to an "individual" is substituted for the former reference to a "person" because only a human being and not the other entities listed in the definition of "person" may be appointed as an inspector.

In subsection (d)(1)(i) of this section, the reference to the authority of an inspector to "issue a civil citation as allowed under § 20-2603 of this title" is added to enumerate all the powers and duties of a full-time and a part-time inspector.

In subsection (d)(1)(ii)1 of this section, the reference to the powers "arising out of or relating to the enforcement of this article" is substituted for the former reference to the powers "with respect to the enforcement of the alcoholic beverages laws of Frederick County" for consistency with other similar provisions of this article.

In subsection (e) of this section, the cross-reference to "§ 20-202(c) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities" is substituted for the provisions in former Art. 2B, § 15-103(f)(1)(i) and (ii) and (2) applying to inspectors for brevity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 20-101

"County" § 20-101

"State" § 1-101

**20-206. DISPOSITION OF LICENSE FEES.**

**THE COUNTY TREASURER SHALL:**

**(1) RECEIVE ALL THE LICENSE FEES THAT THE BOARD COLLECTS;**

**AND**

**(2) FROM THE FEES, PAY ALL THE SALARIES AND EXPENSES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(l)(2).

Former Art. 2B, § 10–104(l)(1), which stated that former Art. 2B, § 10–104(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 20–101  
 “County” § 20–101  
 “License” § 1–101

**20–207. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively,” because this section applies only to the Board of License Commissioners for Frederick County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them” by this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 20–101

**SUBTITLE 3. LIQUOR CONTROL.**

**20–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**



REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 20-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**20-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (5) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (6) § 2-211 ("RESIDENCY REQUIREMENT");**
- (7) § 2-212 ("ADDITIONAL LICENSES");**
- (8) § 2-213 ("ADDITIONAL FEES");**
- (9) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (10) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED");**
- (11) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS");**
- (12) § 2-217 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES"); AND**

**(13) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTIONS.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2-205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 20-403 OF THIS SUBTITLE;**

**(2) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO § 20-404 OF THIS SUBTITLE;**

**(3) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 20-405 OF THIS SUBTITLE; AND**

**(4) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 20-406 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 20-101  
 “Manufacturer’s license” § 1-101

**20-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(8).

Defined terms: "Alcoholic beverage" § 1-101  
"Manufacturer's license" § 1-101

**20-403. CLASS 3 WINERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 3 WINERY LICENSE IN THE COUNTY.**

**(B) SALE OF WINE AUTHORIZED THROUGHOUT COUNTY.**

**A HOLDER OF THE LICENSE MAY SELL WINE IN ANY ELECTION DISTRICT OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-204(a)(1) and, as it related to the sale of wine under a Class 3 winery license, 8-211(f)(1).

In subsection (b) of this section, the reference to any election district "of the County" is added for clarity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provisions of this section" is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former phrase "as provided under a winery license" is deleted as implicit in the reference to "license".

Defined terms: "County" § 20-101  
"License" § 1-101  
"Wine" § 1-101

**20-404. CLASS 4 LIMITED WINERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE COUNTY.**

**(B) SALE OF WINE AUTHORIZED THROUGHOUT COUNTY.**

**A HOLDER OF THE LICENSE MAY SELL WINE IN ANY ELECTION DISTRICT OF THE COUNTY.**

**(C) TOURS AND PROMOTIONAL EVENTS — FACILITIES.**

**A HOLDER OF THE LICENSE MAY PROVIDE TABLES AND CHAIRS ON THE PREMISES OF THE PLANT FOR THE SALE, BY THE GLASS, OF WINE AND POMACE BRANDY MADE AT THE PLANT TO AN INDIVIDUAL WHO:**

- (1) (I) IS PARTICIPATING IN A GUIDED TOUR OF THE PLANT; OR**
- (II) IS ATTENDING A SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE PLANT; AND**
- (2) HAS ATTAINED THE MARYLAND LEGAL DRINKING AGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2-205(b)(1) and 8-211(f)(2) and, as it related to the sale of wine under a Class 4 limited winery license, (1).

In subsection (b) of this section, the reference to any election district "of the County" is added for clarity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provisions of this section" is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former phrase "as provided under ... a limited winery license" is deleted as implicit in the reference to "license".

In subsection (c) of this section, the reference to an "individual" is substituted for the former reference to the defined term "person" because only an individual and not any of the other entities contained in the definition of "person" is capable of taking a tour or of consuming wine or pomace brandy.

Also in subsection (c) of this section, the references to "plant" are substituted for the former references to "licensed facility", "facility", and "licensed premises" for consistency with § 2-207 of this article.

Defined terms: "County" § 20-101

"License" § 1-101

"Pomace brandy" § 1-101

"Wine" § 1-101

**20-405. CLASS 6 PUB-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a Class 6 pub-brewery license in Frederick County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Frederick County, the introductory language of (g)(1).

Defined terms: "County" § 20-101  
"License" § 1-101

**20-406. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO A HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT IN THE COUNTY; OR**

**(2) A CLASS MEC LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE CLASS MEC LICENSE IF THE PREMISES IS LOCATED IN THE BALLENGER (23RD) ELECTION DISTRICT.**

**(C) MANUFACTURING AND LICENSING PROHIBITIONS.**

**THE LICENSE HOLDER IS NOT SUBJECT TO THE MANUFACTURING AND LICENSING PROHIBITIONS UNDER § 2-209(E) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xi) and (3)(i) and (iv), and, as it related to Frederick County, (e)(1).

Defined term: "County" § 20-101

### **SUBTITLE 5. WHOLESALER'S LICENSES.**

#### **20-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 20-101  
"Wholesaler's license" § 1-101

#### **20-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 20-503 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

#### **20-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **20–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(l) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**20-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**



**(2) (I) THIS PARAGRAPH DOES NOT APPLY TO A LICENSE HOLDER THAT HELD THE LICENSE ON DECEMBER 31, 1993, OR TO A PERSON WHO HAS A PERMIT FOR A BUILDING THAT WAS UNDER CONSTRUCTION ON THAT DATE.**

**(II) EXCEPT FOR RECREATIONAL USE PREMISES SUCH AS BOWLING ALLEYS AND POOL HALLS, THE AREA NORMALLY USED AS A RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES ON THE LICENSED PREMISES MAY NOT OCCUPY LESS THAN 80% OF THE TOTAL AREA OF THE LICENSED PREMISES.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$130.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(a)(1) and (l)(2) and (3).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

In subsection (b)(2)(i) of this section, the former reference to the provisions not "affect[ing]" a holder of a license is deleted as implicit in the provisions not "apply[ing]" to the holder.

In subsection (b)(2)(ii) of this section, the reference to the "total area" of the licensed premises is substituted for the former reference to the "square foot area" of the licensed premises for clarity.

Former Art. 2B, § 3-201(l)(1), which stated that former Art. 2B, § 3-201(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Person" § 1-101

"Restaurant" § 1-101

**20-603. CLASS C BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(l) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b) of this section, the former reference to "bona fide" members is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"Club" § 1-101

**20-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(l).

Defined terms: "Beer" § 1-101  
"County" § 20-101

**SUBTITLE 7. WINE LICENSES.**

**20-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY THAT CONTAINS NOT MORE THAN 21% OF ALCOHOL BY VOLUME.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(8), (b)(1), (c)(1), (d)(3), as it related to Frederick County, and the second sentence of (1), and (e)(1)(iii) and (2).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 21%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 3 winery license" is substituted for the former reference to a "Class 3 manufacturer's license, who makes wine from agricultural products grown in Maryland" for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license".

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “ports” is deleted as unnecessary in light of the definition of “wine”. Port wine generally has an alcohol content of 19.5% to 20% by volume and thus is included in the definition of “wine”.

Also in subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 20–101  
“Wine” § 1–101

#### **SUBTITLE 8. BEER AND WINE LICENSES.**

##### **20–801. CLASS A BEER AND WINE LICENSE.**

###### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

###### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$140.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(l) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling “at retail, in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

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

**20–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) SPACE REQUIREMENT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO:**

**(I) A LICENSE HOLDER LICENSED ON OR BEFORE DECEMBER**

**31, 1993;**

**(II) A PERSON WHO HAD A PERMIT FOR A BUILDING UNDER CONSTRUCTION ON DECEMBER 31, 1993; OR**

**(III) A RECREATIONAL ESTABLISHMENT, SUCH AS A BOWLING ALLEY OR POOL HALL.**

**(2) THE AREA OF THE LICENSED PREMISES NORMALLY USED AS A RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES MAY NOT OCCUPY LESS THAN 80% OF THE SQUARE FOOTAGE OF THE PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$160.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(a)(1) and (l)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

In the introductory language of subsection (c)(1) of this section, the former word “affect” is deleted as included in the phrase “apply to”.

In subsection (c)(1)(i) of this section, the reference to on “or before” December 31, 1993, is added for clarity.

In subsection (c)(2) of this section, the reference to the “square footage of the premises” is substituted for the former reference to the “square foot area” for clarity.

Also in subsection (c)(2) of this section, the former reference to the preparation and consumption of food and beverages “on the premises” is deleted as surplusage.

Former Art. 2B, § 5–201(l)(1), which stated that former Art. 2B, § 5–201(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Person” § 1–101

“Restaurant” § 1–101  
“Wine” § 1–101

**20–803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND A GUEST OF THE MEMBER, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$70.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(l) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101  
“Wine” § 1–101

**20–804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(l).

Defined terms: “Beer” § 1–101  
“County” § 20–101  
“Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**20-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$650.**

**(2) A SUNDAY PERMIT MAY BE ISSUED FOR AN ADDITIONAL ANNUAL FEE OF \$650.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(l) and (a)(1) and (3).



Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, references to “beer, wine, [or] liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

Also in subsection (c)(2) of this section, the former phrase “as provided under this article” is deleted as surplusage.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

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

**20–902. CLASS B BEER, WINE, AND LIQUOR BALLENGER DISTRICT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B LICENSE IN THE BALLENGER (23RD) ELECTION DISTRICT.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LUXURY-TYPE RESTAURANT THAT HAS:**

**(1) A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR LEASES; AND**

**(2) SEATING FOR AT LEAST 50 INDIVIDUALS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 20-2006(D) OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

**(F) REGULATIONS.**

**THE BOARD SHALL DEFINE “LUXURY-TYPE RESTAURANT” BY REGULATION.**

REVISOR’S NOTE: Subsections (a) through (c), (e), and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-201(l)(9)(i) through (iv) and (vi).

Subsection (d) of this section is new language added for clarity.

Defined terms: “Beer” § 1-101

“Board” § 20-101

“Restaurant” § 1-101

“Wine” § 1-101

**20-903. CLASS B BEER, WINE, AND LIQUOR HOTEL OR MOTEL LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL OR MOTEL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT:**

**(1) IS AN ESTABLISHMENT TO ACCOMMODATE THE PUBLIC BY PROVIDING SERVICES ORDINARILY FOUND IN A HOTEL OR MOTEL;**

**(2) HAS AT LEAST 15 ROOMS;**

**(3) HAS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING FULL-COURSE MEALS FOR AT LEAST 50 INDIVIDUALS AT ONE SEATING; AND**

**(4) HAS A CAPITAL INVESTMENT IN THE HOTEL OR MOTEL FACILITY OF AT LEAST \$400,000.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE INDIVIDUAL DRINK AT ANY PLACE ON THE HOTEL OR MOTEL PREMISES.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE BOTTLE:**

**1. AT ANY PLACE ON THE PREMISES FOR A BANQUET, PARTY, HOSPITALITY ROOM, MEETING, OR A SIMILAR FUNCTION; AND**

**2. FOR DINNER IN THE RESTAURANT PORTION OF THE PREMISES.**

**(II) A CUSTOMER MAY NOT REMOVE FROM THE PREMISES ANY CONTENTS OF A BOTTLE SOLD UNDER THIS PARAGRAPH THAT REMAINS UNUSED.**

**(3) (I) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR BY THE BOTTLE THROUGH ROOM SERVICE TO A REGISTERED PATRON IN A HOTEL OR MOTEL ROOM.**

**(II) NOT MORE THAN TWO BOTTLES MAY BE SOLD THROUGH ROOM SERVICE TO ANY ONE CUSTOMER IN A 24-HOUR PERIOD.**

**(III) A BOTTLE SOLD THROUGH ROOM SERVICE MAY BE REMOVED FROM THE PREMISES BY THE CUSTOMER ON CHECKING OUT FROM THE HOTEL OR MOTEL.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20–2005(B) OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–201(1)(3).

Subsection (d) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b) and subsection (b)(1) of this section, the former references to a “bona fide” hotel or motel are deleted as surplusage. Similarly, in subsection (c)(3)(ii) of this section, the former reference to a “bona fide” registered customer is deleted.

In subsection (b)(2) of this section, the phrase “at least” is substituted for the former phrase “no less than” for brevity. Similarly, in subsection (b)(4) of this section, the phrase “at least” is substituted for the former reference to “not less than”.

In subsection (b)(3) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

In subsection (c)(2)(i) and (3)(i) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “all alcoholic beverages” and “[a]lcoholic beverages” for clarity.

In subsection (c)(2)(ii) of this section, the reference to “any contents of a bottle ... that remains unused” is substituted for the former reference to “the unused portion of any such bottle” for clarity.

In subsection (e) of this section, the former reference to the fee “for this special Class B license” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Hotel” § 1–101

“Wine” § 1–101

**20–904. CLASS B BEER, WINE, AND LIQUOR HOTEL OR RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL OR RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER — FOR HOTELS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT:**

**(1) IS AN ESTABLISHMENT FOR THE ACCOMMODATION OF THE PUBLIC PROVIDING SERVICE ORDINARILY FOUND IN HOTELS;**

**(2) CONTAINS:**

**(I) AT LEAST 25 ROOMS;**

**(II) A LOBBY WITH A REGISTRATION AND MAIL DESK; AND**

**(III) SEATING FACILITIES AND A DINING ROOM THAT SERVES FULL–COURSE MEALS AT LEAST TWICE DAILY AND THAT HAS A REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR 50 OR MORE INDIVIDUALS; AND**

**(3) IS OPERATED IN A FACILITY THAT:**

**(I) IS VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$20,000; AND**

**(II) HAS PERSONAL PROPERTY VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$3,000.**

**(C) AUTHORIZED HOLDER — FOR RESTAURANTS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) SERVES FULL–COURSE MEALS AT LEAST TWICE DAILY;**

**(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR 50 OR MORE INDIVIDUALS;**

**(III) IS OPERATED IN A FACILITY VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$40,000; AND**

**(IV) HAS PERSONAL PROPERTY VALUED FOR STATE AND LOCAL ASSESSMENT AND TAXATION AT NOT LESS THAN \$5,000.**

**(2) (I) THIS SUBSECTION DOES NOT APPLY TO OR AFFECT ANY LICENSE HOLDER THAT HAD THE LICENSE ON DECEMBER 31, 1993, OR TO A PERSON WHO HAS A PERMIT FOR A BUILDING THAT WAS UNDER CONSTRUCTION ON THAT DATE.**

**(II) THE AREA NORMALLY USED AS A RESTAURANT FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES SHALL OCCUPY AT LEAST 80% OF THE SQUARE FOOT AREA OF THE LICENSED PREMISES, EXCEPT FOR PREMISES USED FOR RECREATION, SUCH AS A BOWLING ALLEY OR POOL HALL.**

**(3) (I) THE LICENSE HOLDER MAY REMOVE TABLES AND CHAIRS TO ACCOMMODATE ADDITIONAL PATRONS AT NOT MORE THAN FOUR SPECIAL EVENTS HELD IN THE RESTAURANT IN A CALENDAR YEAR.**

**(II) A RESTAURANT THAT REMOVES ITS TABLES AND CHAIRS FOR A SPECIAL EVENT:**

**1. SHALL GIVE NOTICE TO THE BOARD AT LEAST 1 WEEK BEFORE THE EVENT;**

**2. SHALL STORE THE REMOVED TABLES AND CHAIRS IN AN APPROPRIATE LOCATION IN THE RESTAURANT AND IN A MANNER THAT DOES NOT BLOCK THE EXITS OF THE RESTAURANT; AND**

**3. MAY NOT ALLOW INTO THE RESTAURANT MORE THAN THE MAXIMUM NUMBER OF OCCUPANTS THAT THE COUNTY FIRE MARSHAL ALLOWS.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE ISSUED FOR A HOTEL OR RESTAURANT:**

**(I) AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION WHERE MEALS ARE PREPARED AND SERVED; AND**

**(II) PROHIBITS SALES FOR CONSUMPTION ANYWHERE ELSE, INCLUDING AT A BAR OR COUNTER.**

**(2) THE LICENSE ISSUED FOR A RESTAURANT AUTHORIZES THE SALE FOR OFF-PREMISES CONSUMPTION OF BEVERAGES WITH AN ALCOHOLIC CONTENT OF NOT MORE THAN 14.5%.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005(B) OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,500 FOR A RESTAURANT; AND**

**(2) \$2,000 FOR A HOTEL.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (1)(2).

Subsection (e) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to a "bona fide" hotel is deleted as vague.

In subsections (b)(2)(iii) and (c)(1)(ii) of this section, the former references to seating "capacity" are deleted as surplusage.

Also in subsections (b)(2)(iii) and (c)(1)(ii) of this section, the references to "individuals" are substituted for the former references to "persons" because these subsections are applicable only to human beings.

In subsection (c)(3)(i) of this section, the reference to “[t]he license” holder is substituted for the former reference to a restaurant issued “a license under this subsection” for brevity.

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **20–905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A NATIONALLY CHARTERED FRATERNAL, CHARITABLE, OR VETERANS’ ORGANIZATION, REGARDLESS OF HOW LONG THE ORGANIZATION HAS BEEN OPERATING; OR**

**(2) ANY OTHER CLUB THAT HAS BEEN OPERATING FOR AT LEAST 3 YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE.**

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

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL:**

**(1) FOR ON–PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE; AND**

**(2) FOR OFF–PREMISES CONSUMPTION, COLLECTIBLE BOTTLES OF WINE OR LIQUOR 30 CALENDAR DAYS BEFORE A SPECIAL ANNIVERSARY OR SPECIAL EVENT.**

### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (l)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the phrase “regardless of how long the organization has been operating” is substituted for the former phrase “[t]his time limit does not apply” to any organization for clarity.

Also in subsection (b)(1) of this section, the former reference to a “recognized bona fide” organization is deleted as surplusage.

In subsection (b)(2) of this section, the word “operating” is substituted for the former phrase “in business or regularly operating” for brevity.

In the introductory language of subsection (c) of this section, the former reference to consumption “only” off the licensed premises is deleted as surplusage.

Also in the introductory language of subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Former Art. 2B, § 6–301(l)(1), which stated that former Art. 2B, § 6–301(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Board” § 20–101

“Club” § 1–101

“Wine” § 1–101

**20–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(l).

Defined terms: "Beer" § 1-101

"County" § 20-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**20-1001. BANQUET FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-BF (BANQUET FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A BANQUET FACILITY THAT:**

**(1) ACCOMMODATES THE PUBLIC FOR BANQUETS, PARTIES, MEETINGS, AND SIMILAR FUNCTIONS;**

**(2) CONTAINS A DINING ROOM WITH ADEQUATE FACILITIES FOR PREPARING AND SERVING FULL-COURSE MEALS FOR AT LEAST 100 INDIVIDUALS WHO ARE INSIDE THE FACILITY OR OUTSIDE ON THE PREMISES AT ONE SEATING; AND**

**(3) HAS A CAPITAL INVESTMENT OF AT LEAST \$250,000, EXCLUDING THE COST OF THE LAND, BUILDINGS, AND LEASES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE FOR ON-PREMISES CONSUMPTION IF:**

**(I) THE BEER, WINE, AND LIQUOR ARE SOLD ONLY DURING THE FUNCTION;**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER DOES NOT SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION;**

**(III) THE LICENSE HOLDER DOES NOT ALLOW BEER, WINE, AND LIQUOR TO BE CARRIED OFF THE PREMISES; AND**

**(IV) FOOD IS PROVIDED AT THE FUNCTION WHERE THE BEER, WINE, AND LIQUOR ARE PROVIDED.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION IF THE BEER, WINE, AND LIQUOR IS:**

**(I) IN A COLLECTIBLE BOTTLE COMMEMORATING A SPECIAL ANNIVERSARY OR EVENT; AND**

**(II) SOLD NOT MORE THAN 30 CALENDAR DAYS BEFORE THE SPECIAL ANNIVERSARY OR EVENT.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(l)(4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection concerns only human beings.

In subsection (c) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In the introductory language of subsection (c)(1) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

In subsection (d) of this section, the reference to the authority for the license holder to "sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20-2005 of this title" is substituted for the former reference to the "days and hours of sale under this

license are as provided in § 11–511 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Wine” § 1–101

**20–1002. BED AND BREAKFAST LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT THAT:**

**(1) PROVIDES SERVICES ORDINARILY FOUND IN A BED AND BREAKFAST; AND**

**(2) CONTAINS AT LEAST ONE ROOM WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION TO A GUEST WHOSE NAME AND ADDRESS APPEARS ON THE REGISTRY THAT IS MAINTAINED BY THE ESTABLISHMENT AND WHO IS AN OCCUPANT OF A SLEEPING ROOM IN THE ESTABLISHMENT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR TO AN INDIVIDUAL WHO IS REGISTERED AT THE ESTABLISHMENT ONLY TO OBTAIN BEER, WINE, OR LIQUOR.**

**(D) ESTABLISHMENT NOT OPERATING AS BED AND BREAKFAST.**

**IF AN ESTABLISHMENT ENDS OPERATIONS AS A BED AND BREAKFAST:**

**(1) THE LICENSE IS VOID; AND**

**(2) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS OF SALE THAT ARE SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(l)(6)(i) through (v).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c)(1) and (e) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity. Similarly, in subsection (c)(2) of this section, the references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages".

In subsection (c)(2) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this subsection concerns only human beings.

In subsection (e) of this section, the reference to the hours and days of sale that are set out "under § 20-2005 of this title" is added for clarity.

Also in subsection (e) of this section, the former reference to a Class B license "issued in the county" is deleted as unnecessary because all of the licenses under this title are issued in the County.

Former Art. 2B, § 6-201(l)(6)(vi), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 20-207 of this title.

Defined terms: "Beer" § 1-101

"Board" § 20-101

"Wine" § 1-101

**20-1003. CONFERENCE CENTER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-CC (CONFERENCE CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT THAT IS EQUIPPED WITH:**

**(I) AT LEAST 150 BEDROOMS FOR THE ACCOMMODATION OF THE PUBLIC;**

**(II) AT LEAST ONE DINING AREA WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**(III) ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS, DANCING, AND LIVE ENTERTAINMENT; AND**

**(IV) A NIGHTCLUB EQUIPPED WITH A BAR AND AN ENTERTAINMENT OR A DANCING AREA.**

**(2) THE TOTAL AVERAGE DAILY RECEIPTS FROM THE RENTING OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD IN THE ESTABLISHMENT SHALL EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS, VERANDAS, AND GREEN SPACES.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(1)(8).

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “hours of sale are” for clarity and consistency with similar provisions on hours and days of sale in this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 20–101

“Wine” § 1–101

**20–1004. COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) LICENSE.**

**(B) SIGNING OF LICENSE APPLICATION.**

**(1) AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY THE PRESIDENT AND TWO OTHER OFFICERS OF THE COUNTRY AND GOLF CLUB.**

**(2) AT LEAST TWO OF THE SIGNERS SHALL BE RESIDENTS OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH AT LEAST NINE HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL TO MEMBERS AND THEIR GUESTS FOR ON–PREMISES CONSUMPTION.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 20–2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(l)(6)(i) through (iii), (v), (vi), and the first sentence of (iv).

In subsection (b)(1) of this section, the former reference to an application “filed on behalf of any golf and country club” is deleted as surplusage.

In subsection (c) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

Also in subsection (c) of this section, the former reference to maintaining “at the time of the application for the license and continu[ing] to maintain” a golf course is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 20–2005 of this title” is substituted for the former reference to the requirement that the license holder “abide by § 11–511 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Also in subsection (e) of this section, the former reference to a “Sunday opening at one o’clock p.m.” is deleted as obsolete. Under § 20–2005 of this title, a holder of a license with a Sunday privilege may sell alcoholic beverages starting at 11 a.m.



The second sentence of former Art. 2B, § 6–301(l)(6)(iv), which prohibited a country club from selling alcoholic beverages for consumption off the premises or off the grounds of the club, is deleted as implicit in the authorization to sell beer, wine, and liquor for consumption on the licensed premises under subsection (c)(2) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2) of this section, the requirement that an applicant be a resident of 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 classifies persons by geography, which may be accomplished by residency requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Club” § 1–101

“County” § 20–101

“Wine” § 1–101

## **20–1005. COUNTRY INN LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CI (COUNTRY INN) BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT THAT:**

**(1) PROVIDES SERVICES ORDINARILY FOUND IN A COUNTRY INN;**

**(2) CONTAINS AT LEAST EIGHT ROOMS WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND**

**(3) HAS A KITCHEN FACILITY FOR GUESTS THAT IS SEPARATE FROM THE KITCHEN FACILITY OF THE RESIDENT MANAGEMENT QUARTERS.**

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

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR WHEN ACCOMMODATING THE PUBLIC FOR BANQUETS, PARTIES, MEETINGS, AND SIMILAR FUNCTIONS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(E) ESTABLISHMENT NOT OPERATING AS COUNTRY INN.**

**IF AN ESTABLISHMENT ENDS OPERATIONS AS A COUNTRY INN:**

**(1) THE LICENSE IS VOID; AND**

**(2) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(l)(7)(i) through (iv).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (d) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (d) of this section, the reference to the hours and days of sale that are set out "under § 20-2005 of this title" is added for clarity.

Also in subsection (d) of this section, the former reference to a Class B license "issued in the county" is deleted as unnecessary because all of the licenses under this title are issued in the County.

Former Art. 2B, § 6-201(l)(1), which stated that former Art. 2B, § 6-201(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(l)(7)(v), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 20–207 of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether subsection (c) of this section authorizes a license holder to sell beer, wine, and liquor to guests of the country inn.

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Wine” § 1–101

**20–1006. DINNER THEATER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–DT (DINNER THEATER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A DINNER THEATER THAT:**

**(1) PROVIDES LIVE BROADWAY–STYLE MUSICALS, COMEDY, OR DRAMA TO ITS CUSTOMERS;**

**(2) IS OPEN TO THE PUBLIC BY RESERVATION ONLY; AND**

**(3) CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING FULL–COURSE MEALS FOR AT LEAST 120 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL FOR ON–PREMISES CONSUMPTION:**

**(I) BEER AND WINE BY THE DRINK OR BOTTLE; AND**

**(II) LIQUOR BY THE DRINK.**

**(2) A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES:**

(I) FOR OFF-PREMISES CONSUMPTION; OR

(II) AT ANY TIME EXCEPT IN CONJUNCTION WITH THE DINNER THEATER.

(D) HOURS AND DAYS OF SALE.

A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR BEGINNING 2 HOURS BEFORE A LIVE PERFORMANCE UNTIL THE END OF THE PERFORMANCE:

(1) ON MONDAY THROUGH SATURDAY; AND

(2) ON OR AFTER 1 P.M. ON SUNDAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(1)(5).

In subsection (b) of this section, the reference to a "dinner theater" is substituted for the former reference to "an establishment that [i]s ... operated as a dinner theater" for brevity.

In subsection (c)(1)(i) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Frederick County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

In subsection (c)(2)(i) of this section, the former reference to off-premises consumption "by the drink or by the bottle" is deleted as surplusage.

In subsection (d)(2) of this section, the phrase "on or after 1 p.m. on Sunday" is substituted for the former phrase "Sunday no sooner than 1 p.m." for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 20-101

"Wine" § 1-101

## 20-1007. DRAFTHOUSE LICENSE.

(A) "DRAFTHOUSE" DEFINED.

**IN THIS SECTION, “DRAFTHOUSE” MEANS A THEATER WHERE:**

**(1) A MOTION PICTURE IS SHOWN TO THE PUBLIC; AND**

**(2) PATRONS MAY PURCHASE FOOD, BEER, WINE, AND LIQUOR ON THE PREMISES WHILE WATCHING THE MOTION PICTURE.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B–DH (DRAFTHOUSE) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT FOR USE IN A DRAFTHOUSE THAT:**

**(I) HAS A MINIMUM AUDITORIUM SIZE OF 3,500 SQUARE FEET;**

**(II) HAS A MINIMUM INVESTMENT OF AT LEAST \$150,000 IN TANGIBLE PROPERTY, INCLUDING KITCHEN EQUIPMENT, FURNITURE, AND INTERIOR IMPROVEMENTS;**

**(III) PRESENTS A FAMILY MATINEE EVERY SATURDAY AND HOLIDAY THAT THE DRAFTHOUSE IS OPEN FOR BUSINESS;**

**(IV) INTENDS TO PROVIDE BEER, WINE, AND LIQUOR AT TABLES AND SEATS IN THE DRAFTHOUSE; AND**

**(V) DOES NOT HAVE A BAR OTHER THAN A SERVICE BAR.**

**(2) BEFORE THE BOARD MAY ISSUE THE LICENSE, THE APPLICANT SHALL OBTAIN THE BOARD’S PRIOR WRITTEN APPROVAL OF THE MENU THE DRAFTHOUSE INTENDS TO OFFER, WHICH SHALL INCLUDE BOTH HOT AND COLD FOOD.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL IN THE DRAFTHOUSE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE HOLDER MAY MAKE BEER, WINE, AND LIQUOR AVAILABLE FOR PURCHASE ONLY BEFORE AND DURING A MOTION PICTURE SHOW AND SHALL END SERVICE AT THE END OF THE MOTION PICTURE.**

**(3) THE LICENSE HOLDER MAY NOT MAKE ALCOHOLIC BEVERAGES AVAILABLE FOR PURCHASE WHEN SHOWING A FAMILY MATINEE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(F) ADMISSION FEE.**

**A LICENSE HOLDER MAY CHARGE AN ADMISSION FEE TO THE DRAFTHOUSE.**

**(G) FEE.**

**(1) THE ANNUAL LICENSE FEE IS \$1,500.**

**(2) THE FEE SHALL BE:**

**(I) PAID BEFORE THE LICENSE IS ISSUED; AND**

**(II) DISTRIBUTED AS PROVIDED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-701(a) and (c) through (h).

In the introductory language of subsection (c)(1) of this section, the phrase “[t]he Board may issue the license” is substituted for the former requirement that “[a] Class B–DH (drafthouse) license shall be issued by the office where Class B licenses are issued in the county in which the drafthouse is located” for brevity and to state expressly that the Board is the license issuing authority.

In subsection (c)(1)(iv) of this section, the phrase “intends to” provide beer, wine, and liquor is added for clarity because the activity cannot be done until the drafthouse is licensed.

In subsection (c)(2) of this section, the phrase “[b]efore the Board may issue the license” is added for clarity.

In subsection (d)(2) of this section, the reference to “the motion picture” is substituted for the former reference to “the program” for clarity.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 20–2005 of this title” is substituted for the former reference to the “hours and days of sale are as provided in § 11–511 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

In subsection (f) of this section, the reference to charging an admission fee “to the drafthouse” is added for clarity.

Former Art. 2B, § 8–701(b), which stated that former Art. 2B, § 8–701 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–701(i), which stated that all motion pictures shown at a drafthouse licensed under this section shall comply with the nudity and sexual displays provisions of former Art. 2B, § 10–405, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 20–101

“Wine” § 1–101

## **20–1008. MARYLAND ENSEMBLE THEATRE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS C (MARYLAND ENSEMBLE THEATRE) BEER AND WINE LICENSE.**

### **(B) SIGNING OF LICENSE APPLICATION.**

**(1) THE PRESIDENT AND TWO OTHER OFFICERS OF THE MARYLAND ENSEMBLE THEATRE SHALL SIGN THE APPLICATION FOR THE LICENSE.**

**(2) TWO OF THE SIGNERS SHALL BE RESIDENTS OF THE COUNTY.**

### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE FOR USE BY THE MARYLAND ENSEMBLE THEATRE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION.**

**(E) HOURS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION FROM 1 HOUR BEFORE TO 1 HOUR AFTER:**

**(1) A REGULAR PERFORMANCE; OR**

**(2) A FUND-RAISER PERFORMANCE THAT BENEFITS THE MARYLAND ENSEMBLE THEATRE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(l)(9).

In subsection (b)(1) of this section, the former reference to the application "filed on behalf of the Maryland Ensemble Theatre" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the "signers" is substituted for the former reference to the "signatories from the Maryland Ensemble Theatre" for brevity.

In subsection (c) of this section, the phrase "[t]he Board may" is substituted for the former phrase "[o]n approval by the Board ... of the license application, the Board shall" for brevity.

In subsection (d) of this section, the former reference to "stor[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (d) of this section, the former reference to selling beer and wine "to the public" is deleted as surplusage.



In the introductory language of subsection (e) of this section, the language “[t]he license holder may sell beer and wine” is substituted for the former language “[t]he beer and wine shall be consumed” for clarity.

In subsection (e)(2) of this section, the former references to a “special” fund-raiser performance “exclusively” for the benefit of the Maryland Ensemble Theatre are deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2) of this section, the requirement that an applicant be a resident of 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 requirements, if the primary purpose of the legislation is economic. *See Verzi v. Baltimore County*, 333 Md. 411 (1994).

Defined terms: “Beer” § 1–101

“Board” § 20–101

“County” § 20–101

“Wine” § 1–101

## **20–1009. MICRO–BREWERY/ENTERTAINMENT CENTER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS MEC (MICRO–BREWERY/ENTERTAINMENT CENTER) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A PERSON FOR USE IN CONJUNCTION WITH A CLASS 7 MICRO–BREWERY LICENSE THAT THE PERSON THEN OBTAINS FROM THE COMPTROLLER.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, IN AN ENTERTAINMENT CENTER FOR ON–PREMISES CONSUMPTION, MALT BEVERAGES THAT ARE BREWED IN THE LICENSE HOLDER’S MICRO–BREWERY.**

### **(2) THE ENTERTAINMENT CENTER MAY:**

#### **(I) CONTAIN:**

1. RIDES AND GAMES SUCH AS BOWLING LANES, BILLIARD TABLES, AND GO-CARTS; AND

2. ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES; AND

(II) ALLOW THE PLAYING OF MUSIC AND DANCING.

(D) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:

(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(E) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(l)(10).

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor” is substituted for the former reference to the “hours of sale are” for clarity and consistency with similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1-101

“Board” § 20-101

“Person” § 1-101

“Wine” § 1-101

**20-1010. PRIVATE BUSINESS CLUB LICENSE.**

(A) ESTABLISHED.

THERE IS A CLASS C (PRIVATE BUSINESS CLUB) BEER, WINE, AND LIQUOR LICENSE.

(B) APPLICANTS FOR LICENSE.

**(1) THREE OFFICERS OF THE PRIVATE BUSINESS CLUB SHALL APPLY FOR THE LICENSE.**

**(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PRIVATE BUSINESS CLUB THAT:**

**(1) IS ORGANIZED FOR BUSINESS AND PROFESSIONAL PERSONS;**

**(2) IS NONPROFIT;**

**(3) HAS BEEN INCORPORATED SINCE AT LEAST 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(4) HAS AT LEAST 75 MEMBERS;**

**(5) PREPARES AND SERVES MEALS TO MEMBERS AND THEIR GUESTS DURING REGULAR OPERATING HOURS; AND**

**(6) HAS MADE AT LEAST \$100,000 IN CAPITAL EXPENDITURES FOR TENANT IMPROVEMENTS, EQUIPMENT, AND FURNISHINGS USED IN THE PRIVATE BUSINESS CLUB.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO MEMBERS AND THEIR GUESTS FOR ON-PREMISES CONSUMPTION.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(l)(7).

In subsection (b) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

Also in subsection (d) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (d) of this section, the former reference to selling "at retail" is deleted as surplusage.

In subsection (e) of this section, the reference to the hours and days of sale that are set out "under § 20-2005 of this title" is added for clarity.

Defined terms: "Board" § 20-101

"Club" § 1-101

"County" § 20-101

"Person" § 1-101

## **20-1011. PRIVATE COUNTRY CLUB LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS C (PRIVATE COUNTRY CLUB) BEER, WINE, AND LIQUOR LICENSE.**

### **(B) APPLICANTS FOR LICENSE.**

**(1) THREE OFFICERS OF THE PRIVATE COUNTRY CLUB SHALL APPLY FOR THE LICENSE.**

**(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE COUNTY.**

### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PRIVATE COUNTRY CLUB THAT:**

**(1) IS ORGANIZED FOR SOCIAL PURPOSES;**

**(2) HAS BEEN INCORPORATED SINCE AT LEAST 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(3) HAS AT LEAST 75 MEMBERS;**

**(4) PREPARES AND SERVES MEALS TO MEMBERS AND THEIR GUESTS DURING REGULAR OPERATING HOURS;**

**(5) IS IN THE 14TH ELECTION DISTRICT OR WHEREVER ELSE IS ALLOWED IN THE COUNTY; AND**

**(6) HAS MADE AT LEAST \$500,000 IN CAPITAL EXPENDITURES FOR STRUCTURES, IMPROVEMENTS, EQUIPMENT, AND FURNISHINGS USED IN THE PRIVATE COUNTRY CLUB.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO MEMBERS AND THEIR GUESTS FOR CONSUMPTION IN THE STRUCTURES AND ON THE SURROUNDING GROUNDS OF THE LICENSED PREMISES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 20-2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(l)(8).

In subsection (a) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In the introductory language of subsection (c) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former reference to selling “at retail” is deleted as surplusage.

In subsection (e) of this section, the reference to the hours and days of sale that are set out “under § 20–2005 of this title” is added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 20–101

“Club” § 1–101

“County” § 20–101

“Wine” § 1–101

## **20–1012. RETIREMENT CENTER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A SPECIAL CLASS C (RETIREMENT CENTER) BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE RETIREMENT CENTER LICENSE BY CONVERTING A SPECIAL CLASS C (CLUB) LICENSE HELD ON BEHALF OF A RETIREMENT CENTER INTO THE RETIREMENT CENTER LICENSE.**

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

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR TO RESIDENTS AND GUESTS AT THE LICENSED PREMISES FOR ON–PREMISES CONSUMPTION.**

**(2) THE LICENSE HOLDER MAY SELL FOR OFF–PREMISES CONSUMPTION ONLY SPECIAL ANNIVERSARY OR SPECIAL EVENT COLLECTIBLE BOTTLES OF WINE OR LIQUOR NOT MORE THAN 30 CALENDAR DAYS BEFORE THE SPECIAL ANNIVERSARY OR EVENT.**

**(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CIVIC GROUP OR ANY OTHER ORGANIZATION THAT RENTS THE PREMISES FROM THE LICENSE HOLDER FOR AN EVENT MAY SERVE AT THE EVENT ALCOHOLIC BEVERAGES THAT THE LICENSE HOLDER PROVIDES.**

**(II) NOT MORE THAN 25 EVENTS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH AT WHICH ALCOHOLIC BEVERAGES ARE SERVED MAY BE HELD IN 1 YEAR.**

**(III) THE EVENTS MAY BE OPEN TO THE PUBLIC.**

**(4) THE LICENSED PREMISES MAY BE EXPANDED TO INCLUDE ANY BUILDING OR FACILITY AT THE RETIREMENT CENTER CAMPUS, REGARDLESS OF WHETHER THE BUILDING OR FACILITY EXISTS WHEN THE LICENSE IS ISSUED.**

**(5) THE RETIREMENT CENTER CAMPUS SHALL BE LIMITED TO TWO AREAS AND THE SERVICE ROOMS CONNECTED TO THOSE TWO AREAS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(l)(10).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: "Beer" § 1-101

"Board" § 1-101

"Wine" § 1-101

**20-1013. STADIUM LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A STADIUM LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A PARTNERSHIP, CORPORATION, OR LIMITED LIABILITY COMPANY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT THE STADIUM IN WHICH THE BASEBALL TEAM PLAYS ITS HOME GAMES, TO SELL BEER AND WINE:**

**(1) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS ON THE LICENSED PREMISES;**

**(2) FOR ON-PREMISES CONSUMPTION; AND**

**(3) TO AN INDIVIDUAL PRESENT AT AN EVENT HELD IN THE STADIUM.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM THE TIME THE STADIUM OPENS FOR THE EVENT UNTIL THE EVENT ENDS.**

**(E) PROHIBITED ACTIVITIES.**

**THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO:**

**(1) CARRY ANY ALCOHOLIC BEVERAGE ONTO THE LICENSED PREMISES; OR**

**(2) CARRY ANY ALCOHOLIC BEVERAGE FROM THE LICENSED PREMISES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-211.1.

In the introductory language of subsection (c) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Frederick County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level for light wine.

Also in the introductory language of subsection (c) of this section, the former phrase "only under the following circumstances" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to the "licensed premises" is substituted for the former reference to the "stadium premises" for consistency with the terminology used in subsection (e)(1) of this section.



In subsection (c)(3) of this section, the reference to “an individual” is substituted for the former reference to “persons” because this subsection applies only to human beings. Similarly, in subsection (e)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person”.

In subsection (e) of this section, the former phrase “[e]xcept for a manufacturer or distributor of beer who is conducting business with the licensee for purposes of this section” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 20–101

“Wine” § 1–101

**20–1014. WEINBERG ARTS CENTER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (WEINBERG CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNING OF LICENSE APPLICATION.**

**(1) THE PRESIDENT AND TWO OTHER OFFICERS OF THE WEINBERG CENTER FOR THE ARTS SHALL SIGN THE APPLICATION FOR THE LICENSE.**

**(2) AT LEAST TWO OF THE OFFICERS SHALL BE RESIDENTS OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY THE NONPROFIT WEINBERG CENTER FOR THE ARTS.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL TO A CUSTOMER ON THE LICENSED PREMISES.**

**(2) BEER, WINE, AND LIQUOR MAY BE CONSUMED ONLY IN THE CENTRAL ROTUNDA OR THE LOBBY.**

**(E) HOURS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 1 HOUR BEFORE TO 1 HOUR AFTER:**

**(1) A PERFORMANCE; OR**

**(2) A FUND-RAISER THAT BENEFITS THE WEINBERG CENTER FOR THE ARTS.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$325.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(l)(5)(i) through (iii) and (v).

Throughout this section, the phrase "Weinberg Center for the Arts" is substituted for the former phrases "performing arts center" and "performing arts organization" for clarity and consistency.

In subsection (b)(2) of this section, the former reference to the application "filed on behalf of the Weinberg Center for the Arts" is deleted as surplusage.

In subsection (c) of this section, the former reference to the Weinberg Center for the Arts as a nonprofit organization "whereby no individual or group of individuals derive any personal profits from the operation of performing arts" is deleted as implicit in the reference to "nonprofit".

In subsections (d) and (e) of this section, the references to "[b]eer, wine, and liquor" are substituted for the former references to "all alcoholic beverages" for clarity.

In subsection (d)(1) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

In subsection (e)(2) of this section, the former references to a "special" fund-raiser "exclusively" for the benefit of the Weinberg Center for the Arts are deleted as surplusage.

Former Art. 2B, § 6-301(l)(5)(iv), which stated that the license holder must abide by regulations set forth and mandated for the license, is deleted as an unnecessary statement of common practice.

Defined terms: "Beer" § 1-101

“Board” § 20–101  
“County” § 20–101  
“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**20–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101  
“County” § 20–101  
“License” § 1–101  
“License holder” § 1–101  
“Wine” § 1–101

**20–1102. SALES OF COLLECTIBLE BOTTLES OF WINE AND LIQUOR.**

**(A) ELIGIBLE LICENSE HOLDERS.**

**THIS SECTION APPLIES TO A HOLDER OF:**

- (1) A CLASS C PER DIEM BEER AND WINE LICENSE; OR
- (2) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.

**(B) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER LISTED UNDER SUBSECTION (A) OF THIS SECTION MAY SELL COLLECTIBLE SPECIAL ANNIVERSARY OR EVENT BOTTLES OF WINE OR LIQUOR FOR OFF-PREMISES CONSUMPTION ON THE DAYS PERMITTED BY THE LICENSE FOR THE SPECIAL ANNIVERSARY OR EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(o)(2).

In subsection (a) of this section, the former reference to selling collectible bottles "[a]fter obtaining a license" is deleted as implicit in the fact that the privilege applies only to license holders.

Former Art. 2B, § 7-101(o)(1), which stated that former Art. 2B, § 7-101(o) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
 "License" § 1-101  
 "License holder" § 1-101  
 "Wine" § 1-101

**20-1103. PROMOTER'S PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A PROMOTER'S PERMIT.**

**(B) SCOPE OF AUTHORIZATION.**

**A FOR-PROFIT ORGANIZATION SHALL OBTAIN THE PERMIT FROM THE BOARD BEFORE THE ORGANIZATION MAY HELP PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE AN EVENT:**

- (1) AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR SERVED; AND
- (2) THAT IS CONDUCTED IN CONJUNCTION WITH AN ORGANIZATION THAT HOLDS A LICENSE ISSUED UNDER SUBTITLE 13, PART III OF THIS TITLE.

**(C) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS ESTABLISHING THE REQUIREMENTS FOR CONDUCTING AN EVENT DESCRIBED IN SUBSECTION (B) OF THIS SECTION, INCLUDING HEALTH AND SAFETY STANDARDS TO BE MET BY A PERMIT HOLDER.**

**(D) FEES.**

**THE PERMIT FEE IS:**

**(1) \$250, IF THE PROMOTER EXPECTS THAT FEWER THAN 1,000 INDIVIDUALS WILL ATTEND;**

**(2) \$600, IF THE PROMOTER EXPECTS THAT FROM 1,001 TO 3,000 INDIVIDUALS WILL ATTEND; AND**

**(3) \$1,000, IF THE PROMOTER EXPECTS THAT MORE THAN 3,000 INDIVIDUALS WILL ATTEND.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–102(b) through (e).

Throughout this section, the references to a “permit” are substituted for the former references to a “license” to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

Former Art. 2B, § 7–102(a), which stated that former Art. 2B, § 7–102 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 20–101

“License” § 1–101

**SUBTITLE 12. CATERER'S LICENSES.**

**20–1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION FACILITIES FOR A CATERED EVENT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE BEER, WINE, AND LIQUOR AT A PUBLICLY OR PRIVATELY SPONSORED EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) DUTIES.**

**THE LICENSE HOLDER SHALL:**

**(1) PREPARE, DELIVER, AND PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT;**

**(2) PROVIDE THE SERVICE EMPLOYEES TO SERVE ALCOHOLIC BEVERAGES AT THE CATERED EVENT;**

**(3) ENSURE THAT AT LEAST ONE SERVICE EMPLOYEE IS CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE AND IS ON THE PREMISES AT ALL TIMES DURING THE EVENT; AND**

**(4) ENSURE AFTER THE EVENT THAT ALL OF THE ALCOHOLIC BEVERAGES:**

**(I) REMAIN IN THE POSSESSION OF THE LICENSE HOLDER; AND**

**(II) ARE RETURNED TO THE PREMISES FOR WHICH THE CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Frederick County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-703.1(b) through (i).

In subsection (b)(2) of this section, the phrase "for a catered event" is added for clarity.

In subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the reference to "the holder's Class B license" is substituted for the former reference to "a Class B restaurant or hotel (on-sale) beer, wine and liquor license" for brevity.

Also in subsection (c)(2) of this section, the former reference to the hours and days that are authorized "in this article" for a Class B license is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to providing food "as well as provid[ing] alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises for the "Class B" license is substituted for the former reference to the premises for the "existing" license for clarity.

Former Art. 2B, § 6-703.1(a), which stated that former Art. 2B, § 6-703.1 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 20-101

“County” § 20-101

“Hotel” § 1-101

“On-sale” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **20-1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 (“PER DIEM LICENSES”);**
- (2) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**
- (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

##### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 20-1312 OF THIS SUBTITLE;**



**(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 20-1313 OF THIS SUBTITLE; AND**

**(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY §§ 20-1312 AND 20-1313 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 20-101

**20-1302. RESERVED.**

**20-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**20-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 5 BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.**

**(E) TIMES, LOCATION, AND FOCUS OF FESTIVAL.****THE BOARD SHALL:**

**(1) CHOOSE 4 WEEKENDS EACH YEAR FOR THE BEER FESTIVAL THAT DO NOT FALL ON THE DATES CHOSEN FOR THE CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY OR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) CHOOSE FOR THE FESTIVAL:**

**(I) A LOCATION THAT IS NOT ALREADY LICENSED; OR**

**(II) SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE PREMISES OF A HOLDER OF A STADIUM ON-SALE LICENSE; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE BEER FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(F) FESTIVAL ON PREMISES OF STADIUM LICENSE HOLDER.**

**IF A BEER FESTIVAL IS HELD ON THE PREMISES OF A HOLDER OF A STADIUM LICENSE, THE HOLDER OF THE STADIUM LICENSE MAY NOT SELL ANY ALCOHOLIC BEVERAGES DURING THE FESTIVAL.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**A BEER FESTIVAL LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$15.**

**(I) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-803(b) through (i).

Throughout this section, the former references to a "special" beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail” license is substituted for the former reference to a “current retail alcoholic beverages license issued in the State” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the requirement that the “holder shall” display and sell is substituted for the former reference to the “license entitl[ing] the holder to” display and sell for consistency with terminology used throughout this article.

In subsections (d)(2), (e)(2)(i) and (ii), and (f) of this section, the former references to a festival, location, or premises “in Frederick County” are deleted as surplusage.

In subsection (e)(2)(i) of this section, the reference to a “location that is not already licensed” is substituted for the former reference to a “nonlicensed premises” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to the holder “of the stadium license” is added for clarity.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the licensee” from holding another license for clarity.

Former Art. 2B, § 8–803(a), which defined the term “Board”, is deleted as redundant in light of the defined term “Board” in § 20–101 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 20–101

“On–sale” § 1–101

## **20–1305. WINE FESTIVAL LICENSE.**

### **(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS THE FREDERICK COUNTY WINE FESTIVAL.**

**(B) ESTABLISHED.**

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) MAY CHOOSE TWO WEEKENDS EACH YEAR FOR THE FESTIVAL;**

**(2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED;**

**AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**A LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$20.**

**(I) REGULATIONS.****THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–308.1(c) through (k) and (a)(1) and (3).

Throughout this section, the former references to a “special” wine festival are deleted as surplusage.

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (c) of this section, the reference to a holder of a “retail license” is substituted for the former reference to a holder of “an existing State retail alcoholic beverages license” for brevity.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that a “holder of a special WF license shall” display and sell for clarity and consistency with terminology used throughout this article.

In the introductory language of subsection (e) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (f)(2) of this section, the reference to locations that are not “already licensed” is substituted for the former reference to locations that are not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the festivals” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his

section does not prohibit the holder ... from holding” another license for clarity.

Former Art. 2B, § 8–308.1(a)(2), which defined “Board” as meaning the Frederick County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 20–101 of this title.

Former Art. 2B, § 8–308.1(b), which stated that former Art. 2B, § 8–308.1 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 20–101

“State” § 1–101

“Wine” § 1–101

## **20–1306. MIDDLETOWN WINE FESTIVAL LICENSE.**

### **(A) ESTABLISHED.**

**(1) THERE IS A MIDDLETOWN WINE FESTIVAL (MWF) LICENSE.**

**(2) THE BURGESS AND COMMISSIONERS OF MIDDLETOWN MAY NOT HOLD MORE THAN TWO 1–DAY MIDDLETOWN WINE FESTIVALS EACH YEAR ON THE DAYS THAT THE BURGESS AND COMMISSIONERS CHOOSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE AT RETAIL FOR ON– AND OFF–PREMISES CONSUMPTION.**

### **(D) HOURS AND DAYS OF OPERATION.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE DURING THE HOURS AND DAYS DESIGNATED FOR THE MIDDLETOWN WINE FESTIVAL.**

### **(E) TIME AND PLACE OF FESTIVAL.**

**THE BURGESS AND COMMISSIONERS OF MIDDLETOWN:**

- (1) EACH YEAR MAY CHOOSE THE DAYS FOR THE FESTIVAL; AND
- (2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED.

(F) HOLDING ANOTHER LICENSE ALLOWED.

A LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.

(G) FEE.

THE LICENSE FEE IS \$20.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–308.2(b) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to locations that are not “already licensed” is substituted for the former reference to locations that are not “licensed under this article” for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

Former Art. 2B, § 8–308.2(a), which stated that former Art. 2B, § 8–308.2 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–308.2(h), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 20–207 of this article.

Defined terms: “Board” § 20–101  
 “Wine” § 1–101

**20-1307. BEER AND WINE TASTING LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING IF THE TASTING IS NOT CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

**(2) THE LICENSE HOLDER MUST NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE THE EVENT AT WHICH THE LICENSE IS TO BE USED.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD A LICENSE APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A PUBLIC HEARING.**

**(3) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE LICENSE HOLDER'S CLASS A LICENSE IS RENEWED.**

**(E) LIMIT ON SERVINGS.**

**(1) AN INDIVIDUAL MAY CONSUME BEER AND WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(I) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

**(II) 1 OUNCE FROM EACH OFFERING OF WINE.**



**(2) AN INDIVIDUAL MAY CONSUME WINE IN A QUANTITY OF NOT MORE THAN 6 OUNCES FROM ALL OFFERINGS IN A DAY.**

**(F) PROCEDURES FOR TASTING EVENT.**

**(1) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE TASTING EVENT ARE:**

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

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

**(2) AFTER A BOTTLE OF BEER OR WINE IS OPENED FOR A TASTING EVENT:**

**(I) THE BOTTLE MUST BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY;**

**(II) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND**

**(III) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-406(b) through (g).

Throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(4) of this section, the reference to “Class A license” is substituted for the former reference to “regular license” for clarity.

In the introductory language of subsection (e) of this section, the reference to beer and wine “covered by the license” is added for clarity.

In subsection (e)(1)(i) and (ii) of this section, the reference to “each offering” are substituted for the former references to “a given brand” for consistency with the terminology used throughout this article. Similarly, in subsection (e)(2) of this section, the reference to all “offerings” is substituted for the former references to all “brands”.

In subsection (e)(2) of this section, the reference to “wine” is substituted for the former reference to “light wine” to avoid confusion. In Frederick County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level for light wine.

Former Art. 2B, § 8–406(a), which stated that former Art. 2B, § 8–406 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 20–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

## **20–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

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

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.**

### **(D) LIMIT ON SERVINGS.**

**(1) AN INDIVIDUAL MAY CONSUME BEER AND WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(I) 3 OUNCES FROM EACH OFFERING OF BEER; AND**

**(II) 1 OUNCE FROM EACH OFFERING OF WINE.**

**(2) AN INDIVIDUAL MAY CONSUME WINE IN A QUANTITY OF NOT MORE THAN 6 OUNCES FROM ALL OFFERINGS IN A DAY.**

**(3) AN INDIVIDUAL MAY CONSUME LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(I) 0.5 OUNCE FROM EACH OFFERING; AND**

**(II) 1.5 OUNCES FROM ALL OFFERINGS IN 1 DAY.**

**(E) PROCEDURES FOR TASTING EVENT.**

**THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A WINE TASTING EVENT ARE:**

**(1) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE BOARD APPROVES; AND**

**(2) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A HOLDER OF A SOLICITOR'S PERMIT, THE HOLDER OF THE BWLT LICENSE, OR AN EMPLOYEE OF THE LICENSE HOLDER.**

**(F) FEE.**

**THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-406.1(b) through (g) and 8-406(e)(1) and (3).

Throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of wine is added for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the references to “each offering” and “all offerings” are substituted for the former references to “a given brand” and “all brands” for consistency with the terminology used throughout this article.

Also in subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (d)(1) of this section, the allowed quantities from former Art. 2B, § 8–406 – revised at § 20–1307 of this subtitle – are substituted for the former statement that “[t]he limitations on the consumption of beer and wine under § 8–406 of this subtitle apply to a beer, wine, and liquor tasting license” for clarity.

Former Art. 2B, § 8–406.1(a), which stated that former Art. 2B, § 8–406.1 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 20–101  
 “License” § 1–101  
 “Wine” § 1–101

## **20–1309. MULTIVENUE WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A 1–DAY MULTIVENUE WINE (MVW) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

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

**(1) THE LICENSE HOLDER MAY CONDUCT SIMULTANEOUS WINE EVENTS AT NOT MORE THAN FIVE VENUES THAT ARE:**

**(I) WITHIN WALKING DISTANCE OF EACH OTHER; AND**

**(II) LOCATED IN DISTRICTS THAT ALLOW THE CONSUMPTION OF**

**WINE.**

**(2) UNDER REGULATIONS THAT THE BOARD ADOPTS, AT EACH WINE EVENT, THE LICENSE HOLDER:**

**(I) MAY SELL WINE BY THE GLASS FOR ON-PREMISES CONSUMPTION OR BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION;**

**(II) MAY ALLOW THE HOLDER OF A CLASS 4 LIMITED WINERY LICENSE TO CONDUCT A WINE TASTING; AND**

**(III) SHALL PROHIBIT A GUEST FROM TRANSPORTING WINE FROM ONE VENUE TO ANOTHER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-406.2(b) through (d).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to a "bona fide" nonprofit organization is deleted as surplusage.

Former Art. 2B, § 8-406.2(a), which stated that former Art. 2B, § 8-406.2 applied only in Frederick County, is deleted in light of the organization of this revised article.

Defined terms: "Board" § 20-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**20-1310. RESERVED.**

**20-1311. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**20-1312. CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER AND A CLASS C PER DIEM BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.****AN APPLICANT MAY PURCHASE:**

**(1) A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR**

**(2) A CLASS C MULTIDAY BEER LICENSE OR A CLASS C MULTIDAY BEER AND WINE LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.**

**(C) NUMBER OF DAYS FOR SINGLE APPLICANT.**

**THE DAYS FOR WHICH LICENSES UNDER THIS SECTION MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 IN A CALENDAR YEAR.**

**(D) FEE.****THE FEE IS \$10 PER DAY FOR:**

**(1) A CLASS C PER DIEM BEER LICENSE;**

**(2) A CLASS C PER DIEM BEER AND WINE LICENSE;**

**(3) A CLASS C MULTIDAY BEER LICENSE; OR**

**(4) A CLASS C MULTIDAY BEER AND WINE LICENSE.**

REVISOR'S NOTE: Subsection (a) of this section is standard language added establishing a license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 7-101(b)(7)(ii) through (iv).

In subsection (c) of this section, the former reference to the "total number" of days is deleted as surplusage.

Former Art. 2B, § 7-101(b)(7)(i), which stated that former Art. 2B, § 7-101(b)(7) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**20-1313. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**AN APPLICANT MAY PURCHASE:**

**(1) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE FOR EACH DAY A LICENSE IS REQUIRED; OR**

**(2) A CLASS C MULTIDAY BEER, WINE, AND LIQUOR LICENSE FOR ALL DAYS FOR WHICH A LICENSE IS REQUIRED.**

**(C) NUMBER OF DAYS FOR SINGLE APPLICANT.**

**THE DAYS FOR WHICH LICENSES UNDER THIS SUBSECTION MAY BE ISSUED TO A SINGLE APPLICANT MAY NOT EXCEED 50 IN A CALENDAR YEAR.**

**(D) FEE.**

**THE FEE IS \$30 PER DAY FOR:**

**(1) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) A CLASS C MULTIDAY BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: Subsection (a) of this section is standard language added establishing a license.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 7-101(b)(9)(ii) through (iv).

In subsection (c) of this section, the former reference to the "total number" of days is deleted as surplusage.

Former Art. 2B, § 7-101(b)(9)(i), which stated that former Art. 2B, § 7-101(b)(9) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**20-1314. LICENSES FOR VOLUNTEER FIRE COMPANIES.****(A) AUTHORIZED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE TO THE:**

- (1) MIDDLETOWN VOLUNTEER FIRE COMPANY;**
- (2) WOLFVILLE VOLUNTEER FIRE COMPANY;**
- (3) JEFFERSON VOLUNTEER FIRE COMPANY; AND**
- (4) MYERSVILLE VOLUNTEER FIRE COMPANY.**

**(B) USE OF PROCEEDS.**

**ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE ENTITIES LISTED IN SUBSECTION (A) OF THIS SECTION SHALL BE USED ONLY:**

- (1) TO PURCHASE FIRE AND RESCUE EQUIPMENT;**
- (2) FOR OPERATING EXPENSES; AND**
- (3) FOR CONSTRUCTING AND MAINTAINING THE BUILDINGS THAT HOUSE THE EMERGENCY EQUIPMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7-101(o)(3) and 8-211(g).

In subsection (a) of this section, the reference to "the Board" is added to clarify that the Board issues the licenses.

Also in subsection (a) of this section, the former phrase "[n]otwithstanding any other restrictions imposed by this article," is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former reference to "[t]he restrictions in this section and in § 7-101(g) of this article ... not apply[ing] to licenses issued" under "this subsection" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101  
 "Board" § 20-101



**20-1315. ST. KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A 1-DAY BEER, WINE, AND LIQUOR LICENSE TO ST. KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC.**

**(B) USE OF PROCEEDS.**

**ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR ST. KATHARINE DREXEL ROMAN CATHOLIC CONGREGATION, INC., SHALL BE USED TO FUND BUILDING CONSTRUCTION OR FOR CHARITABLE PURPOSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-211(h).

In subsection (a) of this section, the former phrase “[n]otwithstanding the restrictions in this section and in § 7-101(g) of this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the former phrase “under paragraph (1) of this subsection” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101  
“Board” § 20-101

**20-1316. HOLY FAMILY CATHOLIC COMMUNITY.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A 1-DAY SPECIAL CLASS C BEER AND WINE LICENSE AND A 1-DAY SPECIAL CLASS C BEER, WINE, AND LIQUOR LICENSE TO HOLY FAMILY CATHOLIC COMMUNITY.**

**(B) USE OF PROCEEDS.**

**ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR HOLY FAMILY CATHOLIC COMMUNITY SHALL BE USED TO FUND BUILDING CONSTRUCTION OR FOR CHARITABLE PURPOSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-211(i).

In subsection (a) of this section, the former phrase “[n]otwithstanding the restrictions in this section and in § 7–101(g) of this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the former phrase “under paragraph (1) of this subsection” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 20–101

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

##### **20–1401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (3) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (4) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**
- (5) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (6) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (7) § 4–111 (“PAYMENT OF LICENSE FEES”);**
- (8) § 4–112 (“DISPOSITION OF LICENSE FEES”);**
- (9) § 4–113 (“REFUND OF LICENSE FEES”); AND**
- (10) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTION.**

**SECTION 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 20-1404 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 20-1402 AND 20-1403 OF THIS SUBTITLE; AND**

**(2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 20-1405 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 20-101

**20-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(v)1A.

Defined terms: “Board” § 20-101

“Central Repository” § 1-101

“License” § 1-101

**20-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(v) and, as it related to Frederick County, (i)2.

The reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Defined term: “Board” § 20–101

#### **20–1404. APPLICATION ON BEHALF OF PARTNERSHIP.**

##### **(A) REQUIREMENTS FOR APPLICATION.**

**(1) A LICENSE FOR THE USE OF A PARTNERSHIP SHALL BE APPLIED FOR AND ISSUED TO THREE INDIVIDUALS.**

**(2) THE THREE INDIVIDUALS ARE NOT REQUIRED TO BE PARTNERS BUT SHALL BE AUTHORIZED IN WRITING TO ACT FOR THE PARTNERSHIP.**

**(3) ONE OF THE THREE INDIVIDUALS SHALL:**

**(i) HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(ii) BE A REGISTERED VOTER OF THE COUNTY BEFORE AND AT THE TIME THE APPLICATION IS FILED.**

**(4) THE NAMES OF EACH PARTNER SHALL BE STATED ON THE APPLICATION.**

**(B) CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS PARTNER.**

**IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A PARTNER OF A PARTNERSHIP ON BEHALF OF WHICH AN APPLICATION FOR A LICENSE HAS BEEN FILED, THE APPLICATION SHALL INCLUDE:**

**(1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN THE CORPORATE PARTNER;**

**(2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP INTEREST OF THE PARTNERSHIP PARTNER; OR**

**(3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST IN THE LIMITED LIABILITY COMPANY PARTNER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(a)(5).

In subsection (a)(2) of this section, the reference to the three individuals "not [being] required" to be a partner is substituted for the former reference to "[n]one of the 3 individuals need" to be a partner, to conform to the style used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements in subsection (a)(3) of this section that an individual be a resident of the County for 2 years before filing an application 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: "County" § 20-101  
"License" § 1-101

**20-1405. PERSONS ELIGIBLE TO SIGN PETITION OF SUPPORT.**

**(A) OWNERS OF REAL ESTATE WITHIN 5,000 FEET OF ESTABLISHMENT FOR WHICH LICENSE IS SOUGHT.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, PERSONS WHO ARE OWNERS OF REAL ESTATE WITHIN 5,000 FEET OF THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT SHALL BE THOSE PERSONS SIGNING THE PETITION OF SUPPORT FOR THE LICENSE APPLICATION.**

**(B) ALTERNATE PLAN.**

**IF AN INSUFFICIENT NUMBER OF PERSONS OWN REAL ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT, THE PERSONS SIGNING THE PETITION OF SUPPORT SHALL BE DRAWN FROM OWNERS OF REAL ESTATE WITHIN THE AREA OF A CIRCLE THAT:**

**(1) HAS THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT AT ITS CENTER; AND**

**(2) ENCOMPASSES PROPERTIES OWNED BY AT LEAST 1,000 PERSONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(18)(iv).

Throughout this section, the references to a “petition of support” are substituted for the former references to a “certificate” to conform to the terminology used throughout this article.

In subsection (a) of this section, the reference to a certificate of support “for the license application” is added for clarity.

Defined terms: “License” § 1–101

“Person” § 1–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.****20–1501. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”);**
- (3) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (4) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (5) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (6) § 4–209 (“HEARING”);**
- (7) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (8) § 4–211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (9) § 4–212 (“LICENSE NOT PROPERTY”);**

**(10) § 4-213 (“REPLACEMENT LICENSES”); AND**

**(11) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE; AND**

**(2) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 20-1502 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 20-101

“License” § 1-101

“Local licensing board” § 1-101

**20-1502. ONLINE POSTING OF APPLICATION.**

**THE BOARD MAY FULFILL THE NOTICE REQUIREMENT OF § 4-208 OF THIS ARTICLE BY POSTING ONLINE A COMPLETED APPLICATION WITH ALL SUBMITTED DOCUMENTS AT LEAST 14 DAYS BEFORE THE HEARING DATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(a)(1)(ii).

Defined term: “Board” § 20-101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 9-102(b-1)(2)(iii), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Frederick County, is deleted as unnecessary. This revision applies the general rule to Frederick County. The fact that Frederick County is not covered by the exception need not be stated.

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.****20-1601. LICENSE QUOTA IN ELECTION DISTRICTS.****(A) IN GENERAL.**

**(1) FOR EVERY 4,000 INDIVIDUALS OR MAJOR FRACTION IN AN ELECTION DISTRICT, THE BOARD MAY NOT ISSUE MORE THAN ONE LICENSE IN EACH OF THE FOLLOWING CLASSES:**

- (I) CLASS A (OFF-SALE) BEER LICENSE;**
- (II) CLASS B (ON-SALE) BEER LICENSE;**
- (III) CLASS A (OFF-SALE) BEER AND WINE LICENSE;**
- (IV) CLASS B (ON-SALE) BEER AND WINE LICENSE; AND**
- (V) CLASS A (OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE POPULATION OF EACH ELECTION DISTRICT IS TO BE DETERMINED BY THE MOST RECENT FEDERAL CENSUS.**

**(B) RESTRICTION ON ISSUING NEW LICENSES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN AN ELECTION DISTRICT IN WHICH THE NUMBER OF LICENSES IN A CLASS THAT WERE ISSUED AS OF JUNE 1, 1949, EXCEEDS THE QUOTA SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE BOARD MAY NOT ISSUE NEW LICENSES IN THAT CLASS.**

**(2) THE BOARD MAY ISSUE NEW LICENSES IN A CLASS WHEN THE NUMBER OF LICENSES IN THAT CLASS FALLS BELOW THE QUOTA SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) EFFECT OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE TRANSFER OR RENEWAL OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-211(b) and (c).



In the introductory language of subsection (a)(1) and in subsection (b)(1) and (2) of this section, the references to the “Board” are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In the introductory language of subsection (a)(1) of this section, the reference to “individuals” is substituted for the former reference to “people” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (a)(1) of this section, the reference to “an” election district is substituted for the former reference to “any one” election district for brevity.

In subsection (a)(1)(iii) and (iv) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(2) of this section, the reference to the Board “issu[ing] new licenses in a class when” a specified event occurs is substituted for the former phrase “no new licenses of such class shall be issued unless and until” a specified event occurs for brevity.

In subsection (c) of this section, the reference to “[t]his section ... not apply[ing] to the transfer or renewal of a license” is substituted for the former phrase “a transfer or renewal of an existing license shall in no way be construed to be a new license” for clarity.

Former Art. 2B, § 9–211(a), which stated that the provisions of former Art. 2B, § 9–211 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 20–101  
 “License” § 1–101

## **20–1602. RESTRICTIONS IN CERTAIN ELECTION DISTRICTS.**

### **(A) GENERAL PROHIBITION AGAINST ISSUANCE OF LICENSES.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT IN ANY OF THE FOLLOWING ELECTION DISTRICTS:**

#### **(I) CATOCTIN (6TH);**

- (II) HAUVERS (10TH);
- (III) JACKSON (16TH);
- (IV) LINGANORE (19TH); AND
- (V) BALLENGER (23RD).

(2) THIS SUBSECTION DOES NOT APPLY TO A CLASS 8 FARM BREWERY LICENSE ISSUED UNDER § 2-210 OF THIS ARTICLE.

(3) THE BOARD MAY ISSUE THE FOLLOWING LICENSES FOR AN ESTABLISHMENT IN THE BALLENGER ELECTION DISTRICT:

- (I) A CLASS 7 MICRO-BREWERY LICENSE;
- (II) A CLASS B-CC LICENSE;
- (III) A CLASS B LICENSE; AND
- (IV) A CLASS MEC LICENSE.

(B) CLASS A, CLASS B, AND CLASS C BEER LICENSES ALLOWED IN CERTAIN DISTRICTS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE A CLASS A, CLASS B, OR CLASS C BEER LICENSE FOR AN ESTABLISHMENT IN ANY OF THE FOLLOWING ELECTION DISTRICTS:

- (I) JEFFERSON (14TH);
- (II) JOHNSVILLE (17TH); AND
- (III) BURKITTSVILLE (22ND).

(2) THE BOARD MAY ISSUE A CLASS B-CI (COUNTRY INN) ON-SALE BEER, WINE, AND LIQUOR LICENSE FOR THE USE OF AN ESTABLISHMENT IN THE BURKITTSVILLE (22ND) ELECTION DISTRICT.

(C) CLASS A, CLASS B, AND CLASS C BEER AND WINE LICENSES AND CLASS A, CLASS B, AND CLASS C BEER, WINE, AND LIQUOR LICENSES ALLOWED IN CERTAIN DISTRICTS.

**THE BOARD MAY ISSUE A CLASS A, CLASS B, OR CLASS C BEER AND WINE LICENSE OR A CLASS A, CLASS B, OR CLASS C BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT IN ANY OF THE FOLLOWING ELECTION DISTRICTS:**

- (1) BUCKEYSTOWN (1ST);**
- (2) FREDERICK (2ND);**
- (3) CREAGERSTOWN (4TH);**
- (4) EMMITSBURG (5TH);**
- (5) URBANA (7TH);**
- (6) LIBERTY (8TH);**
- (7) NEW MARKET (9TH);**
- (8) WOODSBORO (11TH);**
- (9) PETERSVILLE (12TH);**
- (10) MT. PLEASANT (13TH);**
- (11) THURMONT (15TH);**
- (12) WOODVILLE (18TH);**
- (13) LEWISTOWN (20TH);**
- (14) TUSCARORA (21ST);**
- (15) BRADDOCK (24TH);**
- (16) BRUNSWICK (25TH); AND**
- (17) WALKERSVILLE (26TH).**

**(D) 3RD ELECTION DISTRICT — CLASS C BEER, WINE, AND LIQUOR LICENSES ALLOWED.**

**THE BOARD MAY ISSUE A CLASS C BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT IN THE 3RD ELECTION DISTRICT.**

**(E) MIDDLETOWN — CLASS A, CLASS B, OR CLASS C BEER LICENSES AND CLASS B BEER, WINE, AND LIQUOR LICENSES ALLOWED.**

**(1) THE BOARD MAY ISSUE WITHIN THE MUNICIPAL BOUNDARIES OF MIDDLETOWN:**

**(I) CLASS A, CLASS B, OR CLASS C BEER LICENSES;**

**(II) CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSES, IF THE LICENSED PREMISES DERIVES AT LEAST 70% OF ITS MONTHLY GROSS REVENUE FROM THE SALE OF FOOD; AND**

**(III) MIDDLETOWN WINE FESTIVAL LICENSES.**

**(2) IN ALL OTHER AREAS OF THE MIDDLETOWN (3RD) ELECTION DISTRICT, THE BOARD MAY ISSUE ONLY:**

**(I) CLASS A, CLASS B, OR CLASS C BEER LICENSES; OR**

**(II) MIDDLETOWN WINE FESTIVAL LICENSES.**

**(F) HOLDERS OF WINERY, LIMITED WINERY, OR CLASS A WINE LICENSES.**

**(1) WINE MAY BE SOLD AS PROVIDED UNDER A WINERY LICENSE, A LIMITED WINERY LICENSE, OR A CLASS A WINE LICENSE IN ANY ELECTION DISTRICT.**

**(2) A HOLDER OF A LIMITED WINERY LICENSE MAY PROVIDE TABLES AND CHAIRS ON THE PREMISES OF THE LICENSED FACILITY FOR THE SALE, BY THE GLASS, OF WINE AND POMACE BRANDY MADE AT THE FACILITY TO AN INDIVIDUAL WHO PARTICIPATES IN A GUIDED TOUR OF THE FACILITY OR ATTENDS A SCHEDULED PROMOTIONAL EVENT OR OTHER ORGANIZED ACTIVITY AT THE LICENSED PREMISES.**

**(G) CIVIC AND RELIGIOUS ORGANIZATIONS — BEER, WINE, AND LIQUOR LICENSES.**

**(1) THE BOARD MAY ISSUE A BEER, WINE, AND LIQUOR LICENSE TO:**

- (I) A RELIGIOUS ORGANIZATION;**
- (II) A FRATERNAL ORGANIZATION;**
- (III) A CIVIC ORGANIZATION;**
- (IV) A WAR VETERANS' ORGANIZATION; AND**
- (V) A PATRIOTIC ORGANIZATION.**

**(2) A LICENSE ISSUED UNDER THIS SUBSECTION MAY BE USED ONLY FOR ON-PREMISES CONSUMPTION.**

**(3) ALL NET PROCEEDS FROM THE SALE OF ALCOHOLIC BEVERAGES BY AN ORGANIZATION LISTED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE USED SOLELY FOR CHARITABLE PURPOSES OR OTHERWISE TO FURTHER THE PURPOSES OF THE ORGANIZATION.**

**(H) GOLF AND COUNTRY CLUB LICENSES.**

**THE BOARD MAY ISSUE CLASS C (GOLF AND COUNTRY CLUB) LICENSES FOR ESTABLISHMENTS IN THE 16TH ELECTION DISTRICT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-211(b) through (f), (g-1), and (j).

Throughout this section, the references to the "Board" are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also throughout this section, the references to an "establishment" are substituted for the former references to "place[s] of business" to conform to the terminology used throughout this article.

Also throughout this section, the former references to a license "for the sale of alcoholic beverages authorized by this article" and a license "as authorized by this article" are deleted as included in the defined term "license".

In subsection (a)(1)(v) of this section, the former phrase "[e]xcept as provided in paragraph (3) of this subsection" is deleted as unnecessary in light of the introductory language, "[e]xcept as otherwise provided in this section", of subsection (a)(1) of this section. Similarly, in subsection (f) of this section, the former phrase "[n]otwithstanding any other provisions of this section" is deleted.

In subsection (a)(3)(i) of this section, the former cross-reference to a Class 7 micro-brewery license “under § 2-208 of this article” is deleted as surplusage. Similarly, in subsection (a)(3)(ii), (iii), and (iv) of this section, the former cross-references to a Class B-CC license “under § 6-201(l)(8) of this article”, a Class B license “under § 6-201(l)(9) of this article”, and a Class MEC license “under § 6-201(l)(10) of this article” are deleted.

In the introductory language of subsections (b) and (c) and in subsection (d) of this section, the references to licenses that “may” be issued for an establishment are substituted for the former references to licenses that “shall” be issued for an establishment to avoid the misleading implication that the Board is required to automatically approve license applications.

In subsection (b)(2) of this section, the former reference to an establishment “that meets the requirements of § 6-201(l)(1)(i) of this article” is deleted as surplusage.

In the introductory language of subsection (c) and in subsection (f)(1) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (f)(2) of this section, the reference to “an individual” is substituted for the former reference to “a person” because only a human being can participate in a guided tour.

In the introductory language of subsection (g)(1) of this section, the former reference to “[t]he restrictions in this section and in § 7-101(g) of this article ... not apply[ing] to licenses issued under this subsection” is deleted as unnecessary in light of the organization of this revised article. Similarly, in subsection (h) of this section, the former phrase “[n]otwithstanding the restrictions in this section and in § 7-101(g) of this article” is deleted.

In the introductory language of subsection (g)(1) of this section, the former reference to a “bona fide” organization is deleted as surplusage.

Former Art. 2B, § 8-211(a), which stated that the provisions of Art. 2B, § 8-211 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 20-101

“License” § 1-101

“Pomace brandy” § 1-101

“Wine” § 1-101

**20-1603. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, DISCOUNT HOUSES, AND FRANCHISED ESTABLISHMENTS.**

A CLASS A LICENSE MAY NOT BE ISSUED FOR, TRANSFERRED TO, USED IN CONJUNCTION WITH, OR USED AT THE LOCATION OF:

- (1) A CHAIN STORE;
- (2) A SUPERMARKET;
- (3) A DISCOUNT HOUSE; OR
- (4) A FRANCHISED ESTABLISHMENT:

(I) THAT IS OPERATED UNDER AN AGREEMENT BETWEEN A FRANCHISEE AND FRANCHISOR THAT PERMITS THE FRANCHISEE TO CONDUCT A BUSINESS OR SELL A PRODUCT OR SERVICE UNDER A NAME OR MARK, IN ACCORDANCE WITH THE METHODS AND PROCEDURES SET OUT BY THE FRANCHISOR; AND

(II) FOR WHICH THE FRANCHISOR ASSISTS THE FRANCHISEE THROUGH ADVERTISING, PROMOTION, OR OTHER SERVICES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-211(d).

In the introductory language of this section, the reference to the "location" is substituted for the former reference to the "premises" for clarity.

Also in the introductory language of this section, the former reference to a license being "granted" is deleted as unnecessary in light of the reference to a license being "issued".

Also in the introductory language of this section, the former phrase "premises having any drug or pharmaceutical, or other business establishment of the type commonly known as" a chain store, supermarket, discount house, or franchised establishment is deleted as surplusage.

**20-1604. DRIVE-THROUGH SALES PROHIBITED.**

THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-211.1, except as it related to the transfer of a license.

In the introductory language of this section, the defined term "Board" is substituted for the former reference to "the License Commissioner" for consistency with the terminology used throughout this article.

Also in the introductory language of this section, the reference to a "sales" facility is substituted for the former reference to a "purchase" facility for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 20-101

"License" § 1-101

"Off-sale" § 1-101

**20-1605. RESERVED.**

**20-1606. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**20-1607. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**20-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 ("TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**



(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”);

(3) § 4-305 (“FILING FEE AND ENDORSEMENT”); AND

(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).

(B) VARIATION.

SECTION 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 20-1702 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 20-101

“License” § 1-101

**20-1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(l)(2) and, as it related to license transfers, § 9-211.1.

The former reference to a license “of any class” is deleted as unnecessary.

Former Art. 2B, § 10-503(l)(1), which stated that former Art. 2B, § 10-503(l) applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 20-101

“License” § 1-101

“Off-sale” § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**20-1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 20-101  
 “License” § 1-101

**20-1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(v)2.

Defined term: “License” § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.****20-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 20-1902 OF THIS SUBTITLE; AND**

**(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 20-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 20-101

“License” § 1-101

“License holder” § 1-101

**20-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS:**

**(1) AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; OR**

**(2) AT LEAST 14 YEARS OLD TO PERFORM ANY TASK OTHER THAN TO SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(7).

In the introductory language of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Also in the introductory language of this section, the former phrase “[n]otwithstanding the other provisions of this section” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“License holder” § 1-101

**20-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE INDIVIDUAL CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE LICENSE PREMISES FOR AN EMERGENCY IF:**

**(I) THE EMERGENCY MEETS STANDARDS THAT THE BOARD SETS BY REGULATION; AND**

**(II) THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(2) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(i)6 and (iv)3 and 4.

In subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

Defined terms: "Board" § 20-101  
"License holder" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.****20-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, OPERATOR, OR MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Frederick County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **20–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

#### **(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(i) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(ii) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (i) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING PERMIT TO THE LICENSE HOLDER.**

**(ii) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR OFF-PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(iii) THE ANNUAL PERMIT FEE IS \$100 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE.**

**(iv) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO THE LICENSE.**

### **(B) CLASS B BEER LICENSE.**

#### **(1) A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

(I) ON MONDAY THROUGH SATURDAY, FOR ON- AND OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY:

1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR ON-PREMISES CONSUMPTION:

A. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

B. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.

2. FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER LICENSE.

(1) A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL BEER:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY:

1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

2. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER LICENSE.

RESERVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(3), 11-403(a)(1)(ii), and 11-511(c) and (d)(4).

In subsection (a)(2)(ii) of this section, the former reference to the "existing Class A beer" license is deleted as surplusage.

Former Art. 2B, § 11-511(a), which stated that former Art. 2B, § 11-511 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-511(b), which stated that "[t]his section does not apply to holders of Class E licenses" is deleted as unnecessary. Class E licenses are issued by the Comptroller, not by the Board, and so would not apply to former § 11-511 in any case.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(ii) of this section, which revised former Art. 2B, § 11-511(a)(3)(ii), a holder of a Class A beer license may exercise the privileges of the license on Sunday, from 11 a.m. to 2 a.m. the following day. However, in subsection (a)(2) of this section, which revised former Art. 2B, § 11-511(d)(4)(i), the Board may grant a special Sunday opening permit to a holder of the license that authorizes the sale of beer from 11 a.m. to 2 a.m. the following day, thus raising the question whether a special Sunday opening permit is needed for Sunday sales.

Defined terms: "Beer" § 1-101  
 "Board" § 20-101  
 "License holder" § 1-101

## **20-2003. CLASS A WINE LICENSE.**

**A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE ON SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-511(d)(1).

Defined term: "Wine" § 1-101

## **20-2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**



(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) (I) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING PERMIT TO THE LICENSE HOLDER.

(II) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER FOR OFF-PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.

(III) THE ANNUAL PERMIT FEE IS \$140 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE.

(IV) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO THE LICENSE.

(B) CLASS B BEER AND WINE LICENSE.

(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(I) ON MONDAY THROUGH SATURDAY, FOR ON- AND OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) ON SUNDAY:

1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR ON-PREMISES CONSUMPTION:

A. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR

B. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; AND

2. FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.

**(C) CLASS C BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FOR ON-PREMISES CONSUMPTION:**

**1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(4), 11-403(a)(1)(ii), and 11-511(c) and (d)(3).

In subsections (a) and (b) of this section, the references to the authority of a license holder to "sell beer and wine" are substituted for the former reference to "the hours of operation" of license holders to conform to the terminology used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(1)(ii) of this section, which revised former Art. 2B, § 11-302(a)(4)(ii), a holder of a Class A beer and wine license may exercise the privileges of the license on Sunday, from 11 a.m. to 2 a.m. the following day. However, in subsection (a)(2) of this section, which revised former Art. 2B, § 11-511(d)(3)(i), the Board may grant a special Sunday opening permit to a holder of the license that authorizes the sale of beer and wine from 11 a.m. to 2 a.m. the following day, thus raising the question whether a special Sunday opening permit is needed for Sunday sales.

Defined terms: "Beer" § 1-101

“Board” § 20–101

“Wine” § 1–101

**20–2005. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) THE BOARD MAY GRANT A SPECIAL SUNDAY OPENING PERMIT TO THE LICENSE HOLDER.**

**(II) THE PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR OFF–PREMISES CONSUMPTION ON SUNDAY FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(III) THE ANNUAL PERMIT FEE IS \$650 IN ADDITION TO THE ANNUAL FEE FOR THE LICENSE.**

**(IV) THE PERMIT IS NOT CONSIDERED A SEPARATE CLASS OF LICENSE AND, IF IT IS GRANTED, THE PRIVILEGE SHALL BE INCORPORATED INTO THE LICENSE.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON– AND OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY:**

**1. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR ON–PREMISES CONSUMPTION:**

**A. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**B. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD; AND**

**2. FOR OFF-PREMISES CONSUMPTION, FROM 1 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS B BEER, WINE, AND LIQUOR LICENSE IN BALLENGER DISTRICT.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE IN THE BALLENGER (23RD) ELECTION DISTRICT MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON- AND OFF-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY:**

**1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FOR A SPECIFIC EVENT THAT THE BOARD HAS APPROVED, THE HOURS FOR THE EVENT THAT ARE SET BY THE BOARD.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-201(l)(9)(i) and (v), 11-303(a)(2)(v), 11-403(a)(1)(ii), and 11-511(c) and (d)(2).

Defined terms: “Board” § 20–101

“Beer” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**20–2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(9), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 20–101

“License” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**20–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 20–101

“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**20–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4–806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 20–2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 20–101

“License” § 1–101

“License holder” § 1–101

**20–2302. NO CHARGE FOR CERTIFICATE OF PERMISSION.**

**A FEE MAY NOT BE CHARGED FOR A CERTIFICATE OF PERMISSION FOR THE CONTINUATION OF THE BUSINESS IN THE NAME OF THE PERSONAL REPRESENTATIVE OR SPECIAL ADMINISTRATOR FOR THE BENEFIT OF THE ESTATE OF THE DECEASED LICENSE HOLDER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(a)(2)(ii).

The reference to a certificate of permission “for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the deceased license holder” is added for clarity.

Defined term: “License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**20-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 20-101

**20-2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)6.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 20-101  
“County” § 20-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**20-2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**AFTER LEGAL CLOSING HOURS FOR LICENSED PREMISES UNDER §§ 20-2003 THROUGH 20-2006 OF THIS TITLE, AN UNLICENSED ESTABLISHMENT MAY NOT:**

**(1) SERVE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED BY A CUSTOMER FROM SUPPLIES THAT THE CUSTOMER PREVIOUSLY PURCHASED OR RESERVED; OR**

**(2) SERVE, KEEP, OR ALLOW TO BE CONSUMED AT ITS LOCATION OR AT A LOCATION UNDER ITS CONTROL OR POSSESSION ALCOHOLIC BEVERAGES, SETUPS, OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

**(B) NUDITY OR SEXUAL DISPLAY.**

**THE PROHIBITIONS AGAINST NUDITY OR SEXUAL DISPLAYS UNDER § 4-605 OF THIS ARTICLE APPLY TO AN ESTABLISHMENT UNDER SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-106(a) and (c) through (e).

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of "bottle club", for clarity and brevity. In the former law, a "bottle club" was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In the introductory language of subsection (a) of this section, the reference to closing hours for "licensed premises" is substituted for the former reference to closing hours for "establishments" for clarity.

Also in the introductory language of subsection (a) of this section, the reference to an "unlicensed establishment" is substituted for the former reference to a "bottle club" to conform to the terminology used throughout this article.

In subsection (a)(1) of this section, the former reference to "giv[ing]" alcoholic beverages is deleted as included in the reference to "serv[ing]" alcoholic beverages.

In subsection (a)(2) of this section, the former references to "giv[ing]" and "dispens[ing]" alcoholic beverages are deleted as included in the reference to "serv[ing]" alcoholic beverages.

Former Art. 2B, § 20-106(b), which stated that former Art. 2B, § 20-106 applied only in Frederick County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101



**20–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.****(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2) and (1)(1)(ii) and (2).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal

Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Former Art. 2B, § 11–304(l)(1)(i), which stated that former Art. 2B, § 11–304(l) applied only in Frederick 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 under § 20–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **20–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 20-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 20-101

“State” § 1-101

**20-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

(A) IN COUNTY.

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR ON A HIGHWAY.

(B) IN CITY OF FREDERICK.

**IN THE CITY OF FREDERICK, THE MAYOR AND ALDERMEN MAY REGULATE THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY OWNED BY THE CITY OR ON A PUBLIC HIGHWAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(7) and, as it related to the City of Frederick, (c).

In subsection (a)(1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In subsection (a)(2) of this section, the former reference to the public “in general” is deleted as surplusage.

In subsection (b) of this section, the former phrase “within the city limits” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 20–101

#### **20–2603. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Frederick County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

#### **20–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

##### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

##### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(vi), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 20–101

**SUBTITLE 27. PROHIBITED ACTS.**

**20–2701. 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) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(2) § 6–305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**

**(4) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);**

- (5) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (7) § 6-310 (“PROVIDING FREE FOOD”);
- (8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (9) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (14) § 6-320 (“DISORDERLY INTOXICATION”);
- (15) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (16) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- (17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (19) § 6-327 (“TAX EVASION”);
- (20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

**(21) § 6-329 (“PERJURY”).**

**(B) VARIATION.**

**SECTION 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 20-2702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 20-101

“License holder” § 1-101

“Retail dealer” § 1-101

**20-2702. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR CONTINUING CARE RETIREMENT COMMUNITY.**

**RESIDENTS AND THEIR GUESTS IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE MAY CONSUME WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT COMMUNITY IF:**

**(1) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**

**(2) THE CONTINUING CARE RETIREMENT COMMUNITY:**

**(I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**

**(II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

**(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(IV) PREPARES AND SERVES MEALS DURING REGULAR OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(9).

Defined terms: “Beer” § 1–101

“License” § 1–101

“On-sale” § 1–101

“Wine” § 1–101

**20–2703. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

**(A) IN GENERAL.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

**(1) A MEMBER OF THE BOARD;**

**(2) THE CHIEF ALCOHOLIC BEVERAGES INSPECTOR;**

**(3) A FULL-TIME OR PART-TIME ALCOHOLIC BEVERAGES INSPECTOR; OR**

**(4) ANY OTHER EMPLOYEE OF THE BOARD.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–103(f)(1)(iii) and (2).

In the introductory language of subsection (a) of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of subsection (a) of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer to pay any commission, profit, or remuneration or make any gift” for brevity.

Also in the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.



Also in the introductory language of subsection (a) of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In subsection (a)(4) of this section, the reference to “any other” employee of the Board is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 20–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **20–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 20–101

### **20–2802. PENALTY IMPOSED BY BOARD.**

#### **(A) FINE OR SUSPENSION.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$3,000 FOR EACH OFFENSE OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OF A LICENSE.**

#### **(B) REDUCTION OF SUSPENSION.**

**THE BOARD MAY REDUCE A SUSPENSION BY ALLOWING THE LICENSE HOLDER TO PAY AN ADDITIONAL FINE NOT EXCEEDING \$1,000 FOR EACH WEEK THE SUSPENSION IS REDUCED.**

#### **(C) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(l).

In subsection (a) of this section, the reference to a cause for suspension “of a license” is substituted for the former reference to a cause for suspension “under the alcoholic beverages laws affecting Frederick County” for brevity.

In subsection (b) of this section, the reference to an “additional” fine payable to reduce the duration of suspension is added for clarity.

In subsection (c) of this section, the reference to “[f]ines” is substituted for the former reference to “moneys” to conform to the terminology used throughout this article.

Defined terms: “Board” § 20–101

“County” § 20–101

“License” § 1–101

“License holder” § 1–101

## **TITLE 21. GARRETT COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **21–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR GARRETT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Garrett County”.

**(c) COUNTY.**

**“COUNTY” MEANS GARRETT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Garrett County”.

**21–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN GARRETT COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**21–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 21–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(m), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **21–201. ESTABLISHED.**

#### **(A) IN GENERAL.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR GARRETT COUNTY.**

#### **(B) BOARD AS STATE UNIT.**

**THE BOARD IS A STATE UNIT THAT:**

##### **(1) ADMINISTERS THIS TITLE; AND**

**(2) MAY ISSUE, DENY, REVOKE, OR SUSPEND LICENSES WITHIN THE LIMITS SET OUT UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–108 and 15–201(a)(1) and (c)(6), as it related to Garrett County.

In subsection (a) of this section, the name “Board of License Commissioners for Garrett County” is used instead of the commonly used but misleading name “liquor control board” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

Also in subsection (a) of this section, the former reference to the board being “hereby constituted and established” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to the board being “appointed and ... [having] the tenure, compensation, powers and duties as provided in this subtitle” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a board “upon which shall be devolved all the duties and rights given elsewhere in this article” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to a State “unit” is substituted for the former reference to a State “agency” to conform to the terminology used in revised articles.

Defined terms: “Board” § 21-101

“License” § 1-101

“State” § 1-101

**21-202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THERE IS A RESIDENT SENATOR ELECTED FROM THE COUNTY, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THERE IS NO RESIDENT SENATOR ELECTED FROM THE COUNTY, WITH CONFIRMATION BY THE HOUSE OF DELEGATES.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) AN INDIVIDUAL WHO IS RECEIVING COMPENSATION FROM THE COUNTY MAY NOT BE APPOINTED TO THE BOARD.**

**(3) (I) TWO MEMBERS OF THE BOARD SHALL BE MEMBERS OF THE SAME POLITICAL PARTY AS THAT OF A MAJORITY OF THE MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS.**

**(II) ONE MEMBER OF THE BOARD SHALL BE A MEMBER OF A POLITICAL PARTY OTHER THAN THE ONE REPRESENTED BY A MAJORITY OF THE BOARD OF COUNTY COMMISSIONERS.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 6 YEARS AND BEGINS ON JUNE 1.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-201(c)(1) and (4), (d)(6), (e)(2)(i), the first and fourth sentences of (f), and (j)(1), 15-101(a)(4), and 15-110(a).

In subsections (b)(2) and (d)(1) of this section, the references to an "individual" are substituted for the former, overly broad references to a "person" for clarity.

In subsection (b)(2) of this section, the former reference to the appointment of an individual who is "then serving as a County Commissioner for the county" is deleted as included in the reference to the appointment of an individual who is "receiving any other compensation from the County".

In subsection (b)(3)(i) of this section, the reference to members of “the same political party as that of” a majority of the members of the Board of County Commissioners is substituted for the former reference to members of “that political party which has elected” for clarity.

Similarly, in subsection (b)(3)(ii) of this section, the reference to “a political party other than the one represented by a majority” is substituted for the former reference to “that political party other than the one electing” a majority.

In subsection (c) of this section, the former reference to June 1, 1966, as the beginning date for a new term is deleted as obsolete. In addition, the former reference to the initial appointments of 2, 4, and 6 years is deleted in light of the reference that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Garrett County.

In subsection (c)(1) of this section, the reference to “[t]he term of a member ... begins” is substituted for the former reference to “[i]n computing the time at which appointments to the several boards normally expire, and when new terms of office begin” for brevity.

Subsection (d) of this section is standard language substituted for the former reference to vacancies being “filled for the unexpired term in the same manner as the original appointment” for clarity.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(m), which provided a cross–reference to provisions applicable to Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 21–101  
“County” § 21–101

## **21–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The requirement that the Board “elect a” chair is substituted for the former requirement that the Board “organize by electing its own” chair for brevity.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 21–101

**21–204. MEETINGS; COMPENSATION; STAFF.**

**(A) MEETINGS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL MEET AT LEAST ONCE EACH MONTH.**

**(2) THE CHAIR MAY CANCEL A MEETING FOR LACK OF AN AGENDA.**

**(B) COMPENSATION.**

**(1) IN ACCORDANCE WITH § 32.44 OF THE GARRETT COUNTY CODE OF ORDINANCES, THE COUNTY COMMISSIONERS SHALL SET THE SALARIES OF THE MEMBERS OF THE BOARD.**

**(2) WHEN ATTENDING MEETINGS, EACH MEMBER IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

**(C) STAFF.**

**THE COUNTY COMMISSIONERS SHALL PROVIDE TO THE BOARD:**

**(1) ADMINISTRATIVE, CLERICAL, AND ACCOUNTING SERVICES AS NEEDED; AND**

**(2) (I) LEGAL COUNSEL THROUGH THE OFFICE OF THE COUNTY ATTORNEY; OR**

**(II) FUNDS FOR THE PAYMENT FOR COMPETENT PRIVATE LEGAL COUNSEL.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–201(h)(1) and (i)(5) and the third and fourth sentences of 15–205(a)(2).

In subsection (a)(2) 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) of this section, the reference to “§ 32.44 of the Garrett County Code of Ordinances” is substituted for the former obsolete reference to “Chapter 91 of the Public Local Laws of Garrett County”.

In subsection (b)(2) of this section, the reference to “reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget” is standard language substituted for the former reference to “a mileage fee in amounts equal to the mileage fees provided for in the Standard State Travel Regulations”. As to the Standard State Travel Regulations, *see* COMAR 23.02.01.01 through 12.

In subsection (c)(1) of this section, the former reference to administrative, clerical, and accounting services as needed by the Board “in the execution of their duties under the provisions of this article” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the reference to “funds for the payment for” private legal counsel is substituted for the former reference to “bear the expense of” private legal counsel for clarity.

Former Art. 2B, § 15–109(m), which provided that the County Commissioners may not receive compensation for serving as members of the Board of License Commissioners, is deleted in light of § 21–202(b) of this subtitle.

The first sentence of former Art. 2B, § 15–205(a)(2), which stated that § 15–205(a)(2) applied only to Garrett County, is deleted as unnecessary in light of the organization of this revised article.

The second sentence of former Art. 2B, § 15–205(a)(2), which stated that the position of clerk of the Board of License Commissioners was abolished as of July 1, 1987, is deleted as obsolete.

Defined terms: “Board” § 21–101

“County” § 21–101

“State” § 1–101

## **21–205. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Garrett County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 21–101

**SUBTITLE 3. LIQUOR CONTROL.****21–301. LIQUOR CONTROL — NOT APPLICABLE.****THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

The following provisions relating to a liquor control board and dispensary system in Garrett County are deleted as obsolete:

- (1) former Art. 2B, § 15–203(a–1) (authorizing establishment and maintenance of specified County dispensaries);
- (2) former Art. 2B, § 15–206(b) (establishing audit requirements for the County Liquor Control Board);
- (3) former Art. 2B, § 15–207(b–1) (providing for the distribution of profits by the County Liquor Control Board); and

(4) former Art. 2B, § 15–210, as it applied to Garrett County (providing for the application to Garrett County of the subtitle governing liquor control boards).

Historically, the Garrett County Board of License Commissioners and the Garrett County Liquor Control Board, though charged with separate and distinct duties, consisted of the same membership. Whether the members convened as the Board of License Commissioners or the Liquor Control Board depended on the function being performed at the time. The duties of the Board of License Commissioners included regulatory and administrative functions related to licensure, inspections, and enforcement, while the Liquor Control Board was required to implement and maintain the County dispensary system and to collect the Garrett County beer tax.

Chapter 675 of 1987 repealed the requirement that alcoholic beverages license holders in Garrett County purchase all wine and liquor from the Garrett County dispensaries. This legislation, however, did not repeal all provisions of law related to liquor control boards and county dispensaries that were specific to Garrett County. But because of the 20% surcharge that at that time the dispensary system added to the price of wine and liquor, the legislation made the dispensaries noncompetitive and had the functional effect of closing down the dispensary system. Garrett County has not operated dispensaries since that time. Furthermore, Chapter 131 of 2006 repealed the Garrett County beer tax. As a result there are no functions for a Garrett County liquor control board to perform, and no functioning liquor control board in the County.

Defined term: “County” § 21–101

#### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

##### **21–401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (3) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (4) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**

- (5) § 2-211 (“RESIDENCY REQUIREMENT”);
- (6) § 2-212 (“ADDITIONAL LICENSES”);
- (7) § 2-213 (“ADDITIONAL FEES”);
- (8) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (9) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (10) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (11) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (12) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 2-202 (“CLASS 1 DISTILLERY LICENSE”), SUBJECT TO § 21-403 OF THIS SUBTITLE;
- (2) § 2-204 (“CLASS 2 RECTIFYING LICENSE”), SUBJECT TO § 21-404 OF THIS SUBTITLE;
- (3) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”), SUBJECT TO § 21-405 OF THIS SUBTITLE;
- (4) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 21-406 OF THIS SUBTITLE; AND

**(5) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”), SUBJECT TO § 21-407 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(xii), which stated that the Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 21-101  
“Manufacturer’s license” § 1-101

**21-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1-101  
“Manufacturer’s license” § 1-101

**21-403. CLASS 1 DISTILLERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 1 DISTILLERY LICENSE IN THE COUNTY.**

**(B) DAYS OF OPERATION.**

**A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN § 2-202(C)(5) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE**

**THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A DISTILLERY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-202(e)(2) and the first phrase of (e)(1).

Defined terms: "County" § 21-101  
"License holder" § 1-101

**21-404. CLASS 2 RECTIFYING LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 2 RECTIFYING LICENSE IN THE COUNTY.**

**(B) DAYS OF OPERATION.**

**A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN § 2-204(B)(4) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A RECTIFYING FACILITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-203(d)(2) and the first phrase of (d)(1).

Defined terms: "County" § 21-101  
"License holder" § 1-101

**21-405. CLASS 4 LIMITED WINERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 4 LIMITED WINERY LICENSE IN THE COUNTY.**

**(B) DAYS OF OPERATION.**

**A LICENSE HOLDER MAY OPEN ON SUNDAYS TO ENGAGE IN THE ACTIVITIES LISTED IN § 2-206(B)(6) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A WINERY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-205(b)(8)(ii) and the first phrase of (b)(8)(i).

Defined terms: "County" § 21-101  
"License holder" § 1-101

**21-406. CLASS 6 PUB-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4), as it related to the availability of a Class 6 pub-brewery license in Garrett County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Garrett County, the introductory language of (g)(1).

Defined terms: "County" § 21-101  
"License" § 1-101

**21-407. CLASS 8 FARM BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 8 FARM BREWERY LICENSE IN THE COUNTY.**

**(B) DAYS OF OPERATION.**

**A LICENSE HOLDER MAY OPEN ON SUNDAYS DURING THE HOURS ALLOWED UNDER § 21-2002(E)(2) OF THIS TITLE TO ENGAGE IN THE ACTIVITIES LISTED IN § 2-210(C)(1) OF THIS ARTICLE ONLY IN AN ELECTION DISTRICT OR A PRECINCT IN AN ELECTION DISTRICT WHERE THE VOTERS, IN A REFERENDUM AUTHORIZED BY LAW, HAVE APPROVED SUNDAY SALES AT A FARM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-209(a)(8)(ii) and the first phrase of (a)(8)(i).

Defined terms: "County" § 21-101  
"License holder" § 1-101

### **SUBTITLE 5. WHOLESALER'S LICENSES.**

#### **21-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 21-101  
"Wholesaler's license" § 1-101

#### **21-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 21-503 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

#### **21-503. 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 OF 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.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **21–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE NEW-LICENSE ISSUING FEE IS \$150 AND SHALL BE PAID IN ADDITION TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(m) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**21-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER FOR ON- OR OFF-PREMISES CONSUMPTION:**

**(1) AT A HOTEL, A MOTEL, OR AN INN THAT:**

**(I) ACCOMMODATES THE PUBLIC;**

(II) PROVIDES SERVICES ORDINARILY FOUND IN HOTELS, MOTELS, OR INNS;

(III) IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR PUBLIC ACCOMMODATION; AND

(IV) HAS A LOBBY WITH A REGISTRATION AND MAIL DESK, AND SEATING; OR

(2) A RESTAURANT THAT:

(I) HAS SEATING AT TABLES, NOT INCLUDING BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND

(II) CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING.

(C) CATERING OPTION.

(1) THE BOARD MAY ISSUE THE LICENSE WITH OR WITHOUT A CATERING OPTION.

(2) A LICENSE HOLDER WITH A CATERING OPTION MAY SELL BEER FOR CONSUMPTION AT EVENTS THAT THE HOLDER CATERS OFF THE LICENSED PREMISES.

(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER:

(I) SHALL PROVIDE FOOD IF THE HOLDER PROVIDES BEER AT A CATERED EVENT OFF THE LICENSED PREMISES; AND

(II) MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.

(D) FEES.

THE FEES ARE:

(1) FOR A LICENSE WITHOUT A CATERING OPTION:

(I) \$150 FOR A ONE-TIME ISSUING FEE; AND

(II) \$150 FOR THE ANNUAL LICENSE FEE; AND

**(2) FOR A LICENSE WITH A CATERING OPTION:****(I) \$250 FOR A ONE-TIME ISSUING FEE; AND****(II) \$250 FOR THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(m)(2) through (7).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the former reference to a “bona fide” hotel, motel, or inn is deleted as surplusage.

In subsection (b)(2) of this section, the references to “individuals” are substituted for the former references to “persons” because only individuals, not entities, may be seated and consume food in a restaurant.

In subsection (c)(2) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(2) of this section, the former phrase “[i]n addition to exercising the privileges stated in [subsection (b) of this section,]” is deleted as surplusage.

In subsection (d)(1)(i) and (2)(i) of this section, the references to a “one-time” issuing fee are added for clarity.

In subsection (d)(1)(ii) and (2)(ii) of this section, the references to the annual “license” fee are added for clarity and consistency with other similar provisions of this article.

Former Art. 2B, § 3-201(m)(1), which stated that former Art. 2B, § 3-201(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-201(m)(8), which authorized the Board to adopt regulations to carry out former Art. 2B, § 3-201(m), is deleted as unnecessary because the Board may adopt regulations under § 21-205 of this revised article.

Defined terms: “Beer” § 1-101

“Board” § 21-101

“Hotel” § 1–101

“Restaurant” § 1–101

**21–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(m).

Defined terms: “Beer” § 1–101

“County” § 21–101

**21–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE NEW–LICENSE ISSUING FEE IS \$150 AND SHALL BE PAID IN ADDITION TO THE ANNUAL LICENSE FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(m) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

#### **SUBTITLE 7. WINE LICENSES.**

##### **21–701. CLASS A WINE LICENSE.**

###### **(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

###### **(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

###### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

###### **(D) FEES.**

**(1) THE ONE–TIME LICENSE ISSUING FEE IS \$50.**

**(2) THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(9), (b)(1) and (3), (c)(1), (d)(1), and (e)(1)(iv) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 21–101  
 “Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **21–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

#### **(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$350.**

**(2) THE ISSUING FEE FOR A NEW LICENSE IS \$350, IN ADDITION TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(m) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers,” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**21–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN:**

**(i) A HOTEL, A MOTEL, OR AN INN THAT:**



1. PROVIDES SERVICES ORDINARILY FOUND IN A HOTEL, A MOTEL, OR AN INN;
2. IS EQUIPPED WITH AT LEAST 10 BEDROOMS FOR PUBLIC ACCOMMODATION; AND
3. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; OR

(II) A RESTAURANT THAT:

1. HAS SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND
2. CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING.

(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:

- (I) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND
- (II) BEER FOR OFF-PREMISES CONSUMPTION.

(C) CATERING OPTION.

(1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.

(2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN SUBSECTION (B)(2) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE LICENSE HOLDER CATERS OFF THE LICENSED PREMISES.

(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER SHALL PROVIDE FOOD AT THE CATERED EVENT.

(4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED UNDER THE LICENSE.

(D) FEES.

(1) FOR A LICENSE WITHOUT A CATERING OPTION:

- (I) THE ISSUING FEE FOR A NEW LICENSE IS **\$350**; AND
  - (II) THE ANNUAL FEE IS **\$350**.
- (2) FOR A LICENSE WITH A CATERING OPTION:
- (I) THE ISSUING FEE FOR A NEW LICENSE IS **\$475**; AND
  - (II) THE ANNUAL FEE IS **\$475**.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(m)(3) through (8) and the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1)(i) of this section, the former reference to a “bona fide” hotel, motel, or inn is deleted as surplusage.

In subsection (b)(1)(i) of this section, the former reference to “an establishment that accommodates the public” is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the references to “individuals” are substituted for the former references to “persons” because this subsection applies only to human beings.

In subsection (b)(1)(ii)1 of this section, the former reference to seating “capacity” is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the former reference to a license “without a catering option” is deleted as surplusage. Similarly, in subsection (c)(1) of this section, the former reference to a license “without” a catering option is deleted.

In subsection (b)(2) of this section, the phrases “at retail, at the place described in the license” are added to state expressly what was only implicit in the former law.

In subsection (b)(2)(i) of this section, the reference to “beer and wine” is substituted for the former reference to “[a]ll alcoholic beverages” for clarity.

In subsection (b)(2)(ii) of this section, the reference to “beer” is substituted for the former reference to “[b]rewed beverages” for clarity.

In subsection (c)(3) of this section, the former phrase “if the holder provides alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the catering option”.

In subsection (d)(1)(i) and (2)(i), the references to an issuing fee “for a new license” are added for consistency with other similar provisions of this subtitle.

Former Art. 2B, § 5–201(m)(1), which stated that former Art. 2B, § 5–201(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–201(m)(2), which defined the term “license”, is deleted as surplusage.

Former Art. 2B, § 5–201(m)(9), 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 § 18–205 of this title.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **21–803. CLASS BDR BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS BDR (DELUXE RESTAURANT) BEER AND WINE LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS B BEER AND WINE LICENSE OR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A DELUXE RESTAURANT, AS DEFINED IN THE REGULATIONS OF THE BOARD, THAT:**

**(I) HAS SEATING FOR AT LEAST 20 INDIVIDUALS; AND**

**(II) HAS A MINIMUM CAPITAL INVESTMENT OF \$25,000 FOR THE RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS.**

**(2) IF THE APPLICANT PURCHASES OR LEASES AN EXISTING BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND AND IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE LAND AND IMPROVEMENTS IN ACCORDANCE WITH THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AT THE TIME OF PURCHASE.**

**(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

**(I) BEER AND WINE FOR ON-PREMISES CONSUMPTION; AND**

**(II) BEER FOR OFF-PREMISES CONSUMPTION.**

**(D) CATERING OPTION.**

**(1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.**

**(2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN SUBSECTION (C)(3) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE LICENSE HOLDER CATERES OFF THE LICENSED PREMISES.**

**(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER SHALL PROVIDE FOOD AT THE CATERED EVENT.**

**(4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

**(E) FEES.**

**(1) FOR A LICENSE WITHOUT A CATERING OPTION:**

**(I) THE ISSUING FEE FOR A NEW LICENSE IS \$500; AND**

**(II) THE ANNUAL FEE IS \$500.**

**(2) FOR A LICENSE WITH A CATERING OPTION:**

**(I) THE ISSUING FEE FOR A NEW LICENSE IS \$625; AND**

**(II) THE ANNUAL FEE IS \$625.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(m–1)(2) through (11).

In subsection (a) of this section, the former phrase “which is a special Class B license” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to an “(on–sale)” license is deleted as surplusage.

In subsection (b) of this section, the former phrase “[n]otwithstanding § 9–102(a) of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c)(1) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (c)(1)(i) of this section, the phrase “seating for at least” is substituted for the former phrase “a minimum facility seating capacity of” for brevity.

Also in subsection (c)(1)(i) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

In the introductory language of subsection (c)(3) of this section, the former reference to a license “without a catering option” is deleted as surplusage. Similarly, in subsection (d)(1) of this section, the former reference to a license “without” a catering option is deleted.

In subsection (c)(3) of this section, the phrase “at retail, at the place described in the license” is added to state expressly what was only implicit in the former law.

In subsection (c)(3)(ii) of this section, the reference to “beer” is substituted for the former reference to “[b]rewed beverages” for clarity.

In subsection (d)(3) of this section, the former phrase “if the holder provides alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the catering option”.

Former Art. 2B, § 5–201(m–1)(1), which stated that former Art. 2B, § 5–201(m–1) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–201(m–1)(12), 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 § 18–205 of this title.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“Restaurant” § 1–101

“Wine” § 1–101

**21–804. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(m).

Defined terms: “Beer” § 1–101

“County” § 21–101

“Wine” § 1–101

**21–805. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) CATERING OPTION.**

**(1) THE BOARD MAY ISSUE THE LICENSE WITH A CATERING OPTION.**

**(2) IN ADDITION TO EXERCISING THE PRIVILEGES STATED IN SUBSECTION (B) OF THIS SECTION, A HOLDER OF A LICENSE WITH A CATERING OPTION MAY SELL BEER AND WINE FOR CONSUMPTION AT EVENTS THAT THE LICENSE HOLDER CATERES OFF THE LICENSED PREMISES.**

**(3) TO EXERCISE THE CATERING OPTION, THE LICENSE HOLDER SHALL PROVIDE FOOD AT THE CATERED EVENT.**

**(4) THE LICENSE HOLDER MAY EXERCISE THE CATERING OPTION ONLY DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

**(D) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(E) FEES.**

**(1) FOR A LICENSE WITHOUT A CATERING OPTION:**

**(I) THE ISSUING FEE FOR A NEW LICENSE IS \$350; AND**

**(II) THE ANNUAL FEE IS \$350.**

**(2) FOR A LICENSE WITH A CATERING OPTION:**

**(I) THE ISSUING FEE FOR A NEW LICENSE IS \$475; AND**

**(II) THE ANNUAL FEE IS \$475.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(m)(2) through (6) and the first and third sentences of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to a license “without a catering option” is deleted as surplusage. Similarly, in subsection (c)(1) of this section, the former reference to a license “without” a catering option is deleted.

Also in subsection (b) of this section, the phrase “at retail, at the place described in the license” is added to state expressly what was only implied in the former law.

Also in subsection (b) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to “consumption on the licensed premises or elsewhere” for clarity.

In subsection (c)(3) of this section, the former phrase “if the holder provides alcoholic beverages” is deleted as implicit in the phrase “[t]o exercise the catering option”.

Former Art. 2B, § 5–401(m)(1), which stated that former Art. 2B, § 5–401(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 21–101  
 “Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**21–901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(m).

Defined terms: “Beer” § 1–101  
 “County” § 21–101  
 “Wine” § 1–101

**21–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) REQUIRED DETERMINATION.**

**THE BOARD SHALL DENY AN APPLICATION FOR A LICENSE UNDER THIS SECTION IF THE BOARD DETERMINES THAT THE BUSINESS TO BE OPERATED UNDER THIS LICENSE WILL NOT ENHANCE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT IN THE COUNTY.**

**(C) AUTHORIZED HOLDER — FOR HOTELS AND MOTELS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR MOTEL THAT:**

**(1) IS AN ESTABLISHMENT TO ACCOMMODATE THE PUBLIC BY PROVIDING CUSTOMARY HOTEL OR MOTEL SERVICES;**

**(2) HAS AT LEAST 25 ROOMS; AND**



**(3) HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES.**

**(D) AUTHORIZED HOLDER — FOR RESTAURANTS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(1) HAS SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS; AND**

**(2) CAN PREPARE AND SERVE FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING.**

**(E) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL, MOTEL, OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(F) CATERING OPTION.**

**(1) THE CATERING OPTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION AT EVENTS CATERED BY THE LICENSE HOLDER IN THE COUNTY OFF THE LICENSED PREMISES.**

**(2) A LICENSE HOLDER PROVIDING ALCOHOLIC BEVERAGES AT A CATERED EVENT OFF THE LICENSED PREMISES SHALL ALSO PROVIDE FOOD.**

**(3) A HOLDER OF A LICENSE WITH THE CATERING OPTION MAY SELL BEER FOR OFF-PREMISES CONSUMPTION FROM THE LICENSED PREMISES BUT MAY NOT SELL BEER FOR OFF-PREMISES CONSUMPTION AT A CATERED EVENT HELD OFF THE LICENSED PREMISES.**

**(4) THE LICENSE HOLDER MAY EXERCISE CATERING PRIVILEGES ONLY DURING HOURS AND DAYS THAT ARE AUTHORIZED UNDER THE CLASS B LICENSE.**

**(G) FEE.**

**(1) FOR A LICENSE WITHOUT THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$1,500, AND THE ONE-TIME ISSUING FEE IS \$1,500.**

**(2) FOR A LICENSE WITH THE CATERING OPTION, THE ANNUAL LICENSE FEE IS \$2,000, AND THE ONE-TIME ISSUING FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(m)(2) and, as it related to the scope of this authorization, (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (c) of this section, the former reference to a "bona fide" hotel or motel is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "has at least 25 rooms" is substituted for the former reference to "[i]s equipped with not less than 25 rooms" for brevity. Similarly, in subsection (d)(2) of this section, the references to for "at least 20 individuals" are substituted for the former references to for "20 or more persons" for brevity.

In subsection (d) of this section, the references to "individuals" are substituted for the former, broader references to "persons" because the provisions refer only to human beings.

In subsection (d)(2) of this section, the reference to "can" is substituted for the former reference to "is capable of" for brevity.

Subsection (e) of this section states expressly what was only implicit in the former law, that the Class B beer, wine, and liquor license is for on-premises consumption. This can be inferred from the language, revised in subsection (f) of this section, that only a license holder with a catering privilege may sell beer for off-premises consumption.

In subsection (f)(1) of this section, the former phrase "keep for sale" is deleted as surplusage.

In subsection (f)(3) of this section, the phrase "from the licensed premises" is added for clarity.

Also in subsection (f)(3) of this section, the defined term "beer" is substituted for the former phrase "brewed beverages, as defined in this article," for clarity.

Former Art. 2B, § 6-201(m)(1), which stated that former Art. 2B, § 6-201(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

- “Beer” § 1-101
- “Board” § 21-101
- “County” § 21-101
- “Hotel” § 1-101
- “Restaurant” § 1-101
- “Wine” § 1-101

**21-903. CLASS BDR BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

- (1) A CLASS B BEER, WINE, AND LIQUOR LICENSE; OR**
- (2) A CLASS B RESORT BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A DELUXE RESTAURANT AS DEFINED BY THE BOARD WITH:**

- (i) SEATING FOR AT LEAST 85 INDIVIDUALS; AND**
- (ii) A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR THE RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS.**

**(2) IF AN APPLICANT PURCHASES OR LEASES AN EXISTING BUILDING, THE CAPITAL INVESTMENT ATTRIBUTABLE TO THE COST OF THE LAND AND IMPROVEMENTS SHALL BE BASED ON THE ASSESSED VALUE OF THE LAND AND IMPROVEMENTS IN ACCORDANCE WITH THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION AT THE TIME OF PURCHASE OR LEASE.**

**(D) CATERING OPTION.**

**A LICENSE HOLDER OF A CLASS BDR LICENSE MAY ACQUIRE THE CATERING OPTION AUTHORIZED UNDER § 21-901 OF THIS SUBTITLE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS OF SALE AS SET OUT IN § 21-2004(D) OF THIS TITLE.**

**(F) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$2,250, WITH A ONE-TIME ISSUANCE FEE OF \$2,250.**

**(2) THE ANNUAL CATERING OPTION FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(m)(5)(i) through (ix).

In the introductory language of subsection (b) of this section, the former phrase “[n]otwithstanding § 9-102(a) of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in the introductory language of subsection (b) of this section, the reference to “a holder of” is substituted for the former reference to “an applicant who already holds a” for brevity.

In subsection (c)(i) of this section, the former reference to seating “capacity” is deleted as surplusage.

Also in subsection (c)(i) of this section, the references to “at least” are substituted for the former references to “[a] minimum” to conform to the terminology used throughout this article.

Also in subsection (c)(i) of this section, the reference to “individuals” is substituted for the former reference to “persons” because the provisions refer only to human beings.

In subsection (c)(2) of this section, the reference to the “State” Department of Assessments and Taxation is added for clarity.

In subsection (d) of this section, the reference to the “catering option authorized under § 21-905 of this article” is substituted for the former reference to the “same catering option that is described under paragraph (2)(iii) and (iv) of this subsection for Class B beer, wine and liquor licenses” for brevity.

Former Art. 2B, § 6–201(m)(5)(x), which authorized the Board to “adopt rules and regulations to carry out this [section]”, is deleted as unnecessary because the Board has the power to adopt regulations under § 21–205 of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that whether the license authorizes the holder to sell alcoholic beverages for on–premises consumption, off–premises consumption, or on– and off–premises consumption is not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“Restaurant” § 1–101

“Wine” § 1–101

#### **21–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

##### **(A) “GUEST” DEFINED.**

**IN THIS SECTION, “GUEST” MEANS AN INDIVIDUAL WHO IS SPECIFICALLY INVITED BY A MEMBER OF A CLUB OR AN ORGANIZATION WHERE THE MEMBER OF THE CLUB OR ORGANIZATION IS IN ATTENDANCE.**

##### **(B) ESTABLISHED.**

**THERE IS A CLASS C (CLUB AND ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

##### **(C) REQUIRED DETERMINATION.**

**(1) BEFORE ISSUING A LICENSE, THE BOARD SHALL DETERMINE WHETHER THE BUSINESS TO BE OPERATED BY THE PROSPECTIVE LICENSE HOLDER IS LIKELY TO ENHANCE THE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT OF THE COUNTY.**

**(2) IF THE BOARD DETERMINES THAT THE ISSUANCE OF A LICENSE WILL NOT ENHANCE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT IN THE COUNTY, THE BOARD SHALL DENY THE APPLICATION FOR THE LICENSE.**

##### **(D) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A NATIONALLY CHARTERED NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(II) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

**(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(IV) MEETS IN A CLUBHOUSE THAT IS USED PRINCIPALLY FOR CLUB PURPOSES;**

**(2) A LODGE OR CHAPTER OF A NONPROFIT AND NATIONALLY CHARTERED FRATERNAL ORGANIZATION THAT:**

**(I) IS COMPOSED OF INDUCTED MEMBERS;**

**(II) HAS AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; AND**

**(III) OPERATES A HOME OR CLUBHOUSE:**

**1. FOR THE USE OF ITS MEMBERS; AND**

**2. THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS;**

**(3) A BOAT OR YACHT CLUB THAT:**

**(I) OWNS REAL ESTATE IN THE COUNTY; AND**

**(II) HAS AT LEAST 150 DUES-PAYING MEMBERS, AT LEAST 50 OF WHOM OWN A YACHT, BOAT, OR OTHER VESSEL; AND**

**(4) A COUNTRY CLUB THAT:**

**(I) HAS AT LEAST 75 MEMBERS PAYING DUES OF AT LEAST \$40 PER YEAR PER MEMBER; AND**

**(II) MAINTAINS AT THE TIME OF FILING THE APPLICATION FOR THE LICENSE:**

- 1. A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES; OR**
- 2. A SWIMMING POOL THAT IS AT LEAST 20 BY 40 FEET AND AT LEAST SIX TENNIS COURTS.**

**(E) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE TO THE MEMBERS AND GUESTS OF THE CLUBS AND ORGANIZATIONS, FOR ON-PREMISES CONSUMPTION.**

**(F) SUNDAY SALES.**

**(1) THIS SUBSECTION APPLIES ONLY IN:**

**(I) ELECTION DISTRICTS 11 AND 15; AND**

**(II) ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY DURING THE HOURS AS SET OUT UNDER § 21-2004(E)(2) OF THIS TITLE.**

**(3) IN ADDITION TO THE FEES SPECIFIED IN SUBSECTION (G) OF THIS SECTION, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

**(I) \$250, AS AN ANNUAL LICENSE FEE; AND**

**(II) \$250, AS AN ISSUANCE FEE FOR A NEW LICENSE.**

**(G) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$1,500.**

**(2) THE ISSUANCE FEE FOR A NEW LICENSE IS \$1,500, IN ADDITION TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–512(c)(1), (2)(i), (3), and, as they related to Class C licenses, (4) and (5) and 6–301(m)(1)(ii) and (2) and the first sentence of (a)(1).

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(1) of this section, the former reference to the issuance of a license “pursuant to this paragraph” is deleted as surplusage.

In subsection (c)(2) of this section, the former phrase “in its discretion” is deleted as surplusage.

Also in subsection (c)(2) of this section, the reference to “recreational, business, and economic development” is substituted for the former reference to “such development” for clarity.

Throughout subsection (d) of this section, the former references to “bona fide” organizations or members are deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to issuing the license “only” to certain clubs or organizations is deleted as surplusage.

In subsection (d)(1)(iv) of this section, the former requirement that the lodge or chapter be “neither directly nor indirectly operated as a public business” is deleted as unnecessary because the organization is required to be nonprofit. Similarly, in subsection (d)(1)(iii) of this section, the former requirement that the lodge or chapter be “neither directly nor indirectly operated as a public business” is deleted as unnecessary because the organization of which the lodge or chapter is a part is a nonprofit organization.

In subsection (d)(2) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of the fraternal organization” for brevity.

In subsection (d)(4) of this section, the former phrase “in lieu of [a] golf course” is deleted as surplusage.

In subsection (d)(4)(ii) of this section, the former reference to 20 by 40 feet “in size” is deleted as surplusage.

In subsection (e) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.



In subsection (f) of this section, the former phrase “This subsection only applies to on–premises sales by: (i) A holder of a Class C service club license” is deleted as unnecessary in light of the organization of this section.

Also in subsection (f) of this section, the former phrase “in which the voters approved Sunday sales in the referendum authorized by law in November 1996” is deleted as surplusage.

Also in subsection (f) of this section, the former phrase “the holder of a Class C service club license ... who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales” is deleted as unnecessary.

In subsection (g) of this section, the reference to “issuance fee” is substituted for the former reference to “issuing fee” for consistency with language used throughout this article to refer to a fee for a new license.

Former Art. 2B, § 6–301(m)(1)(i), which stated that former Art. 2B, § 6–301(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“Club” § 1–101

“County” § 21–101

“Wine” § 1–101

## **21–905. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

### **(A) ESTABLISHED.**

#### **(1) THERE IS:**

**(I) A CLASS D (75% ON–SALE) BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) A CLASS D (75% OFF–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE UNDER THIS SECTION TO A GROCERY STORE WHOSE PRIMARY BUSINESS IS TO SELL FOOD AT RETAIL TO THE PUBLIC FOR OFF–PREMISES CONSUMPTION.**

### **(B) SCOPE OF AUTHORIZATION — ON–SALE LICENSE.**

**THE BOARD SHALL ISSUE THE LICENSE FOR ON-PREMISES CONSUMPTION FOR USE BY AN ESTABLISHMENT WHOSE TOTAL BEER, WINE, AND LIQUOR SALES ARE AT LEAST 75% ON-PREMISES CONSUMPTION AND NOT MORE THAN 25% OFF-PREMISES CONSUMPTION.**

**(C) SCOPE OF AUTHORIZATION — OFF-SALE LICENSE.**

**THE BOARD SHALL ISSUE THE LICENSE FOR OFF-SALE CONSUMPTION FOR USE BY AN ESTABLISHMENT WHOSE TOTAL BEER, WINE, AND LIQUOR SALES ARE AT LEAST 75% OFF-PREMISES CONSUMPTION AND NOT MORE THAN 25% ON-PREMISES CONSUMPTION.**

**(D) CATERING OPTION.**

**(1) A HOLDER OF THE LICENSE WITHOUT A CATERING OPTION MAY SELL BEER, WINE, AND LIQUOR FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(2) A HOLDER OF THE LICENSE WITH A CATERING OPTION MAY SELL BEER, WINE, AND LIQUOR:**

**(I) FOR ON- OR OFF-PREMISES CONSUMPTION; AND**

**(II) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR CONSUMPTION AT EVENTS THAT THE HOLDER CATERES OFF THE LICENSED PREMISES DURING THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

**(3) THE LICENSE HOLDER SHALL PROVIDE FOOD IF THE LICENSE HOLDER PROVIDES ALCOHOLIC BEVERAGES AT A CATERED EVENT OFF THE LICENSED PREMISES.**

**(E) FEES.**

**(1) FOR A CLASS D (ON-SALE) BEER, WINE, AND LIQUOR LICENSE WITHOUT A CATERING PRIVILEGE, THE ANNUAL FEE IS \$1,500, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$1,500.**

**(2) FOR A CLASS D (ON-SALE) BEER, WINE, AND LIQUOR LICENSE WITH A CATERING PRIVILEGE, THE ANNUAL FEE IS \$2,000, AND THE ISSUANCE FEE FOR A NEW LICENSE IS \$2,000.**

**(3) FOR A CLASS D (OFF-SALE) BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL FEE IS \$3,000, AND THE ONE-TIME ISSUANCE FEE FOR A NEW LICENSE IS \$3,000.**

**(4) THE BOARD MAY GRANT THE LICENSE HOLDER THE PRIVILEGE TO SELL BEER, WINE, OR LIQUOR FOR OFF-PREMISES CONSUMPTION UNDER SUBSECTION (D) OF THIS SECTION AT NO CHARGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(m)(2) and the introductory language of (4).

In the introductory language of subsection (a)(1) of this section, the former reference to "two types" of Class D licenses is deleted as implicit in the listing of the two types of license.

In subsection (a)(2) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (d)(1) of this section, the reference to "on- or off-premises consumption" is substituted for the former reference to "consumption on the licensed premises or elsewhere" to conform to the terminology used throughout this article.

Also in subsection (d)(1) of this section, the former reference to "keep for sale" is deleted as included in the reference to "sell".

In subsection (d)(2)(i) of this section, the phrase "for on- or off-premises consumption" is substituted for the former reference to "exercising the privileges stated in subparagraph 3 of this subparagraph" for clarity.

Former Art. 2B, § 6-401(m)(1), which stated that former Art. 2B, § 6-401(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-401(m)(3), which authorized the holder of a license prior to July 1, 1987, to apply for a license under this section until July 1, 1995, is deleted as obsolete.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 21-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**21-1001. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–B&B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A BED AND BREAKFAST THAT:**

**(1) IS REGISTERED BY THE COUNTY TO OPERATE AS A BED AND BREAKFAST;**

**(2) HAS ROOMS, EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME; AND**

**(3) DOES NOT HAVE DINING FACILITIES THAT ARE OPEN TO THE PUBLIC.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION ONLY TO A GUEST:**

**(I) WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

**(II) WHO IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO IS REGISTERED ONLY TO OBTAIN ALCOHOLIC BEVERAGES.**

**(3) IF THE ESTABLISHMENT ENDS OPERATIONS AS A BED AND BREAKFAST, THE LICENSE IS VOID.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 21–2004 OF THIS TITLE.**

**(E) FEES.****(1) THE ANNUAL LICENSE FEE IS:**

**(I) \$25 FOR A BED AND BREAKFAST WITH 5 OR FEWER BEDROOMS;**

**(II) \$50 FOR A BED AND BREAKFAST WITH AT LEAST 6 BUT NOT MORE THAN 10 BEDROOMS; AND**

**(III) \$75 FOR A BED AND BREAKFAST WITH 11 OR MORE BEDROOMS.**

**(2) THE BOARD SHALL CHARGE AN ISSUING FEE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(m)(3)(i) through (vi) and (viii).

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (b)(2) of this section, the former reference to a “period of” time is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21–2004 of this title” is substituted for the former reference to the “days and hours of sale shall be in accordance with § 11–512(b)(1) of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

The first sentence of former Art. 2B, § 6–201(m)(3)(vii), which required an applicant to meet all other qualifications to hold a license within the County, is deleted as unnecessary, as it merely restates common practice.

The second sentence of former Art. 2B, § 6–201(m)(3)(vii), which authorized the Board to adopt additional regulations consistent with this paragraph, is deleted as unnecessary because the Board has the power to adopt regulations under § 21–205 of this article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 21-101

"County" § 21-101

"Wine" § 1-101

**21-1002. RESORT BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-RESORT BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR A COMPLEX THAT HAS AT LEAST TWO FACILITIES THAT ARE:**

**(1) LOCATED ON THE SAME CONTIGUOUS PROPERTY;**

**(2) SEPARATED BY AT LEAST 150 FEET FROM THE MAIN AREA OF THE LICENSED PREMISES; AND**

**(3) DETERMINED BY THE BOARD TO BE HOTEL, MOTEL, RECREATIONAL, OR RESTAURANT FACILITIES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO EXERCISE THE SAME PRIVILEGES AS A LICENSE HOLDER OF A REGULAR CLASS B HOTELS AND RESTAURANTS BEER, WINE, AND LIQUOR LICENSE.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 21-2004 OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEES ARE:**

**(I) FOR TWO FACILITIES, \$3,000; AND**

**(II) FOR EACH ADDITIONAL FACILITY, \$1,500.****(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW LICENSE IN AN AMOUNT EQUAL TO THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(m)(4)(i) through (vi).

In subsection (b) of this section, the former defined term "resort" is revised in the substantive material in accordance with the code revision practice of avoiding a defined term that is used only once.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 21-2004 of this title" is substituted for the former reference to the "days and hours of sale under a Class B-resort license shall be in accordance with § 11-512 of this article" for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6-201(m)(4)(vii), which required an applicant to meet all other qualifications to hold a license within the County, is deleted as unnecessary, because it merely restates common practice.

Former Art. 2B, § 6-201(m)(4)(viii), which authorized the Board to adopt regulations consistent with this paragraph, is deleted as unnecessary because the Board has the power to adopt regulations under § 21-205 of this article.

Defined terms: "Board" § 21-101

"Hotel" § 1-101

"Restaurant" § 1-101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.****21-1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-1103 ("REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTION.**

**SECTION 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”), IN ADDITION TO § 21-1102 OF THIS SUBTITLE; AND**

**(2) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 21-1104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 21-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**21-1102. BED AND BREAKFAST ESTABLISHMENTS.**

**SECTION 4-1102 OF THIS ARTICLE ALSO APPLIES TO AN INDIVIDUAL IN AN ESTABLISHMENT FOR WHICH A CLASS B-B&B (BED AND BREAKFAST) LICENSE IS ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(10)(i)2.

**21-1103. DRAFT BEER PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A DRAFT BEER PERMIT.**

**(B) AUTHORIZED LICENSE HOLDER.**



**TO SELL DRAFT BEER, A LICENSE HOLDER OF AN ESTABLISHMENT FOR WHICH A LICENSE TO SELL BEER HAS BEEN ISSUED SHALL OBTAIN A DRAFT BEER PERMIT FROM THE BOARD.**

**(C) FEES.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT FEES ARE:**

**(I) \$75 FOR THE ISSUING FEE; AND**

**(II) \$75 FOR THE ANNUAL FEE.**

**(2) A HOLDER OF A CLASS B-RESORT LICENSE SHALL PAY:**

**(I) \$150 FOR THE ANNUAL FEE FOR TWO FACILITIES;**

**(II) \$75 FOR THE ANNUAL FEE FOR EACH ADDITIONAL FACILITY;**

**AND**

**(III) AN ISSUING FEE FOR EACH NEW PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL FEE.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-212(b) and (d).

Defined terms: "Board" § 21-101

"Person" § 1-101

**21-1104. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A DRAFT BEER PERMIT WHO ALSO HOLDS ANY OTHER LICENSE EXCEPT A CLASS A LICENSE OR A CLASS C LICENSE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-212(d) and (c)(2).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Also in subsection (a) of this section, the reference to a draft beer "permit" is substituted for the former reference to a draft beer "license" for consistency with § 21-1103 of this subtitle.

Also in subsection (a) of this section, the former reference to an "alcoholic beverages" license is deleted as unnecessary in light of the defined term "license".

In subsection (b) of this section, the former phrase "the provisions of" this section is deleted as surplusage.

Former Art. 2B, § 8-212(a), which stated that former Art. 2B, § 8-212 applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-212(c)(1), (3), (4), and (5) are deleted as unnecessary because they merely repeated provisions concerning refillable container 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;**

**(2) THE BOARD APPROVES THE COMMEMORATIVE OR SPECIAL EVENT BOTTLES BEFORE THE EVENT OCCURS; AND**

**(3) THE COMMEMORATIVE OR SPECIAL EVENT BOTTLES ARE SOLD ONLY ON THE HOURS AND DAYS THAT THE BOARD ALLOWS.**

**(D) FEE.**

**THERE IS NO CHARGE FOR THE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-201(m-2), 5-401(m)(7), 6-201(m)(6) and (5)(iii), 6-401(m)(4), and 7-101(p)(2).

Subsection (a) of this section is revised in standard language used for the establishment of a license privilege.

In the introductory language of subsection (b) of this section, the reference to the Board granting the privilege to a holder of a license “that has a catering option” is substituted for the former reference to the Board’s granting the privilege to be used “at a catered event” for clarity.

In the introductory language of subsection (c) of this section, the reference to “the alcoholic beverages authorized by the license” is added for clarity.

Also in the introductory language of subsection (c) of this section, the former reference to the beer, wine, or liquor being “bottled” in commemorative or special event bottles is deleted as unnecessary in light of the reference to “commemorative or special event bottles”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 21–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

## **SUBTITLE 12. CATERER’S LICENSES.**

### **21–1201. LOCAL CATERER’S LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

##### **(1) THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT:**

**(I) HAS FACILITIES TO PREPARE AND DELIVER FOOD TO THE SITE OF A CATERED EVENT;**

**(II) OBTAINS APPROVAL OF THE FACILITIES FROM THE COUNTY DEPARTMENT OF HEALTH; AND**

**(III) DOES NOT HOLD ANY OTHER LICENSE THAT THE BOARD ISSUES.**

**(2) A LICENSE HOLDER IS NOT REQUIRED TO HAVE A BANQUET HALL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) SELL OR PROVIDE OFF-SALE ALCOHOLIC BEVERAGES DURING A CATERED EVENT; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS THAT ARE AUTHORIZED FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(D) RESTRICTIONS.**

**THE LICENSE HOLDER MAY NOT:**

**(1) HOLD A CATERED EVENT THAT THE LICENSE HOLDER SPONSORS;**  
**OR**

**(2) PROVIDE ONLY ALCOHOLIC BEVERAGES AT A CATERED EVENT.**

**(E) DUTIES.**

**THE LICENSE HOLDER SHALL:**

**(1) PURCHASE ALL ALCOHOLIC BEVERAGES FROM A WHOLESALER OR RETAIL DEALER LICENSED TO SELL ALCOHOLIC BEVERAGES IN THE COUNTY;**

**(2) CONTRACT FOR AND PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT;**

**(3) DURING THE CATERED EVENT, ENSURE THAT AT LEAST ONE INDIVIDUAL ON THE SITE IS CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE; AND**

**(4) AT THE END OF THE CATERED EVENT, RETURN ALL CONTAINERS OF ALCOHOLIC BEVERAGES THAT ARE NOT EMPTY TO THE LICENSE HOLDER'S PRINCIPAL PLACE OF BUSINESS.**

**(F) FEES.**

- (1) THE ISSUING FEE THAT IS CHARGED FOR EACH NEW LICENSE IS \$500.**
- (2) THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Garrett County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-703.2(c) through (h).

In subsection (b)(1) of this section, the defined word "person" is substituted for the former reference to an "applicant or holder" to conform to the terminology used in similar provisions in this article.

Also in subsection (b)(1) of this section, the former reference to issuing a license to a person "who meets the requirements of this section" is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase "[b]efore a CAT license is issued or renewed" is deleted as surplusage.

In subsection (c)(1) of this section, the former reference to "keep for sale" is deleted as included in the reference to "sell".

In subsection (c)(2) of this section, the former reference to a Class B license "in Garrett County" is deleted as surplusage.

In subsection (d)(1) of this section, the reference to a catered event "that the license holder sponsors" is substituted for the former reference to a "self-sponsored" catered event for clarity.

Former Art. 2B, § 6-703.2(a), which defined "holder" to mean a holder of a caterer's (CAT) license issued by the Board of License Commissioners of Garrett County, is deleted as surplusage.

Former Art. 2B, § 6-703.2(b), which stated that former Art. 2B, § 6-703.2 applied only in Garrett 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 (e)(1) of this section, the licensing requirement for a retail dealer from whom alcoholic beverages may be purchased may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland

Declaration of Rights. Subsection (e)(1) requires that a retail dealer be licensed to sell alcoholic beverages in Garrett County, thus excluding dealers who are licensed in other jurisdictions in the State. 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” § 21–101

“County” § 21–101

“License” § 1–101

“Off-sale” § 1–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **21–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–1202 (“PER DIEM LICENSES”);**
- (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (4) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**
- (5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

##### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY AND ARE SUPERSEDED BY §§ 21–1309 AND 21–1310 OF THIS SUBTITLE:**

**(1) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(2) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”); AND**

**(3) § 4–1205 (“LICENSE FEES”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 21–101

**21–1302. RESERVED.**

**21–1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**21–1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A BEER FESTIVAL LICENSE.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN TWO BEER FESTIVAL LICENSES EACH YEAR.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A RETAIL LICENSE ISSUED BY THE BOARD;**

**(2) A CLASS 5 BREWERY LICENSE;**

**(3) A CLASS 6 PUB–BREWERY LICENSE;**

**(4) A CLASS 7 MICRO–BREWERY LICENSE; OR**



**(5) A CLASS 8 FARM BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN THE STATE; AND**

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER MAY DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR A BEER FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD SHALL CHOOSE:**

**(1) A FIXED PERIOD OF TIME FOR THE FESTIVAL OF UP TO 2 CONSECUTIVE DAYS, EXCLUDING SUNDAY; AND**

**(2) A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) SUNDAY SALES.**

**NOTWITHSTANDING SUBSECTION (E)(1) OF THIS SECTION, A HOLDER OF A BEER FESTIVAL LICENSE ISSUED FOR A LOCATION AT WHICH SUNDAY SALES ARE ALLOWED UNDER § 21-2002(E) OF THIS TITLE MAY MAKE SUNDAY SALES:**

**(1) BEGINNING AT 1 P.M.; AND**

**(2) WITHOUT A CONSUMER PLACING AN ORDER FOR A MEAL BEFORE OR WITH AN ORDER FOR AN ALCOHOLIC BEVERAGE.**

**(G) INVOICING AND DELIVERY.**

**BEER DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER OR HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE; AND**

**(2) DELIVERED TO THE BEER FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER.**

**(H) DELIVERY AGREEMENT.**

**A HOLDER OF A STATE WHOLESALER'S LICENSE, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(I) FEE.**

**THE BOARD SHALL SET THE FEE.**

**(J) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-807(c) through (i).

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase "[n]otwithstanding any other provision of this article" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(1) of this section, the former reference to a retail "alcoholic beverages" license is deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “for which a license has not been issued” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “in the County” is deleted as surplusage.

In the introductory language of subsection (f) of this section, the phrase “Notwithstanding subsection (e)(1) of this section” is added for clarity.

In the introductory language of subsection (g) of this section, the reference to “[b]eer” is substituted for the former reference to “[a] product” for clarity.

In subsection (g)(1) of this section, the reference to a wholesaler is substituted for the former reference to a “licensed State wholesaler” for brevity.

In the introductory language of subsection (h) of this section, the former phrase “[w]hen a beer festival license is issued,” is deleted as surplusage.

In subsection (h)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity.

Former Art. 2B, § 8–807(a), which defined the term “Board” to mean the Garrett County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 21–101 of this title.

Former Art. 2B, § 8–807(b), which stated that former Art. 2B, § 8–807 applied only in Garrett 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 subsection (c) of this section, which authorizes the holder of the license “to display and sell beer that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes beer that is produced and processed outside the State.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 21–101

“Consumer” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

## **21–1305. WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A WINE FESTIVAL LICENSE.**

**(2) THE BOARD MAY ISSUE ONE WINE FESTIVAL LICENSE EACH YEAR.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

**(1) A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE; OR**

**(2) A PERSON THAT IS ELIGIBLE TO HOLD ANY TYPE OF CLASS C LICENSE THAT THE BOARD ISSUES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.**

**(E) PUBLICATION OF APPLICATION AND HEARING.**

**THE BOARD SHALL:**

**(1) HOLD A HEARING ON EACH LICENSE APPLICATION; AND**

**(2) PUBLISH NOTICE OF A LICENSE APPLICATION HEARING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY ONE TIME AT LEAST 7 DAYS BEFORE THE HEARING.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH YEAR THE BOARD SHALL CHOOSE 1 OR 2 DAYS FOR THE WINE FESTIVAL.**

**(2) THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(3) A DAY CHOSEN FOR THE WINE FESTIVAL MAY NOT:**

**(I) BE A SUNDAY; OR**

**(II) FALL ON THE SAME WEEKEND AS THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY.**

**(G) SUNDAY SALES.**

**NOTWITHSTANDING SUBSECTION (F)(3)(I) OF THIS SECTION, A HOLDER OF A WINE FESTIVAL LICENSE ISSUED FOR USE IN A LOCATION WHERE SUNDAY SALES ARE ALLOWED UNDER § 21-2001(E) OF THIS TITLE MAY MAKE SUNDAY SALES:**

**(1) BEGINNING AT 10 A.M.; AND**

**(2) WITHOUT A CONSUMER PLACING AN ORDER FOR A MEAL BEFORE OR WITH AN ORDER FOR AN ALCOHOLIC BEVERAGE.**

**(H) INVOICING AND DELIVERY.**

**WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE WINE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A STATE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE BOARD SHALL ESTABLISH THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-308.3(c) through (j).

Subsection (a)(1) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(1) of this section, the reference to a “retail license” is substituted for the former reference to an “existing retail alcoholic beverages license” for brevity.

Also in subsection (b)(1) of this section, the former phrase “, within the county,” is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to a “special” Class C license is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is

not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the wine festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (f)(3)(ii) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In the introductory language of subsection (g) of this section, the phrase “[n]otwithstanding subsection (f)(3)(i) of this section” is added for clarity.

In the introductory language of subsection (h) of this section, the reference to “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

Also in the introductory language of subsection (h) of this section, the former reference to wine displayed and sold “at the wine festival” is deleted as surplusage.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to the “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a State wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a wine festival license is issued under this section” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of the section, the reference to acceptance of returns “not later than” 2 days after the expiration date is added.

Also in subsection (i)(1) of this section, the former reference to an agreement to deliver “beer and” wine to a holder of a wine festival license is deleted to conform to the scope of a wine festival license.

Former Art. 2B, § 8–308.3(a), which defined “Board” as meaning the Garrett County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 21–101 of this title.

Former Art. 2B, § 8–308.3(b), which stated that former Art. 2B, § 8–308.3 applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 21–101

“Consumer” § 1–101

“County” § 21–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

#### **21–1306. BEER AND WINE TASTING LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE.**

##### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING IF:**

**(1) THE LICENSE HOLDER IS AUTHORIZED TO SELL THE BEER OR WINE;**

**(2) THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE; AND**

**(3) THE TASTING DOES NOT OCCUR DURING THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY.**

##### **(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**



**(1) THE QUANTITY OF BEER OR WINE SERVED TO EACH INDIVIDUAL;**  
AND

**(2) THE NUMBER OF BOTTLES OF BEER OR WINE FROM WHICH THIS QUANTITY IS SERVED.**

**(E) FEE.**

**IN ADDITION TO THE COST OF THE BEER, WINE, AND LIQUOR LICENSE OR THE BEER AND WINE LICENSE, THE BOARD SHALL CHARGE:**

**(1) AN ANNUAL LICENSE FEE OF \$100; AND**

**(2) AN ISSUING FEE OF \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-406.3(a).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former phrase “[i]n Garrett County,” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former reference to “alcoholic beverages” is deleted as unnecessary in light of the reference to “beer and wine”.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of wine is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase “or sampling purposes only” is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to consideration not being “exacted” is deleted in light of the reference to the consumer not being “charged”.

In subsection (c)(3) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overly broad reference to each “person” for clarity.

Former Art. 2B, § 8–406.3(b), which authorized the Board to “adopt rules or regulations providing additional requirements to implement this section”, is deleted as unnecessary because the Board has the power to adopt regulations under § 21–205 of this article.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“Consumer” § 1–101

“Wine” § 1–101

**21–1307. RESERVED.**

**21–1308. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**21–1309. MULTIPLE DAY LICENSES.**

**THE BOARD MAY ISSUE A CLASS C MULTIPLE DAY BEER LICENSE, BEER AND WINE LICENSE, AND BEER, WINE, AND LIQUOR LICENSE FOR THE FOLLOWING FEES AND LICENSE TYPES:**

- (1) \$50 FOR A 2–DAY LICENSE;**
- (2) \$150 FOR A 6–DAY LICENSE; AND**
- (3) \$300 FOR A 12–DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(p)(1)(i) through (iii).

In the introductory language of this section, the reference to the “Board” is added to clarify that the Board issues the licenses in this section.

Also in the introductory language of this section, the reference to a “multiple day” license is added to better describe the licenses listed in this section, which are in effect for 2, 6, and 12 days.

Defined term: “Board” § 21–101

**21-1310. MULTIPLE EVENT LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A MULTIPLE EVENT LICENSE TO A CLUB THAT QUALIFIES FOR A CLASS C MULTIPLE DAY LICENSE.**

**(B) LIMITATIONS.**

**THE BOARD MAY NOT ISSUE MORE THAN ONE MULTIPLE EVENT LICENSE TO A CLUB IN A LICENSE YEAR.**

**(C) NOTICE.**

**(1) THE BOARD SHALL PUBLISH A NOTICE FOR APPLICATION FOR THE LICENSE ONE TIME AT LEAST 7 DAYS BEFORE A LICENSE HEARING.**

**(2) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE AN EVENT FOR WHICH THE LICENSE IS TO BE USED.**

**(D) CERTIFIED SERVER REQUIRED ON PREMISES.**

**THE CLUB FOR WHICH A MULTIPLE EVENT LICENSE IS ISSUED SHALL ENSURE THAT AT LEAST ONE SERVER WHO IS CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES WHEN ALCOHOLIC BEVERAGES ARE SERVED.**

**(E) FEES.**

**THE FEE FOR A CLASS C MULTIPLE DAY LICENSE IS:**

- (1) \$125 FOR NOT MORE THAN 5 EVENTS PER YEAR;**
- (2) \$250 FOR NOT MORE THAN 12 EVENTS PER YEAR;**
- (3) \$375 FOR NOT MORE THAN 18 EVENTS PER YEAR; AND**
- (4) \$500 FOR NOT MORE THAN 24 EVENTS PER YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(p)(1)(iv) and (3).

In subsection (a) of this section, the reference to a Class C “multiple day” license is added for clarity.

In subsections (a), (b), and (d) of this section, the references to “club” are substituted for the former references to “organization” for consistency with the rest of this section.

In subsection (c)(2) of this section, the reference to an event “for which the license is to be used” is added for clarity.

In the introductory language of subsection (e) of this section, the former reference to an “annual” fee is deleted as unnecessary because each of the fees is for a certain number of events “per year”.

Defined terms: “Board” § 21–101  
“Club” § 1–101

#### **21–1311. STORAGE OF ALCOHOLIC BEVERAGES BY LICENSE HOLDERS BETWEEN EVENTS.**

##### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO THE HOLDER OF A MULTIPLE EVENT LICENSE WHO HAS AN APPROVED LICENSED PREMISES.**

##### **(B) REQUIREMENTS FOR STORAGE.**

**ALCOHOLIC BEVERAGES MAY BE STORED BETWEEN INDIVIDUAL LICENSED EVENTS ON THE LICENSED PREMISES OR IN A STORAGE AREA THAT THE BOARD APPROVES IF THE ALCOHOLIC BEVERAGES:**

**(1) ARE IN A SPECIALLY IDENTIFIED LOCKED AND SECURED LOCATION; AND**

**(2) ARE NOT SOLD OR CONSUMED EXCEPT DURING LICENSED EVENT HOURS FOR LICENSED EVENT PURPOSES.**

##### **(C) RECORDKEEPING.**

**(1) A LICENSE HOLDER SHALL KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES PURCHASED AND SOLD ON THE LICENSED PREMISES.**

**(2) THE RECORDS SHALL BE:**

**(I) MAINTAINED ON THE LICENSED PREMISES FOR 2 YEARS;  
AND**

**(II) AVAILABLE FOR INSPECTION BY AUTHORIZED PERSONNEL  
OF THE COMPTROLLER AND THE BOARD.**

**(3) THE RECORDS SHALL INCLUDE A COMPLETED PRE- AND  
POST-INVENTORY OF ALL ALCOHOLIC BEVERAGES FOR EACH INDIVIDUAL EVENT.**

**(D) INSPECTIONS.**

**AUTHORIZED PERSONNEL OF THE COMPTROLLER AND THE BOARD MAY  
INSPECT THE PREMISES OF A LICENSE HOLDER AS PROVIDED UNDER § 6-202 OF  
THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive  
change from former Art. 2B, § 7-101(p)(4).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 21-101

"Comptroller" § 1-101

"License" § 1-101

"License holder" § 1-101

**21-1312. PURCHASING OPTION FOR HOLDER OF CLASS C PER DIEM BEER, WINE,  
AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY  
PURCHASE BEER AND WINE FROM A WHOLESALER.**

REVISOR'S NOTE: This section is new language derived without substantive  
change from former Art. 2B, § 7-101(d)(10).

Defined terms: "Beer" § 1-101

"Wholesaler" § 1-101

"Wine" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**21-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (9) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 21-1402 THROUGH 21-1405 OF THIS SUBTITLE;**
- (2) § 4-111 (“PAYMENT OF LICENSE FEES”), SUBJECT TO § 21-1406 OF THIS SUBTITLE; AND**
- (3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 21-1407 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: "County" § 21-101

#### **21-1402. PERSONS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**THE REQUIREMENTS FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE, WHICH APPLY TO AN APPLICANT FOR A LICENSE, ALSO APPLY TO A SHAREHOLDER, A MEMBER, A PARTNER, AN OWNER, OR ANY OTHER PERSON WITH AN OWNERSHIP INTEREST IN AN ENTITY FOR WHICH A LICENSE APPLICATION IS MADE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(x)2B. This section is revised as a substantive provision instead of part of a definition in light of the organization of this revised article.

Former Art. 2B, § 10-103(b)(13)(x)1, which stated that former Art. 2B, § 10-103(b)(13)(x) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License" § 1-101

#### **21-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR CLERKS.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of former Art. 2B, § 10-103(b)(13)(x)4.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

Defined term: "Board" § 21-101

#### **21-1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of former Art. 2B, § 10–103(b)(13)(x)4.

The reference to “record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “their necessary use” for clarity.

Defined term: “Board” § 21–101

**21–1405. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COSTS OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(x)3D.

The reference to the Board's ability to set “and charge” a fee is added to expressly state what was only implied in the former law.

The reference to the “applicant's” fingerprints is added for clarity.

Defined term: “Board” § 21–101

**21–1406. EXEMPTIONS FROM ISSUING FEE.**

**THE FOLLOWING LICENSE HOLDERS ARE EXEMPT FROM PAYING AN ISSUING FEE FOR A NEW LICENSE:**

- (1) A PERSON HOLDING A LICENSE BEFORE JULY 1, 1987;**
- (2) A CORPORATION HOLDING A LICENSE THAT HAS A 50% OR LESS CHANGE OF ITS CORPORATE OFFICERS;**
- (3) A NONPROFIT CORPORATION, FRATERNAL AND CIVIC ORGANIZATION, OR GROUP HOLDING A LICENSE, REGARDLESS OF THE PERCENT OF CHANGE OF ITS CORPORATE OFFICERS; AND**



**(4) A SUBSEQUENT LICENSE HOLDER OF A LICENSE OF A DECEASED LICENSE HOLDER IF THE SUBSEQUENT LICENSE HOLDER IS THE SPOUSE OR SIBLING OF THE DECEASED LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-212(c).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (2) of this section [former Art. 2B, § 9-212(c)(2)] exempts from an issuing fee a license holder that is a "corporation holding an alcoholic beverages license that has a 50 percent or less change of its corporate officers". The General Assembly may wish to repeal this provision because it is ambiguous and may be obsolete, as it does not include a date by which the change in officers can be determined.

Defined terms: "License" § 1-101  
"License holder" § 1-101  
"Person" § 1-101

**21-1407. DISPOSITION OF LICENSE FEES.**

**FOR LICENSED PREMISES LOCATED WITHIN A MUNICIPALITY, THE BOARD SHALL PAY 50% OF THE LICENSE FEE OR \$500, WHICHEVER IS LESS, TO THE MAYOR AND COUNCIL OF THE MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(m).

The reference to a "municipality" is substituted for the former reference to an "incorporated town" to conform to the terminology used throughout this article.

Defined terms: "Board" § 21-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**21-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);
- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);
- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);
- (5) § 4-209 (“HEARING”);
- (6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4-212 (“LICENSE NOT PROPERTY”); AND
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO §§ 21-1502 THROUGH 21-1504 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 21-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 21-1505 OF THIS SUBTITLE; AND
- (4) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 21-1506 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 21-101  
 “License” § 1-101

“Local licensing board” § 1–101

**21–1502. ESTABLISHED BUSINESS REQUIRED BEFORE ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT WHO HAS NOT HAD AN ESTABLISHED BUSINESS FOR AT LEAST 1 YEAR BEFORE THE APPLICATION DATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–212(a).

Defined terms: “Board” § 21–101

“License” § 1–101

**21–1503. OFF–SALE PRIVILEGES FOR CLASS B, C, AND D LICENSES.**

**THE BOARD MAY ADOPT REGULATIONS THAT AUTHORIZE ANY HOLDER OF A CLASS B, CLASS C, OR CLASS D LICENSE TO SELL THE ALCOHOLIC BEVERAGES SPECIFIED BY THE LICENSE FOR OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–212(b).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 21–101

**21–1504. HOLDERS OF OUT–OF–STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(7), except as it related to the renewal of a license by a person that holds an out–of–state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 21–101  
 “License” § 1–101  
 “Person” § 1–101  
 “State” § 1–101  
 “Wine” § 1–101

#### **21–1505. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “License” § 1–101  
 “Wine” § 1–101

#### **21–1506. ADDITIONAL BAR OR SERVING COUNTER.**

**(A) IN GENERAL.**

**THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE LICENSED PREMISES.**

**(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

**THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

**(c) ADDITIONAL LICENSE NOT REQUIRED.****AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–8).

In subsection (a) of this section, the phrase “of the licensed premises” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article” is deleted as surplusage.

In subsection (c) of this section, the former clause “if the authorization is granted” is deleted as surplusage.

Defined terms: “Board” § 18–101

“License” § 1–101

“License holder” § 1–101

**21–1507. REPLACEMENT LICENSE FEE.****THE FEE FOR A REPLACEMENT LICENSE IS \$10.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–502(d).

The reference to a “replacement” license is substituted for the former reference to a “duplicate” license for consistency with § 4–213 of this article.

Defined term: “License” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.****PART I. LICENSING CONDITIONS.****21–1601. RESERVED.****21–1602. RESERVED.****PART II. MULTIPLE LICENSING PLANS.****21–1603. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**21-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATION.**

**SECTION 4-305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 21-1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 21-101  
“License” § 1-101

**21-1702. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$200, IN ADDITION TO THE COSTS OF PUBLICATION AND NOTICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(m)(2).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Former Art. 2B, § 10–503(m)(1), which stated that former Art. 2B, § 10–503(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **21–1801. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**
- (4) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (5) § 4–406 (“PROTESTS”);**
- (6) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (7) § 4–409 (“MULTIPLE LICENSES”); AND**
- (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

#### **(B) EXCEPTION.**

**SECTION 4–408 (“ISSUANCE OF RENEWED LICENSES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 21–1802 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 21–101  
 “License” § 1–101

**21-1802. ISSUANCE OF RENEWED LICENSES.****(A) ISSUANCE.**

**THE BOARD MAY ISSUE RENEWED LICENSES ANNUALLY BETWEEN JUNE 15 AND JUNE 30, INCLUSIVE.**

**(B) EFFECTIVE DATE.**

**ALL RENEWED LICENSES SHALL BE DATED JULY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-301(d-1) and the first and second sentences of 9-212(d).

In subsection (a) of this section, the reference to "renewed" licenses is substituted for the former inaccurate reference to "new" licenses for clarity and because the source law is only addressing the renewal of licenses.

Also in subsection (a) of this section, the reference to the issuance of licenses "annually" is substituted for the former reference to the issuance of licenses "each and every year" for clarity and brevity.

Also in subsection (a) of this section, the former redundant reference to renewed licenses "for the ensuing year" is deleted as unnecessary.

Also in subsection (a) of this section, the former reference to the renewal of licenses "as provided in this section" is deleted as unnecessary in light of the general authorization to renew licenses under § 18-1801 of this subtitle.

Also in subsection (a) of this section, the former reference to the renewal of licenses "at any time" between June 15 and July 1 is deleted as unnecessary.

In subsection (b) of this section, the reference to "renewed" licenses is added for clarity.

Also in subsection (b) of this section, the former obsolete reference requiring the Board to "prorate all class licenses for a period of 14 months" during the first calendar year [after enactment of this provision, which was enacted by Chapter 628 of the Acts of 1975] is deleted as obsolete. Similarly, the former redundant reference establishing a 12-month license after the proration period is deleted as included in the establishment of an annual license in revised subsection (a) of this section.



The third sentence of former Art. 2B, § 9–212(d), which required license fees paid in advance of July 1, 1987, to be credited toward the annual fee, is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that end dates for the renewal period under former Art. 2B, §§ 9–212(d) and 10–301(d–1) were inconsistent. Under § 9–212(d), the end date was June 30 and under § 10–301(d–1), the end date was July 1. The revision uses the June 30 date. The Alcoholic Beverages Article Review Committee calls this inconsistency and the choice of date to the attention of the General Assembly.

Defined terms: “Board” § 21–101  
 “License” § 1–101

### **21–1803. HOLDERS OF OUT–OF–STATE LICENSES.**

**NOTWITHSTANDING § 21–1504 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT–OF–STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–3)(7), as it related to the renewal of a license by a person who holds an out–of–state license.

The phrase “[n]otwithstanding § 21–1504 of this title,” is added to clarify that this section is an exception to § 21–1504.

The reference to an “out–of–state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out–of–state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out–of–state license for clarity and to avoid the implication that a licensee can obtain an out–of–state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1–101  
 “Beer” § 1–101  
 “Board” § 21–101  
 “State” § 1–101  
 “Wine” § 1–101

### **21–1804. PERSONS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE APPLIES TO AN APPLICANT FOR A LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(x)2, as it related to the requirement for a criminal history records check for license renewals in Garrett County. This section is revised as a substantive provision instead of part of a definition in light of the organization of this revised article.

Defined term: "License" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**21-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**
- (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES");**
- (3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**
- (4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE"); AND**
- (5) § 4-508 ("DISPLAY OF LICENSE").**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT TO § 21-1902 OF THIS SUBTITLE; AND**
- (2) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"), SUBJECT TO § 21-1903 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 21-101

"License" § 1-101

"License holder" § 1-101

**21-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) EMPLOYMENT OF INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO SELL OR DELIVER ALCOHOLIC BEVERAGES.**

**(B) EMPLOYMENT OF INDIVIDUALS AT LEAST 18 YEARS OLD.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL AT LEAST 18 YEARS OLD TO:**

**(1) SERVE AND SELL ALCOHOLIC BEVERAGES IN A RESTAURANT IN CONNECTION WITH THE SERVING OR SELLING OF A MEAL;**

**(2) SERVE ALCOHOLIC BEVERAGES FROM A SERVICE BAR TO A SEATED CUSTOMER; OR**

**(3) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR WHICH A CLASS A LICENSE HAS BEEN ISSUED.**

**(C) EMPLOYMENT OF INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

**A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO HANDLE ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(8)(ii) through (iv).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (b)(3) of this section, the phrase “a premises for which a Class A license has been issued” is substituted for the former phrase a “Class A establishment” for clarity.

Former Art. 2B, § 12–302(b)(8)(i), which stated that former Art. 2B, § 12–302(b)(8) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

“Restaurant” § 1–101

### **21–1903. RETAIL DELIVERY.**

#### **(A) IN GENERAL.**

**THE BOARD MAY ISSUE A DELIVERY OPTION THAT ENTITLES A LICENSE HOLDER OR AN AUTHORIZED EMPLOYEE OF THE LICENSE HOLDER TO MAKE AN OFF–SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES IF:**

**(1) THE DELIVERER IS AT LEAST 21 YEARS OLD AND CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(2) THE DELIVERER AND PURCHASER ENDORSE A DELIVERY FORM THAT THE BOARD APPROVES, CERTIFYING THAT:**

**(I) THE INDIVIDUAL WHO RECEIVED THE DELIVERY CLAIMED TO BE AT LEAST 21 YEARS OLD, AND THE CLAIM WAS SUPPORTED BY DOCUMENTARY EVIDENCE;**

**(II) THE INDIVIDUAL WHO RECEIVED THE DELIVERY KNEW THAT IT IS A CRIMINAL OFFENSE FOR ALCOHOLIC BEVERAGES TO BE GIVEN TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS; AND**

**(III) THE DELIVERER EXAMINED THE PURCHASER’S IDENTIFICATION.**

#### **(B) TIME FOR SUBMITTING DELIVERY FORM.**

**EACH DELIVERY FORM ENDORSED UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE SUBMITTED TO THE BOARD ON OR BEFORE THE 10TH DAY OF THE MONTH FOLLOWING DELIVERY.**

**(C) FEES.**

**(1) THE ANNUAL FEE FOR A DELIVERY OPTION IS \$150.**

**(2) IN ADDITION TO AN ANNUAL FEE, THE BOARD SHALL CHARGE AN INITIAL ISSUING FEE OF \$150.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(e)(2) through (5).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In the introductory language of subsection (a) of this section, the defined term "license holder" is substituted for the former references to an "alcoholic beverages licensee" to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to the 10th day of the month "following delivery" is substituted for the former reference to the 10th day "of the following month" for clarity.

In subsection (c) of this section, the reference to "initial" is added for clarity.

Former Art. 2B, § 12-301(e)(1), which stated that former Art. 2B, § 12-301(e) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 21-101

"License holder" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**21-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Garrett County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in §

14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**21–2002. BEER LICENSES.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31 AND JANUARY 1 SET OUT IN § 21–2007 OF THIS SUBTITLE.**

**(B) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER LICENSE.**

**RESERVED.**

**(D) CLASS C BEER LICENSE.**

**RESERVED.**

**(E) CLASS D BEER LICENSE.**

**(1) A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

**1. ELECTION DISTRICTS 11 AND 15; AND**

**2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

**(II) A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON SUNDAY FOR ON–PREMISES CONSUMPTION IF THE LICENSED PREMISES:**

1. IS IN A PERMANENT BUILDING;
2. HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;
3. IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING; AND
4. IS APPROVED BY THE BOARD, DEPARTMENT OF PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND DEVELOPMENT OFFICE OF THE COUNTY.

(III) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M.

(IV) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:

1. \$250, AS AN ANNUAL LICENSE FEE; AND
2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-512(b)(1) and (3) and (c)(1), (2)(iii), (3), and, as they related to Class D licenses, (4) and (5).

In this section and throughout this subtitle, references in former Art. 2B, § 11-512(b)(1) to a license holder being prohibited from "sell[ing] alcoholic beverages between the hours of 2 a.m. and 6 a.m. on any day of the week" are deleted as redundant in light of the organization of this revised article.

Also in this section, references to a license holder being allowed to sell "beer" are substituted for the former references to a license holder being allowed to sell "the alcoholic beverages authorized under their respective license" for clarity and brevity.

Also in this section, the former phrases "[n]otwithstanding any other provisions of this subtitle" are deleted as unnecessary in light of the organization of this revised article.

In subsection (a) of this section, the references to "December 31" and "January 1" are substituted for the former references to "New Year's Eve" and "New Year's Day" to conform to the terminology used throughout this article.



In subsection (b) of this section, the reference to the former phrase “unless authorized under subsection (c) ... of this section, at any time on Sunday after 2 a.m.” is deleted as surplusage and potentially misleading. This section applies only to beer licenses. Former subsection (c) applied only to Class B and C licenses, but Garrett County does not issue Class B beer or Class C beer licenses.

Former Art. 2B, § 11–512(a), which stated that former Art. 2B, § 11–512 applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

## **21–2003. BEER AND WINE LICENSES.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31 AND JANUARY 1 SET OUT IN § 21–2007 OF THIS SUBTITLE.**

### **(B) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

### **(C) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

#### **(2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

- 1. ELECTION DISTRICTS 11 AND 15; AND**
- 2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

**(II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

- 1. \$250, AS AN ANNUAL LICENSE FEE; AND**
- 2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

**(D) CLASS C BEER AND WINE LICENSE.****RESERVED.****(E) CLASS D BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

**1. ELECTION DISTRICTS 11 AND 15; AND**

**2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

**(II) A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON SUNDAY FOR ON-PREMISES CONSUMPTION IF THE LICENSED PREMISES:**

**1. IS IN A PERMANENT BUILDING;**

**2. HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;**

**3. IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING; AND**

**4. IS APPROVED BY THE BOARD, DEPARTMENT OF PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND DEVELOPMENT OFFICE OF THE COUNTY.**

**(III) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

**1. \$250, AS AN ANNUAL LICENSE FEE; AND**

**2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–512(b)(1) and (3) and (c)(1), (2)(iii), (3), and, as they related to Class B and D licenses, (4) and (5), and, as it related to Class B licenses, (2)(ii).

In subsection (a) of this section, the references to “December 31” and “January 1” are substituted for the former references to “New Year’s Eve” and “New Year’s Day” to conform to the terminology used throughout this article.

In subsections (b), (c), and (e) of this section, references to a license holder being allowed to sell “beer and wine” are substituted for the former references to a license holder being allowed to sell “the alcoholic beverages authorized under their respective license” for clarity and brevity.

In subsection (c)(2)(i)1 of this section, the former reference to election districts 11 and 15 “in which the voters approved Sunday sales in the referendum authorized by law in November 1996” is deleted as surplusage.

In subsection (c)(2)(iii) of this section, the former references to Sunday sales that “may begin, where permitted” at 1 p.m. and “continue” until 10 p.m. are deleted as surplusage.

In subsection (c)(2)(v) of this section, the reference to “the fee to exercise the privileges of the license on Sunday” is substituted for the former reference to “the holder of a ... Class B license ... who wants to provide Sunday sales and who is otherwise eligible to provide Sunday sales under this paragraph” for brevity.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

## **21–2004. BEER, WINE, AND LIQUOR LICENSES.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE HOURS OF SALE ON DECEMBER 31 AND JANUARY 1 SET OUT IN § 21–2007 OF THIS SUBTITLE.**

### **(B) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

- 1. ELECTION DISTRICTS 11 AND 15; AND**
- 2. ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

**(II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

- 1. \$250 IN ADDITION TO THE USUAL LICENSE FEE; AND**
- 2. \$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

**(D) CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS BDR (DELUXE RESTAURANT) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

- 1. ELECTION DISTRICTS 11 AND 15; AND**
- 2. ANY OTHER ELECTION DISTRICT IN WHICH THE VOTERS BY REFERENDUM APPROVE SUNDAY SALES.**

**(II) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

1. **\$250 IN ADDITION TO THE USUAL LICENSE FEE; AND**
2. **\$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

**(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, SUNDAY SALES ARE ALLOWED FROM 1 P.M. TO 10 P.M. IN:**

1. **ELECTION DISTRICTS 11 AND 15; AND**
2. **ANY OTHER ELECTION DISTRICT OR PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS PARAGRAPH.**

**(II) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FOR ON-PREMISES CONSUMPTION IF THE LICENSED PREMISES:**

1. **IS IN A PERMANENT BUILDING;**
2. **HAS A SEATING CAPACITY AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 20 INDIVIDUALS;**
3. **IS EQUIPPED WITH A FULL-SERVICE COMMERCIAL KITCHEN CAPABLE OF PREPARING AND SERVING FULL-COURSE MEALS FOR AT LEAST 20 INDIVIDUALS AT ONE SEATING; AND**
4. **IS APPROVED BY THE BOARD, DEPARTMENT OF PUBLIC UTILITIES, HEALTH DEPARTMENT, AND PLANNING AND LAND DEVELOPMENT OFFICE OF THE COUNTY.**

**(III) IN ADDITION TO THE USUAL LICENSE FEE, FEES FOR EXERCISING THE PRIVILEGES OF THE LICENSE ON SUNDAY ARE:**

1. **\$250, AS AN ANNUAL LICENSE FEE; AND**
2. **\$250, AS AN ISSUING FEE FOR A NEW LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(m)(5)(i) and (ix), and, 11–512(b)(1) and (3) and (c)(1), (2)(i) and (iii), (3), (4), (5), and, as it related to Class B licenses, (2)(ii), and, as it related to Class C licenses, 11–403(a)(1)(ii).

In subsection (a) of this section, the references to “December 31” and “January 1” are substituted for the former references to “New Year’s Eve” and “New Year’s Day” to conform to the terminology used throughout this article.

In subsections (b), (c), and (d) of this section, the more specific references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages authorized under their respective license” for clarity.

Also in subsections (b), (c), and (d) of this section, the former prohibition against selling alcoholic beverages “between the hours of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) of this section, at any time on Sunday after 2 a.m.” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the former phrase “except on Sundays” is deleted as surplusage because of the reference that a license holder may sell beer, wine, and liquor only “on Monday through Saturday”.

Defined terms: “Beer” § 1–101

“Board” § 21–101

“County” § 21–101

“License” § 1–101

“Wine” § 1–101

## **21–2005. WATER VESSEL LICENSES.**

### **(A) HOURS ON MONDAY THROUGH SATURDAY.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, A HOLDER OF A CLASS E WATER VESSEL LICENSE OPERATING ON STATE WATERS IN THE COUNTY MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

### **(B) HOURS ON DECEMBER 31 AND JANUARY 1.**

**THE BOARD SHALL DETERMINE WHEN THE LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND THE MORNING OF JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THESE DATES FALL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-402(m)(2) and 11-512(b)(2) and (3).

In subsection (a) of this section, the reference to a "water vessel" license is substituted for the former obsolete reference to a "steamboat" license to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101

"Board" § 21-101

"County" § 21-101

"License holder" § 1-101

"State" § 1-101

"Wine" § 1-101

## **21-2006. SUNDAY SALES FOR CERTAIN CLASS A, B, C, AND D LICENSES.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES IN AN ELECTION DISTRICT OR A PRECINCT OF AN ELECTION DISTRICT IN WHICH THE VOTERS IN A REFERENDUM AUTHORIZED BY LAW APPROVE SUNDAY SALES AS SPECIFIED IN THIS SECTION.**

### **(B) IN GENERAL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO OFF-PREMISES SALES BY:**

**(I) A HOLDER OF A CLASS A LICENSE;**

**(II) A HOLDER OF A CLASS B LICENSE;**

**(III) A HOLDER OF A CLASS C LICENSE; AND**

**(IV) A HOLDER OF A CLASS D LICENSE.**

**(2) A HOLDER OF A LICENSE LISTED IN PARAGRAPH (1) OF THIS SUBSECTION MAY SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON A SUNDAY IF THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FOR THE UNDERLYING LICENSE.**

### **(C) HOURS OF SALE.**

**SUNDAY SALES AUTHORIZED UNDER THIS SECTION ARE FROM 1 P.M. TO 10 P.M.**

**(D) FEES.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

**(2) THE SUNDAY SALES FEE IS \$250 FOR THE HOLDER OF A CLASS A LICENSE, CLASS B LICENSE, OR CLASS D LICENSE.**

**(3) WHEN THE CLASS A LICENSE, CLASS B LICENSE, OR CLASS D LICENSE IS ISSUED, THE BOARD SHALL CHARGE A \$250 ISSUING FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-512(d).

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"License holder" § 1-101

**21-2007. HOURS ON DECEMBER 31 AND JANUARY 1.**

**THE BOARD SHALL DETERMINE WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND THE MORNING OF JANUARY 1, REGARDLESS OF THE DAYS OF THE WEEK ON WHICH THESE DATES FALL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(m)(2).

The phrase "when a license holder shall stop selling alcoholic beverages on December 31 and the morning of January 1" is substituted for the former reference to "the hour at which establishments serving alcoholic beverages must cease sales on New Year's Eve Day and on New Year's Day morning" for clarity and to conform to the terminology used throughout this article.

The former reference to "within their [the Board's] sole discretion" is deleted as surplusage.

Former Art. 2B, § 11-402(m)(1), which stated that former Art. 2B, § 11-402(m) applied only in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-403(a)(9), which stated that Sunday sales are governed by former Art. 2B, §§ 11-402, 11-403(b)(5), and 11-512, is deleted as unnecessary in light of the organization of this revised article.



Former Art. 2B, § 11-403(b)(5)(i), which stated that former Art. 2B, § 11-403(b)(5) applied only to Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-403(b)(5)(ii), which stated that when New Year's Eve or New Year's Day falls on a Sunday, sales shall be governed by former Art. 2B, § 11-402(m), is deleted as unnecessary in light of this section, which revises former Art. 2B, § 11-402(m).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 21-101

"License holder" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **21-2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 ("POWER OF LOCAL LICENSING BOARD"); AND**
- (2) § 4-603 ("REVOCATION AND SUSPENSION PROCEDURES").**

#### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 ("REVOCATION AND SUSPENSION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-604 ("GROUNDS FOR REVOCATION OR SUSPENSION"), SUBJECT TO § 21-2102 OF THIS SUBTITLE;**
- (2) § 4-605 ("NUDITY AND SEXUAL DISPLAYS"), SUBJECT TO § 21-2103 OF THIS SUBTITLE; AND**
- (3) § 4-606 ("EFFECTS OF REVOCATION"), SUBJECT TO § 21-2104 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(10), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 21–101

“License” § 1–101

“Local licensing board” § 1–101

## **21–2102. ADDITIONAL GROUNDS FOR SUSPENSION.**

### **(A) IN GENERAL.**

**IN ADDITION TO THE GROUNDS FOR SUSPENSION IN § 4–604 OF THIS ARTICLE, THE BOARD MAY SUSPEND A LICENSE FOR A TIME NOT EXCEEDING 1 YEAR FOR:**

**(1) THE SALE OF ALCOHOLIC BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS; OR**

**(2) THE SALE ON SUNDAY OF ALCOHOLIC BEVERAGES IN AN ELECTION DISTRICT IN WHICH SUNDAY SALES HAVE NOT BEEN AUTHORIZED BY A VOTER REFERENDUM.**

### **(B) DECISION OF BOARD.**

**THE DECISION OF THE BOARD IS CONCLUSIVE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(d).

In subsection (a) of this section, the former grounds for suspension involving “possession on the licensed premises by any person of any liquor or wines not purchased from the Garrett County liquor dispensaries, if the Garrett County Liquor Control Board maintains county liquor dispensaries” is deleted as obsolete. Garrett County no longer maintains liquor dispensaries.

In the introductory language of subsection (a) of this section, the phrase “[i]n addition to the grounds for suspension in § 4–604 of this article” is substituted for the former phrase “in addition to any other provisions of this article” for clarity.

Also in the introductory language of subsection (a) of this section, the phrase “the Board may suspend” is substituted for the former phrase “may be suspended for a period of time to be determined by the Board” for brevity.

In subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this subsection refers only to a human being.

In subsection (a)(2) of this section, the reference to the sale on Sunday of alcoholic beverages “in an election district in which Sunday sales have not been authorized by a voter referendum” is added for accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section the meaning of the decision of the Board being “conclusive” is unclear.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 21–101  
 “License” § 1–101

### **21–2103. NUDITY AND SEXUAL DISPLAYS.**

**NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR LOCAL LICENSING BOARDS UNDER § 4–605(A) OF THIS ARTICLE, AFTER A FINDING THAT AN ACTIVITY LISTED UNDER § 4–605(B) THROUGH (E) OF THIS ARTICLE HAS OCCURRED, THE BOARD MAY DECIDE WHETHER TO REVOKE A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–405(j)(2).

The phrase “[n]otwithstanding the mandatory revocation requirement for local licensing boards under § 4–605(a) of this article” is added for clarity.

Former Art. 2B, § 10–405(j)(1), as it related to applying former Art. 2B, § 10–405 to Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 21–101  
 “License” § 1–101  
 “Local licensing board” § 1–101

### **21–2104. EFFECTS OF REVOCATION.**

**IN EXERCISING THE AUTHORITY CONFERRED ON THE BOARD UNDER § 4–606 OF THIS ARTICLE, IF THE BOARD REVOKES A LICENSE FOR CONVICTION OF**

**THE LICENSE HOLDER FOR A VIOLATION OF THIS ARTICLE OR THE TAX – GENERAL ARTICLE THAT RELATES TO THE ALCOHOLIC BEVERAGE TAX, THE BOARD MAY NOT ISSUE A LICENSE UNTIL 2 YEARS AFTER THE REVOCATION:**

- (1) TO THE SAME LICENSE HOLDER; OR**
- (2) FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–404(c).

The phrase “[i]n exercising the authority conferred on the Board under § 4–606 of this article,” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 21–101

“License” § 1–101

“License holder” § 1–101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Former Art. 2B, § 14–101(b), which required an applicant for a license whose license had been suspended or revoked to execute a \$1,000 bond, is deleted as obsolete. The Garrett County Board of License Commissioners has discontinued issuing bonds.

### **SUBTITLE 22. EXPIRATION OF LICENSES.**

#### **21–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 21–101

“License” § 1–101

### **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

#### **21–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: "County" § 21-101  
"License holder" § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**21-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: "County" § 21-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**21-2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**SUBTITLE 26. ENFORCEMENT.****21–2601. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

(4) § 6-205 (“PEACE OFFICERS”);

(5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 21-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 21-101

“State” § 1-101

**21-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(8).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 21–101

## **21–2603. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(vii), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.



Defined term: “Board” § 21–101

**SUBTITLE 27. PROHIBITED ACTS.**

**21–2701. 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) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6–315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6–316 (“MAXIMUM ALCOHOL CONTENT”);**

- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (20) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 21-2702 OF THIS SUBTITLE; AND
- (2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 21-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 21-101  
 “License holder” § 1-101  
 “Retail dealer” § 1-101

**21-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former reference to “in fact” is deleted as surplusage.

Former Art. 2B, § 12–108(f)(1)(v), which stated that the provisions of former Art. 2B, § 12–108(f)(2) applied in Garrett County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 21–101

“License holder” § 1–101

“State” § 1–101

**21–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 21–101

“License holder” § 1–101

“State” § 1–101

**21-2704. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON PREMISES.**

**A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ABOUT THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 12-212.

The reference to an "individual under the age of 21 years" is substituted for the former reference to a "person not designated in § 1-102(a)(6) of this article" for clarity and consistency with other similar provisions of this article.

The reference to "premises" is substituted for the former reference to "place of business" for brevity.

The former reference to "loaf[ing]" is deleted as included in the reference to "loiter[ing]".

Defined term: "License holder" § 1-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

The first sentence of former Art. 2B, § 12-212, which required license holders to sell beer for cash only and prohibited a suit to be maintained by a retail dealer against any person for beer sold on credit, is deleted as obsolete.

**SUBTITLE 28. PENALTIES.**

**21-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 21-101

**21-2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$3,000 OR SUSPEND A LICENSE FOR A VIOLATION OF THE ALCOHOLIC BEVERAGES LAWS AFFECTING THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(m).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 21-101

"County" § 21-101

"License" § 1-101

## **TITLE 22. HARFORD COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **22-101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**"BOARD" MEANS THE BOARD OF LICENSE COMMISSIONERS FOR HARFORD COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the "Board of License Commissioners for Harford County".

##### **(C) COUNTY.**

**"COUNTY" MEANS HARFORD COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to "Harford County".

**(D) PREMISES.**

**"PREMISES" INCLUDES ALL INTEGRAL PARTS OF THE LICENSED PREMISES, INCLUDING ANY BUILDING, PARKING LOT, TERRACE, AND GROUNDS.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 12-213(c).

**(E) RESTAURANT.**

**THE DEFINITION OF "RESTAURANT" UNDER § 1-101 OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-103 OF THIS SUBTITLE.**

REVISOR'S NOTE: This subsection is new language added to state explicitly what was implied in the former law, that the statewide definition of "restaurant" applies in the County.

Defined terms: "County" § 22-101  
"Restaurant" § 1-101

**22-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN HARFORD COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**22-103. REQUIREMENTS FOR RESTAURANTS.**

**(A) IN GENERAL.**

**TO BE CONSIDERED A RESTAURANT, AN ESTABLISHMENT SHALL MEET THE REQUIREMENTS OF THIS SECTION.**

**(B) EQUIPMENT.**

**THE BOARD AND THE COUNTY DEPARTMENT OF HEALTH SHALL APPROVE THE SANITARY FACILITIES, RUNNING HOT AND COLD WATER, EQUIPMENT FOR THE PROPER CLEANING OF DISHES AND KITCHENWARE, AND ADEQUATE NUMBER OF TOILETS IN THE ESTABLISHMENT.**

**(C) SIGNAGE.**

**THE ESTABLISHMENT SHALL HAVE ONE OR MORE SIGNS IN FRONT OF THE ESTABLISHMENT THAT:**

- (1) DESIGNATE “RESTAURANT” OR FOOD AND BEVERAGES SOLD; AND**
- (2) DO NOT ADVERTISE ANY OTHER BUSINESS.**

**(D) FOOD REQUIREMENT.**

**THE ESTABLISHMENT SHALL HAVE SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES FOR THE REGULAR SERVING OF MEALS.**

**(E) FOOD SALES RATIO EXCEPTION.**

**AN ESTABLISHMENT THAT SERVES FOOD AND ALCOHOLIC BEVERAGES AND HAS GROSS MONTHLY RECEIPTS FROM THE SALE OF FOOD THAT AVERAGE \$1,500 OR MORE MAY NOT BE REQUIRED TO SELL FOOD IN EXCESS OF ONE-HALF OF THE AVERAGE MONTHLY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–102(a)(22)(iii).

In subsection (a) of this section, the former obsolete reference to the term restaurant “as used in § 5–201 and § 6–201(n)(9) of this article” is deleted in light of current practice. The Board advises that the additional requirements contained in former Art. 2B, § 1–102(a)(22)(iii) are applied to all restaurants with alcoholic beverages in the County, not only the Class B beer and light wine licenses and Class BFD (fine dining) beer, wine, and liquor licenses that are governed by Subtitle 8 and § 22–905 of this title, respectively.

Also in subsection (a) of this section, the former reference to an establishment “for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board” is deleted as duplicative of the substantively similar provisions of the term “restaurant” defined in § 1–101 of this article that apply to such establishments in most of the State.

Also in subsection (a) of this section, the former reference to a “business” establishment is deleted as surplusage.

In subsection (b) of this section, the reference to the “County” Department of Health is added for clarity.



Also in subsection (b) of this section, the reference to the Board and the County Department of Health approving an adequate “number of” toilets in an establishment is added for clarity.

In subsection (e) of this section, the references to “alcoholic beverages” are substituted for the former references to “beverages” and “beer and wine” for clarity and consistency within this title.

Also in subsection (e) of this section, the former reference to “the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine” is deleted as duplicative of the average daily receipts requirement of § 1-101(1)(iii) of this article. Although the former percentage requirement of former Article 2B, § 1-102(a)(22)(iii) was stated in terms of average “monthly” receipts rather than average “daily” receipts, the result is the same. No substantive change is intended.

Also in subsection (e) of this section, the former reference to “food commodities” is deleted as included in the comprehensive reference to “food”.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 22-101

“County” § 22-101

“Restaurant” §§ 1-101, 22-101

## **22-104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1-101

## “County” § 22–101

## GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 23%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(n), which defined “light wine” in the County as a fermented beverage that contains not in excess of 23% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.****22–201. ESTABLISHED.****THERE IS A BOARD OF LICENSE COMMISSIONERS FOR HARFORD COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(a)(1) and, as it related to Harford County, (c)(6).

The former reference to the liquor control board being “hereby constituted and established” is deleted as surplusage.

The former reference to a board “upon which shall be devolved all the duties and rights given elsewhere in this article” is deleted as surplusage.

The name “Board of License Commissioners for Harford County” is used instead of the commonly used name “Harford County Liquor Control Board” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

Former Art. 2B, § 15–101(n), which provided a cross–reference to provisions applicable to Harford County, is deleted as unnecessary in light of the organization of this revised article.

**22–202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE BOARD IN ACCORDANCE WITH THIS SECTION.**

**(B) NOMINATIONS.**

**(1) (I) AT LEAST 60 DAYS BEFORE THE EXPIRATION OF A MEMBER'S TERM, THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF ONE NOMINEE TO THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES, FOR THE ADVICE AND CONSENT OF THE DELEGATION.**

**(II) THE COUNTY EXECUTIVE SHALL CONSIDER GEOGRAPHICAL REPRESENTATION IN SELECTING NOMINEES.**

**(2) WITHIN 7 WORKING DAYS AFTER THE DELEGATION RECEIVES THE NAME OF THE NOMINEE:**

**(I) THE DELEGATION SHALL APPROVE OR REJECT THE NOMINEE; OR**

**(II) IF THE DELEGATION FAILS TO ACT, THE NOMINEE SHALL BE CONSIDERED TO HAVE BEEN APPROVED.**

**(3) IF THE DELEGATION REJECTS THE NOMINEE, THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF A NEW NOMINEE TO THE DELEGATION WITHIN 7 WORKING DAYS AFTER THE COUNTY EXECUTIVE RECEIVES NOTICE OF THE REJECTION.**

**(4) THE COUNTY EXECUTIVE SHALL CONTINUE TO SUBMIT NAMES OF NOMINEES IN ACCORDANCE WITH PARAGRAPHS (2) AND (3) OF THIS SUBSECTION TO THE DELEGATION UNTIL A NOMINEE IS APPROVED.**

**(5) THE COUNTY EXECUTIVE SHALL SUBMIT THE NAME OF THE APPROVED NOMINEE TO THE COUNTY COUNCIL FOR ITS ADVICE AND CONSENT.**

**(C) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD:**

**(1) SHALL BE A RESIDENT, VOTER, AND TAXPAYER OF THE COUNTY;**

**(2) SHALL BE AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY; AND**

**(3) NOTWITHSTANDING ANY OTHER PROVISION OF THE CODE OR LOCAL LAW, SHALL BE SUBJECT TO TITLE 5, SUBTITLE 5, PART I, AND SUBTITLES 6**

**AND 7 OF THE GENERAL PROVISIONS ARTICLE REGARDING FINANCIAL DISCLOSURE, CONFLICTS OF INTEREST, AND LOBBYING ACTIVITIES.**

**(D) BOND.**

**(1) EACH MEMBER OF THE BOARD SHALL PROVIDE A PENALTY BOND TO THE COUNTY IN AN AMOUNT TO BE SET BY THE COUNTY EXECUTIVE AND COUNTY COUNCIL ON THE CONDITION THAT THE MEMBER FAITHFULLY PERFORMS ALL OF THE DUTIES OF THE OFFICE.**

**(2) THE BOARD SHALL PAY THE COST OF THE BONDS.**

**(E) TENURE.**

**(1) THE TERM OF A MEMBER IS 3 YEARS AND BEGINS ON THE FIRST MONDAY IN APRIL.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(F) VACANCIES.**

**(1) TO FILL A VACANCY OTHER THAN ONE RESULTING FROM AN EXPIRED TERM, THE COUNTY EXECUTIVE, AS SOON AS PRACTICABLE, SHALL SUBMIT THE NAME OF ONE NOMINEE TO THE HARFORD COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY, CONSISTING OF HARFORD COUNTY SENATORS AND DELEGATES, FOR THE ADVICE AND CONSENT OF THE DELEGATION.**

**(2) AFTER THE NAME OF A NOMINEE IS SUBMITTED, THE PROCEDURES UNDER SUBSECTION (B)(2) THROUGH (5) OF THIS SECTION APPLY.**

**(3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(b)(2), (c)(3), (d)(1), (e)(2)(ii), (j), (k), and the first and second sentences of (f).

In subsection (a) of this section, the reference to the appointment of five members of the Board “in accordance with this section” is substituted for the former reference that the appointment process “to fill vacancies resulting from expired terms on the Harford County Liquor Control Board is as provided in this subparagraph” for brevity.

In subsection (b)(1)(ii) of this section, the former reference to nominees “for vacancies on the Harford County Liquor Control Board” is deleted as surplusage.

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of the Code or local law” is deleted as unnecessary.

In subsection (c)(2) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (d)(1) of this section, the reference to a “penalty” bond is added to conform to the terminology used throughout this article.

Also in subsection (d)(1) of this section, the former reference to the amount of the bond being set “from time to time” is deleted as surplusage.

In subsection (d)(2) of this section, the requirement that the Board pay the “cost of the bonds” is substituted for the former obsolete requirement that the premium for the bonds be paid “from the gross receipts derived from the operation of dispensaries”. The Board no longer operates dispensaries.

In subsection (e) of this section, the former reference to the first Monday in April 1941 as the beginning date for a new term of office is deleted as obsolete. In addition, the former requirement that one appointment expire each year is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Harford County.

In subsection (e)(1) of this section, the reference to “[t]he term of a member ... begins” is substituted for the former reference to “[i]n computing the time at which appointments to the several boards normally expire, and when new terms of office begin” for brevity.

Subsection (f)(3) of this section is standard language substituted for the former reference to vacancies being “filled for the unexpired term in the same manner as the original appointment” for clarity.

Defined terms: “Board” § 22–101

“County” § 22–101

## **22–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The defined term “Board” is substituted for the former reference to “[t]he board in each county” because this section applies only to the Board of License Commissioners for Harford County.

The requirement that the Board “elect a” chair is substituted for the former requirement that the Board “organize by electing its own” chair for brevity.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 22–101

## **22–204. MEETINGS; COMPENSATION.**

### **(A) MEETINGS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL MEET AT LEAST 50 TIMES EACH YEAR.**

**(2) THE CHAIR MAY CANCEL A MEETING FOR LACK OF AN AGENDA.**

### **(B) COMPENSATION.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE ANNUALLY \$7,000 AND ANY ADDITIONAL COMPENSATION THAT THE COUNTY COUNCIL CONSIDERS APPROPRIATE.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE ANNUALLY \$6,000 AND ANY ADDITIONAL COMPENSATION THAT THE COUNTY COUNCIL CONSIDERS APPROPRIATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(h)(2) and (i)(3).

In subsections (a)(2) and (b)(1) of this section, the references to the “chair” are substituted for the former references to the “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–109(n), which provided that former Art. 2B, § 15–109(a) applied in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 22–101

“County” § 22–101

**22–205. BUDGET.**

**(A) TO BE SUBMITTED TO COUNTY COUNCIL AND COUNTY EXECUTIVE.**

**BEFORE THE BEGINNING OF EACH FISCAL YEAR, THE BOARD SHALL SUBMIT AN ANNUAL BUDGET TO THE COUNTY COUNCIL AND COUNTY EXECUTIVE FOR REVIEW.**

**(B) NOT SUBJECT TO APPROVAL; EXCEPTION.**

**EXCEPT AS PROVIDED UNDER § 22–206(B) OF THIS SUBTITLE, THE BUDGET IS NOT SUBJECT TO APPROVAL BY THE COUNTY COUNCIL OR COUNTY EXECUTIVE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(n)(7)(i) and (ii).

Defined terms: “Board” § 22–101

“County” § 22–101

**22–206. STAFF.**

**(A) IN GENERAL.**

**THE BOARD MAY EMPLOY A SECRETARY AND CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY.**

**(B) COMPENSATION.**

**(1) THE BOARD SHALL SET THE COMPENSATION OF ALL EMPLOYEES OF THE BOARD, SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE AND COUNTY COUNCIL.**

**(2) THE BOARD SHALL REQUIRE FIDELITY BONDS OF EMPLOYEES OF THE BOARD TO PROTECT THE COUNTY.**

**(3) THE COUNTY COUNCIL SHALL REVIEW THE ADEQUACY OF THE FIDELITY BONDS THAT THE BOARD REQUIRES OF THE EMPLOYEES.**

**(C) RESTRICTIONS.**

**NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE OF THE BOARD:**

**(1) IS SUBJECT TO PROVISIONS REGARDING CONFLICTS OF INTEREST AND LOBBYING ACTIVITIES IN TITLE 5, SUBTITLE 5, PART I, AND SUBTITLE 7 OF THE GENERAL PROVISIONS ARTICLE; BUT**

**(2) MAY NOT BE REQUIRED TO FILE THE FINANCIAL DISCLOSURE STATEMENT REQUIRED BY § 5-601 OF THE GENERAL PROVISIONS ARTICLE.**

**(D) GENERAL MANAGER.**

**(1) THE BOARD SHALL APPOINT A GENERAL MANAGER.**

**(2) THE GENERAL MANAGER SERVES UNDER THE CONTROL AND SUPERVISION OF THE BOARD AS THE SECRETARY-TREASURER AND CHIEF BUSINESS ADMINISTRATIVE OFFICER OF THE BOARD.**

**(3) AN INDIVIDUAL IS NOT ELIGIBLE TO BE THE GENERAL MANAGER WHILE A MEMBER OF THE BOARD.**

**(4) THE GENERAL MANAGER MAY BE DISCHARGED ONLY:**

**(I) FOR CAUSE INVOLVING DISHONESTY, INCOMPETENCE, OR IMMORAL CONDUCT; AND**

**(II) AFTER GIVEN AN OPPORTUNITY BEFORE THE BOARD FOR A HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-205(i)(2), (3), and (4) and 15-112(a)(2), except as it related to inspectors.

In subsection (a) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

In subsection (b)(1) of this section, the former reference to "salaries" is deleted as included in the reference to "compensation".



In subsection (b)(2) of this section, the reference to the requirement that the Board “shall require fidelity bonds of employees of the Board” is added to state explicitly that which formerly was implied.

In the introductory language of subsection (c) of this section, the reference to “other law” is substituted for the former reference to “other provision of the Code or local law” for brevity.

In subsection (c)(2) of this section, the reference to the “financial disclosure” statement is added for clarity.

In subsection (d)(3) of this section, the reference to an “individual” is substituted for the former reference to “Board member” for brevity.

Also in subsection (d)(3) of this section, the reference to “be[ing] the general manager” is substituted for the former reference to “fill[ing] said position” for clarity.

Also in subsection (d)(3) of this section, the reference to eligibility “while a member of the Board” is substituted for the former reference to eligibility while “retaining his membership on the Liquor Control Board” for brevity.

In the introductory language of subsection (d)(4) of this section, the former reference to the general manager “so appointed” is deleted as surplusage.

In subsection (d)(4) of this section, the former reference to the manager “hold[ing] office during good behavior” is deleted as surplusage.

In subsection (d)(4)(ii) of this section, the reference to “given” an opportunity before the Board for a hearing is substituted for the former reference to “opportunity for hearing” for clarity.

Defined terms: “Board” § 22-101

“County” § 22-101

## **22-207. INSPECTORS.**

### **(A) NUMBER OF INSPECTORS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL EMPLOY ONE FULL-TIME CHIEF INSPECTOR AND AS MANY OTHER INSPECTORS AS THE BOARD DETERMINES ARE REQUIRED.**

**(2) THE SHERIFF, A DEPUTY SHERIFF, OR A MUNICIPAL PEACE OFFICER IN THE COUNTY MAY NOT BE APPOINTED OR SERVE AS THE CHIEF INSPECTOR OR AS AN INSPECTOR.**

**(B) CHIEF INSPECTOR.**

**(1) WHEN APPOINTED, THE CHIEF INSPECTOR SHALL HAVE HAD INVESTIGATIVE EXPERIENCE AS:**

- (I) A POLICE OFFICER;**
- (II) AN INSPECTOR FOR A GOVERNMENTAL UNIT; OR**
- (III) AN INVESTIGATOR FOR A PRIVATE AGENCY.**

**(2) WITH THE APPROVAL OF THE BOARD, THE CHIEF INSPECTOR MAY CONTRACT WITH OR HIRE AN INDEPENDENT ACCOUNTING FIRM TO AUDIT THE BOOKS AND ACCOUNTS OF ANY LICENSE HOLDER.**

**(3) (I) AFTER APPOINTMENT, THE CHIEF INSPECTOR MAY BE DISCHARGED ONLY FOR CAUSE INVOLVING DISHONESTY, INCOMPETENCE, OR IMMORAL CONDUCT, SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH.**

**(II) BEFORE A CHIEF INSPECTOR IS DISCHARGED, THE CHIEF INSPECTOR SHALL BE GIVEN A LIST OF THE CHARGES AGAINST THE CHIEF INSPECTOR AND AN OPPORTUNITY TO REPLY TO THE CHARGES IN A PUBLIC HEARING IN PERSON OR BY COUNSEL.**

**(C) COMPENSATION.**

**THE BOARD MAY ESTABLISH REASONABLE COMPENSATION FOR THE CHIEF INSPECTOR AND ANY OTHER INSPECTOR AND, WHEN WARRANTED BY THEIR RESPECTIVE DUTIES, CHANGE THEIR COMPENSATION.**

**(D) AUTHORITY OF INSPECTORS.**

**INSPECTORS MAY:**

- (1) SERVE A SUMMONS UNDER § 22-2604 OF THIS TITLE; AND**
- (2) ISSUE CIVIL CITATIONS AS PROVIDED IN § 22-2605 OF THIS TITLE.**

**(E) DUTY OF PEACE OFFICERS.**

**THIS SECTION DOES NOT RELIEVE THE PEACE OFFICERS SPECIFIED IN § 6–205 OF THIS ARTICLE FROM THE RESPONSIBILITY TO ENFORCE THIS ARTICLE IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–112(n)(2), 15–205(i)(1), 16–410(b)(2)(i)6, and, as they related to inspectors in Harford County, 15–112(a)(2) and 16–408.

In subsections (a)(1) and (c) of this section, the former phrase “from time to time” is deleted as surplusage.

In subsection (a)(1) of this section, the former reference to “inspector” is deleted as included in the reference to “inspectors”.

Also in subsection (a)(1) of this section, the former reference to employing inspectors as “necessary to provide appropriate control over newly created licensees” is deleted as included in the reference to other inspectors as “are required”.

In subsection (a)(2) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “municipal peace officer”.

In the introductory language of subsection (b)(1) of this section, the former reference to the “person appointed to be” chief inspector is deleted as surplusage.

In subsection (b)(3)(i) of this section, the former requirement that the chief inspector “shall serve as such” is deleted as surplusage.

In subsection (c) of this section, the former reference to “responsibilities” is deleted as included in the reference to “duties”.

Former Art. 2B, § 15–112(n)(1), which stated that former Art. 2B, § 15–112(n) only applied to Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 22–101

“County” § 22–101

“License holder” § 1–101

**22–208. DISPOSITION OF LICENSE FEES.****(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AFTER DEDUCTION OF A PROPORTIONATE SHARE OF THE EXPENSES TO ADMINISTER AND ENFORCE THIS TITLE, INCLUDING THE SALARIES OF THE MEMBERS AND EMPLOYEES OF THE BOARD, THE BOARD SHALL PAY THE NET PROCEEDS OF FEES RECEIVED FROM THE ISSUANCE OF LICENSES:**

**(1) OUTSIDE OF ABERDEEN, BEL AIR, AND HAVRE DE GRACE, TO THE TREASURER TO BE CREDITED TO THE GENERAL FUND OF THE COUNTY; AND**

**(2) IN ABERDEEN, BEL AIR, AND HAVRE DE GRACE, TO THE TREASURERS OF THE RESPECTIVE MUNICIPALITIES TO PAY THE INTEREST AND REDEEM THE PRINCIPAL OF ANY BONDED INDEBTEDNESS OF THE MUNICIPALITY.**

**(B) RESERVE ACCOUNT.**

**(1) IN THIS SUBSECTION, “RESERVE ACCOUNT” MEANS THE RESERVE ACCOUNT OF THE BOARD.**

**(2) THERE IS A RESERVE ACCOUNT OF THE BOARD.**

**(3) THE PURPOSE OF THE RESERVE ACCOUNT IS TO ENSURE THAT ISSUANCE AND RENEWAL OF LICENSES, LICENSING ENFORCEMENT, AND OTHER SERVICES THAT THE BOARD PROVIDES WILL CONTINUE TO BE MET IN THE FACE OF UNANTICIPATED FINANCIAL EVENTS OR CIRCUMSTANCES.**

**(4) A DESIGNEE OF THE BOARD SHALL ADMINISTER THE RESERVE ACCOUNT.**

**(5) THE RESERVE ACCOUNT IS A SPECIAL, NONLAPSING ACCOUNT.**

**(6) THE BOARD SHALL HOLD THE RESERVE ACCOUNT SEPARATELY AND ACCOUNT FOR THE RESERVE ACCOUNT.**

**(7) THE RESERVE ACCOUNT CONSISTS OF:**

**(I) MONEY DISTRIBUTED TO THE BOARD FROM LICENSE FEES;**

**(II) FINES IMPOSED FOR A VIOLATION OF THIS ARTICLE IN HARFORD COUNTY AS PROVIDED IN § 22-2606 OF THIS TITLE;**

**(III) EXCEPT FOR BONDS FORFEITED UNDER § 22-2103 OF THIS TITLE, RECOGNIZANCES FORFEITED FOR A VIOLATION OF THIS ARTICLE IN HARFORD COUNTY AS PROVIDED IN § 22-2606 OF THIS TITLE;**

**(IV) INTEREST OR OTHER INCOME EARNED FROM THE INVESTMENT OF ANY PORTION OF THE RESERVE ACCOUNT; AND**

**(V) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE RESERVE ACCOUNT.**

**(8) EACH YEAR, THE AMOUNT PAYABLE INTO THE RESERVE ACCOUNT MAY NOT BE MORE THAN 20% OF THE AGGREGATE NET PROCEEDS RECEIVED BY THE BOARD.**

**(9) EXPENDITURES FROM THE RESERVE ACCOUNT MAY OCCUR IF THE BOARD DETERMINES THAT APPROPRIATIONS FOR THE CURRENT YEAR EXCEED EXPECTED REVENUES.**

**(10) THE RESERVE ACCOUNT MAY NOT EXCEED \$100,000 AT ANY TIME.**

**(C) EXPENDITURE OF LICENSE FEES.**

**THE EXPENDITURE OF LICENSE FEES COLLECTED BY THE BOARD TO ADMINISTER AND ENFORCE COUNTY ALCOHOLIC BEVERAGES LAWS IS A MATTER WITHIN THE DISCRETION OF THE BOARD AND IN ACCORDANCE WITH THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(n)(1)(i) and (iii), (3) through (6), and (7)(iii).

In subsection (a) of this section, the reference to the "issuance" of licenses is substituted for the former references to the "sale" of licenses for clarity.

Also in subsection (a) of this section, the former references to "the corporate limits of the municipalities of" Aberdeen, Bel Air, and Havre de Grace are deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference to "fees" is substituted for the former reference to "funds" to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the reference to “municipalities” is substituted for the former reference to “towns” to conform to the terminology used throughout this article.

Also in subsection (a)(2) of this section, the former phrase “by the Board” is deleted as surplusage.

Also in subsection (a)(2) of this section, the former phrase “of the county” is deleted as surplusage.

In subsection (c) of this section, the phrase “in accordance with” this subtitle is added for clarity.

Also in subsection (c) of this section, the former word “entirely” is deleted as surplusage.

Former Art. 2B, § 10–204(n)(1)(ii), which stated that the term “Board” meant the Harford County Liquor Control Board, is deleted as unnecessary in light of the defined term “Board” in § 22–101 of this title.

Former Art. 2B, § 10–204(n)(2), which stated that former Art. 2B, § 10–204(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 22–101

“County” § 22–101

“License” § 1–101

## **22–209. REGULATIONS.**

### **(A) IN GENERAL.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

### **(B) ADVERTISEMENT REQUIRED OF PROPOSED ALTERATIONS TO REGULATIONS.**

**(1) THE BOARD SHALL HOLD PUBLIC HEARINGS ON ALL PROPOSED ALTERATIONS OF ITS REGULATIONS.**

**(2) THE HEARINGS SHALL BE ADVERTISED AT LEAST 2 CONSECUTIVE WEEKS BEFORE THE SCHEDULED PUBLIC HEARINGS IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(e)(2) and 16–301(a), as it related to the authority of the Board to adopt regulations.

Throughout this section, the former references to “rules” are deleted as unnecessary in light of the references to “regulations”.

In subsection (a) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Harford County.

Also in subsection (a) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined terms: “Board” § 22–101  
 “County” § 22–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **22–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Former Art. 2B, § 15–210, as it related to Harford County, which provided that former Title 5, Subtitle 2 of Article 2B applied in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Historically, the Harford County Board of License Commissioners and the Harford County Liquor Control Board, though charged with separate and distinct duties, consisted of the same membership. Whether the members convened as the Board of License Commissioners or the Liquor Control Board depended on the function being performed at the time. The duties of the Board of License Commissioners included regulatory and administrative functions related to licensure, inspections, and enforcement, while the Liquor Control

Board was required to implement and maintain the County dispensary system.

Chapter 742 of 1979 expressly repealed the Harford County liquor dispensary system as of September 1, 1981, subject to a 1980 referendum in Harford County. Harford County voters approved the 1980 referendum. Harford County has not operated dispensaries since that time.

The 1979 legislation, however, did not repeal all provisions of law related to liquor control boards and county dispensaries that were specific to Harford County. Some of these provisions have subsequently been repealed. *See, e.g.*, Chapter 874 of 1982 (repealing designation of Harford County Liquor Control Board as a State agency); Chapter 654 of 1988 (repealing recordkeeping requirements for the dispensary system); and Chapter 390 of 2007 (repealing borrowing and interest rate limitations that applied to the Harford County Liquor Control Board). As stated in the preamble to Chapter 390 of 2007, “[o]ver the years, some of these [alcoholic beverages] provisions have been allowed to remain in the Code, despite having become irrelevant or obsolete ... [including] conditions that no longer exist in the county, such as ... the operation of a liquor dispensary system”. As a result there are no functions for a Harford County liquor control board to perform, and no functioning liquor control board in the County.

Defined term: “County” § 22–101

#### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

##### **22–401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**



- (6) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (7) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”);
- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-207 (“CLASS 5 BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only

implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(xiii), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 22-101  
 “Manufacturer’s license” § 1-101

**22-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(9).

Defined terms: “Alcoholic beverage” § 1-101  
 “Manufacturer’s license” § 1-101

**22-403. CLASS DBR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS DBR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 5 BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION; REQUIREMENTS.**

**(1) THE LICENSE SERVES AS THE ON-PREMISES CONSUMPTION PERMIT AND THE LICENSE EQUIVALENT TO A CLASS D LICENSE SPECIFIED UNDER § 2-207(E)(1) OF THIS ARTICLE.**

**(2) THE LICENSE HOLDER IS NOT REQUIRED TO SELL FOOD, BUT IS REQUIRED TO PROVIDE PREPACKAGED SNACKS.**

**(3) THE LICENSE HOLDER:**

**(I) MAY SELL BEER BREWED AT THE BREWERY NOT EXCEEDING 500 BARRELS PER YEAR FOR ON-PREMISES CONSUMPTION; BUT**

**(II) MAY NOT SELL ANY BEER FOR OFF-PREMISES CONSUMPTION OTHER THAN WHAT IS ALLOWED UNDER THE LICENSE HOLDER'S CLASS 5 BREWERY LICENSE.**

**(D) MINIMUM CAPITAL INVESTMENT.**

**THE VALUE OF THE EQUIPMENT USED ON THE PREMISES MAY BE USED TOWARD MEETING ANY MINIMUM CAPITAL INVESTMENT REQUIREMENT IMPOSED ON A HOLDER OF THE LICENSE.**

**(E) HOURS OF SALE.**

**THE HOURS OF SALE ARE AS PROVIDED FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER SUBTITLE 20 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-402(b) through (g).

In subsection (c)(1) of this section, the reference to an "on-premises" consumption permit is substituted for the former reference to an "on-site" consumption permit to conform to the terminology used throughout this article.

In subsection (e) of this section, the phrase "as provided for a Class D beer, wine, and liquor license under Subtitle 20 of this title" is substituted for the former reference to "[former Art. 2B] § 11-513 of this article" for clarity.

Former Art. 2B, § 3-402(a), which stated that former Art. 2B, § 3-402 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"License" § 1-101

## **SUBTITLE 5. WHOLESALER'S LICENSES.**

### **22-501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 22–101  
“Wholesaler’s license” § 1–101

**22–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 22–503 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

**22–503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
 “Wholesaler’s license” § 1–101

#### **SUBTITLE 6. BEER LICENSES.**

##### **22–601. CLASS A BEER LICENSE — NOT APPLICABLE.**

**A CLASS A BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(n).

Defined terms: “Beer” § 1–101  
 “County” § 22–101

##### **22–602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(n).

Defined terms: “Beer” § 1–101  
 “County” § 22–101

##### **22–603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(n).

Defined terms: "Beer" § 1-101  
 "County" § 22-101

**22-604. CLASS D BEER LICENSE — NOT APPLICABLE.****A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(n).

Defined terms: "Beer" § 1-101  
 "County" § 22-101

**SUBTITLE 7. WINE LICENSES.****22-701. CLASS A WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY THAT CONTAINS NOT MORE THAN 23% OF ALCOHOL BY VOLUME.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(10), (b)(4), (c)(1), (d)(4) and the second sentence of (1), and (e)(1)(v) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 23%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “[n]otwithstanding any other provision of law to the contrary,” is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to “port wines” is deleted as unnecessary in light of the definition of “wine”. Port wine generally has an alcohol content of 19.5% to 20% by volume and thus is included in the definition of “wine”.

Also in subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 22–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **22–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS A BEER AND WINE 6-DAY LICENSE; AND
  - (2) A CLASS A BEER AND WINE 7-DAY LICENSE.
- (B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE ONLY TO A PROPRIETOR OF A RETAIL STORE SELLING FOOD, DRUGS, OR OTHER SIMILAR COMMODITIES.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.

(2) THE LICENSE HOLDER:

(I) SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER; AND

(II) MAY SELL BEER IN INDIVIDUAL BOTTLES OR CANS AND WINE IN SPLIT BOTTLES.

(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.

(D) FEES.

THE ANNUAL LICENSE FEES ARE:

- (1) \$625 FOR A 6-DAY LICENSE; AND
- (2) \$850 FOR A 7-DAY LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (n)(2) and (3)(ii) and (iii).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license



holders in the County may sell wine with an alcohol content of 23%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsections (a)(1) and (d)(1) of this section, the former references to “Monday through Saturday” are deleted as implicit in the references to a “6-day” license.

In subsection (b) of this section, the former reference to a “bona fide” retail store is deleted as surplusage.

In subsection (c)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (c)(2) of this section, the defined terms “beer” and “wine” are substituted for the former references to “fermented beverages” and “[b]rewed beverages” for clarity.

In subsection (c)(2)(i) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Former Art. 2B, § 5-101(n)(1), which stated that former Art. 2B, § 5-101(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5-101(n)(3)(i), which defined the term “premises” to include a building, parking lot, terrace, or grounds which form an integral part of the licensed premises, is deleted as unnecessary in light of the defined term “premises” in § 22-101 of this title.

Defined terms: “Beer” § 1-101  
“Board” § 22-101  
“Premises” § 22-101  
“7-day license” § 1-101  
“6-day license” § 1-101  
“Wine” § 1-101

## **22-802. CLASS B-1 BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS B-1 BEER AND WINE 6-DAY LICENSE; AND**
- (2) A CLASS B-1 BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

- (1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(3) (I) THE HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, MAY SELL BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(II) THE LICENSE HOLDER MAY SELL WINE IN SPLIT BOTTLES.**

**(III) BEER SOLD IN BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR SIZE FOR OFF-PREMISES CONSUMPTION MAY BE SOLD IN A QUANTITY OF LESS THAN SIX.**

**(IV) IF BEER IS SOLD IN A CONTAINERIZED PACKAGE, THE PACKAGE SHALL HOLD AT LEAST SIX BOTTLES OR CONTAINERS.**

**(C) TEMPORARY LICENSE.**

**(1) A CLASS B-1 TEMPORARY (ON-SALE) LICENSE MAY BE ISSUED TO AN APPLICANT WHO SEEKS AFTER 6 MONTHS TO OBTAIN A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE CLASS B-1 LICENSE SHALL BE REVOKED AFTER THE 6-MONTH PERIOD HAS EXPIRED IF THE LICENSE HOLDER HAS NOT MET ALL REQUIREMENTS FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD SALE REQUIREMENTS.**

**THE LICENSE HOLDER SHALL COMPLY WITH THE FOOD SALE REQUIREMENTS UNDER § 22-103 OF THIS ARTICLE ONLY FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF § 22-902 OF THIS TITLE NECESSARY TO APPLY FOR A LICENSE.**

**(E) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$350 FOR A 6-DAY LICENSE; AND**

**(2) \$500 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9-213(c)(2)(ii) and 5-201(n)(2) and, as it related to Class B-1 licenses, (4) and the first sentence of (a)(1) and, except as it related to issuing the license to a hotel, the second sentence.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former references to a "restaurant" license are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to "Monday through Saturday" is deleted as implicit in the reference to a "6-day" license.

In subsection (b)(1) of this section, the former references to a "bona fide" restaurant are deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing] beer and wine ... for on-premises consumption" is substituted for the former reference to "'off-sales' by Class B-1 ... licensees [being] prohibited" for clarity.

Also in subsection (b)(2) of this section, the former reference to a license "issued on or after July 1, 1984" is deleted as surplusage.

In subsection (b)(3)(i) of this section, the reference to "sell[ing] beer and wine for on- and off-premises consumption" is substituted for the former reference to "'off-sales' of licensees shall be limited to fermented beverages ... and brewed beverages" for clarity.

In subsection (b)(3)(iii) and (iv) of this section, the references to "[b]eer" are substituted for the former references to "brewed beverages" for clarity.

In subsection (c)(1) of this section, the reference to "an applicant" is substituted for the former reference to "those persons" for clarity.

Also in subsection (c)(1) of this section, the reference to “obtain[ing]” a license is substituted for the former reference to “operat[ing]” a license for clarity.

Also in subsection (c)(1) of this section, the former reference to a “bona fide” Class B license is deleted as surplusage.

Former Art. 2B, § 5–201(n)(1), which stated that former Art. 2B, § 5–201(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–201(n)(5), which cross–referenced a Class B beer, wine, and liquor license for hotels and restaurants, is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Restaurant” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **22–803. CLASS B–2 BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

**(1) A CLASS B–2 BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS B–2 BEER AND WINE 7–DAY LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) WAS OPERATING FOR 1 YEAR BEFORE AN APPLICATION FOR THE LICENSE WAS MADE; AND**

**(II) IS EQUIPPED AND STOCKED FOR THE CONTINUED REGULAR SALE OF FOOD TO CUSTOMERS AND GUESTS, AS DETERMINED BY THE BOARD.**

**(2) THE LICENSE HOLDER NEED NOT MEET THE FOOD SALE REQUIREMENTS SET FORTH IN § 22–103 OF THIS TITLE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(2) (I) THE HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, MAY SELL BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(II) THE LICENSE HOLDER MAY SELL WINE IN SPLIT BOTTLES.**

**(III) BEER SOLD IN BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR SIZE FOR OFF-PREMISES CONSUMPTION MAY BE SOLD IN A QUANTITY OF LESS THAN SIX.**

**(IV) IF BEER IS SOLD IN A CONTAINERIZED PACKAGE, THE PACKAGE SHALL HOLD AT LEAST SIX BOTTLES OR CONTAINERS.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$500 FOR A 6-DAY LICENSE; AND**

**(2) \$700 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(n)(3) and, as it related to Class B-2 licenses, (4) and the first sentence of (a)(1) and, except as it related to issuing the license to a hotel, the second sentence.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former references to a "restaurant" license are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to "Monday through Saturday" is deleted as implicit in the reference to a "6-day" license.

In the introductory language of subsection (b)(1) of this section, the former reference to a "bona fide" restaurant is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “sell[ing] beer and wine ... for on–premises consumption” is substituted for the former reference to “‘off–sales’ by Class ... B–2 licensees [being] prohibited” for clarity.

Also in subsection (c)(1) of this section, the former reference to a license “issued on or after July 1, 1984” is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to “sell[ing] beer and wine for on– and off–premises consumption” is substituted for the former reference to “‘off–sales’ of licensees shall be limited to fermented beverages ... and brewed beverages” for clarity.

In subsection (c)(2)(iii) and (iv) of this section, the references to “[b]eer” are substituted for the former references to “brewed beverages” for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c)(2)(iii) of this section, the reference to the “weight” or size of bottles or cans of beer may be unnecessary, as “size” is the term normally used.

Defined terms: “Beer” § 1–101  
 “Board” § 22–101  
 “Restaurant” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

## **22–804. CLASS B CAFE BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B CAFE BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

#### **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CAFE IF:**

**(I) THE BOARD DETERMINES THAT THE CAFE HAS ADEQUATE TABLES, CHAIRS, FOOD, AND FACILITIES FOR PREPARING AND SERVING MEALS;**

**(II) THE AVERAGE GROSS MONTHLY RECEIPTS FROM THE SALE OF COOKED OR PREPARED FOOD SERVED AT THE CAFE AND OTHER ITEMS APPROVED BY THE BOARD EXCEED 50% OF THE AVERAGE MONTHLY RECEIPTS FROM THE SALE OF BEER AND WINE SOLD FOR ON–PREMISES CONSUMPTION; AND**

**(III) NOT MORE THAN 10% OF THE TOTAL SQUARE FOOTAGE OF THE CAFE IS DEDICATED TO THE PUBLIC DISPLAY OF BEER AND WINE THAT ARE OFFERED FOR SALE.**

**(2) THE BOARD SHALL SET A MAXIMUM AND A MINIMUM SEATING CAPACITY FOR THE CAFE.**

**(3) THE LICENSE:**

**(I) AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE 7 DAYS A WEEK AT A CAFE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION;**

**(II) HAS A WINE TASTING PRIVILEGE FOR ON-PREMISES CONSUMPTION FOR EVERY DAY OF THE YEAR; AND**

**(III) MAY BE USED FOR OFF-PREMISES CATERING.**

**(C) LIMITED NUMBER OF LICENSES.**

**THE BOARD SHALL SET THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT MAY ISSUE UNDER THIS PARAGRAPH.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,575.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(n)(6).

In subsection (b) of this section, the references to a "cafe" are substituted for the former references to an "establishment" for clarity.

In the introductory language of subsection (b)(1) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (b)(2) of this section, the reference to setting a seating capacity for "the cafe" is substituted for the former reference to setting a seating capacity for "each cafe license it issues" for brevity.

In subsection (b)(3) of this section, the phrase “at retail, at the place described in the license” is added to state expressly what was only implicit in the former law.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Wine” § 1–101

## **22–805. CLASS C–1 BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

#### **THERE IS:**

**(1) A CLASS C–1 BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS C–1 BEER AND WINE 7–DAY LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ASSOCIATION OR CORPORATION THAT:**

**(I) IS ORGANIZED FOR PATRIOTIC OR WAR VETERANS PURPOSES; AND**

**(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

### **(C) FEES.**

#### **THE ANNUAL LICENSE FEES ARE:**

**(1) \$150 FOR A 6–DAY LICENSE; AND**

**(2) \$225 FOR A 7–DAY LICENSE.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(n)(2) and the second sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a)(1) of this section, the former reference to "Monday through Saturday" is deleted as implicit in the reference to a "6-day" license.

In the introductory language of subsection (b)(1) and in subsection (b)(2) of this section, the former references to a "bona fide" nonprofit association or corporation and "bona fide" members are deleted as surplusage.

In subsection (b)(2) of this section, the former references to consumption "only" on the premises are deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 22-101

"7-day license" § 1-101

"6-day license" § 1-101

"Wine" § 1-101

**22-806. CLASS C-2 BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS C-2 BEER AND WINE 6-DAY LICENSE; AND**

**(2) A CLASS C-2 BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ASSOCIATION OR CORPORATION THAT:**

**(I) IS ORGANIZED FOR FRATERNAL PURPOSES; AND**

**(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND**

**GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$350 FOR A 6-DAY LICENSE; AND**
- (2) \$425 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(n)(3) and the second sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a)(1) of this section, the former reference to "Monday through Saturday" is deleted as implicit in the reference to a "6-day" license.

In the introductory language of subsection (b)(1) and in subsection (b)(2) of this section, the former references to a "bona fide" nonprofit association or corporation and "bona fide" members are deleted as surplusage.

Also in subsection (b)(2) of this section, the former references to consumption "only" on the premises are deleted as surplusage.

Defined terms: "Beer" § 1-101  
 "Board" § 22-101  
 "7-day license" § 1-101  
 "6-day license" § 1-101  
 "Wine" § 1-101

**22-807. CLASS C-3 BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS C-3 BEER AND WINE 6-DAY LICENSE; AND**
- (2) A CLASS C-3 BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ASSOCIATION OR CORPORATION THAT:**

**(I) IS ORGANIZED FOR ATHLETIC, EDUCATIONAL, OR SOCIAL PURPOSES; AND**

**(II) HAS HELD REGULAR MEETINGS AT AN ESTABLISHED HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A NONPROFIT ASSOCIATION OR CORPORATION AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$450 FOR A 6-DAY LICENSE; AND**

**(2) \$525 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(n)(4) and the second sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a)(1) of this section, the former reference to "Monday through Saturday" is deleted as implicit in the reference to a "6-day" license.

In the introductory language of subsection (b)(1) and in subsection (b)(2) of this section, the former references to a "bona fide" nonprofit association or corporation and "bona fide" members are deleted as surplusage.

In subsection (b)(2) of this section, the former references to consumption "only" on the premises are deleted as surplusage.

Former Art. 2B, § 5-301(n)(1), which stated that former Art. 2B, § 5-301(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 22–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

**22–808. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(n).

Defined terms: “Beer” § 1–101  
 “County” § 22–101  
 “Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**22–901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS A–1 OFF–SALE BEER, WINE, AND LIQUOR 7–DAY LICENSE;**  
**AND**  
**(2) A CLASS A–2 OFF–SALE BEER, WINE, AND LIQUOR 6–DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER:**

**(I) SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES; BUT**

**(II) MAY SELL WINE IN SPLIT BOTTLES AND BEER IN INDIVIDUAL BOTTLES AND CANS.**

**(3) IF THE MAJORITY OF THE RETAIL SALES ON THE LICENSED PREMISES ARE FOR ITEMS OTHER THAN BEER, WINE, AND LIQUOR, THE LICENSE HOLDER SHALL PROVIDE A SEPARATE OUTSIDE ENTRANCE FOR THE USE OF BEER, WINE, AND LIQUOR CUSTOMERS.**

**(4) IF THE BUSINESS OF THE LICENSED PREMISES CONSISTS PREDOMINANTLY OF SELLING OTHER TYPES OF RETAIL ITEMS, SUCH AS DRUGS OR GROCERIES:**

**(I) THE BEER, WINE, AND LIQUOR SHALL BE DISPLAYED AND PURCHASED IN AN AREA SEPARATE AND DISTINCT FROM THAT FOR THE OTHER RETAIL ITEMS; AND**

**(II) THE BOARD MAY REQUIRE A PARTITION TO SEPARATE THE BEER, WINE, AND LIQUOR FROM THE OTHER TYPES OF RETAIL ITEMS.**

**(C) REQUIRED MINIMUM STOCK.**

**A LICENSE HOLDER SHALL CONTINUALLY MAINTAIN A MINIMUM STOCK OF \$8,000 WHOLESALE VALUE IN BEER, WINE, AND LIQUOR.**

**(D) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(E) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$1,470 FOR A 7-DAY CLASS A-1 LICENSE; AND**
- (2) \$980 FOR A 6-DAY CLASS A-2 LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-101(n)(3)(iii) and 6-101(a)(1) and (3) and (n)(2), (4)(iii), (6), and (7).

Throughout this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the former reference to "keep for sale" is deleted as included in the reference to "sell".

In subsection (b)(2)(i) of this section, the word "sell" is substituted for the former word "deliver" for clarity.

In subsection (b)(2)(ii) of this section, the reference to the authority of the license holder to "sell wine in split bottles and beer in individual bottles and cans" is substituted for the former statement that each license holder under this section "is subject to Section 5-101(n) of this article" for clarity.

The only applicable provision under former Art. 2B, § 5-101(n) is the one that allows license holders to sell "fermented beverages" in split bottles and "brewed beverages" in individual bottles and cans. Throughout this article, references to "fermented beverages" have been revised as "wine" and "brewed beverages" have been revised as "beer".

In subsection (b)(4)(ii) of this section, the former statement that the Board may require a partition "if deemed conducive to the intent of this paragraph" is deleted as surplusage.

In subsection (c) of this section, the former reference to a license holder "having the off-sale option provided for in this section" is deleted as unnecessary, because all license holders under this section have the option.

In subsection (d)(3) of this section, the former reference to "actually" engaged is deleted as surplusage.

Former Art. 2B, § 6-101(n)(1), which stated that former Art. 2B, § 6-101(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–101(n)(3), which stated that a license issued under the provisions of former Art. 2B, § 6–101(n) shall be issued by the Liquor Control Board, is deleted as an unnecessary restatement of § 4–202 of this article.

Former Art. 2B, § 6–101(n)(4)(i) and (ii), which stated that each license issued under this section is subject to the regulations of the Board and the provisions of this section, are deleted as an unnecessary statement of common practice.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 22–101

“Off–sale” § 1–101

“Premises” § 22–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

**22–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS B BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**

**(2) A CLASS B BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER FOR USE BY:**

**(1) A HOTEL THAT:**

**(I) ACCOMMODATES THE PUBLIC AND PROVIDES SERVICE ORDINARILY FOUND IN HOTELS; AND**

**(II) HAS:**

**1. AT LEAST 25 ROOMS;**

**2. A LOBBY WITH A REGISTRATION AND MAIL DESK; AND**

**3. A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY; OR**

**(2) A RESTAURANT THAT:**

**(I) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY ON EACH DAY IT IS OPEN;**

**(II) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 60 INDIVIDUALS;**

**(III) HAS BEEN IN FULL-TIME OPERATION AS A RESTAURANT FOR AT LEAST 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE WAS MADE, UNLESS THE RESTAURANT BUSINESS WAS DISRUPTED AS A RESULT OF FIRE OR OTHER DISASTER; AND**

**(IV) HAS HAD A GREATER DAILY AVERAGE IN RECEIPTS FROM FOOD SALES THAN FROM BEER, WINE, AND LIQUOR SALES DURING THE 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE WAS MADE.**

**(c) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, INCLUDING AT A BAR OR COUNTER IN A HOTEL, AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(2) A HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, ALSO MAY SELL:**

**(I) BEER AND WINE FOR OFF-PREMISES CONSUMPTION, INCLUDING:**

**1. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, BEER IN INDIVIDUAL BOTTLES AND CANS; AND**

**2. WINE IN SPLIT BOTTLES; AND**

**(II) LIQUOR, IF THE LICENSE HOLDER WAS GRANTED AN OFF-SALE LIQUOR OPTION.**

**(3) BEER MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN:**



(I) BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR SIZE, IF THE BEER IS SOLD IN A QUANTITY OF LESS THAN SIX; OR

(II) A CONTAINERIZED PACKAGE, IF THE PACKAGE HOLDS AT LEAST SIX BOTTLES OR CONTAINERS.

(D) OFF-SALE LIQUOR OPTION.

(1) A LICENSE HOLDER WITH AN OPTION AUTHORIZING THE SALE OF LIQUOR FOR OFF-PREMISES CONSUMPTION MAY EXERCISE THAT OPTION IN AN AREA THAT:

(I) IS DESCRIBED IN THE LICENSE APPLICATION;

(II) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN THE OPERATION OF THE RESTAURANT, NOT INCLUDING ADDITIONS OR EXTENSIONS; AND

(III) UNLESS SALES ARE CONDUCTED ONLY FROM BEHIND A BAR, IS SEPARATE AND DISTINCT FROM THE RESTAURANT SEATING AREA.

(2) IF THE LICENSE APPLICATION INDICATES THAT SALES OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION WILL BE MORE EXTENSIVE THAN FROM BEHIND A BAR, THE APPLICANT SHALL PROVIDE A SEPARATE OUTSIDE ENTRANCE FOR PURCHASERS OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.

(3) TO MEET FOOD SALE REQUIREMENTS, RECEIPTS FOR SALES OF LIQUOR FOR OFF-PREMISES CONSUMPTION MAY NOT BE INCLUDED IN THE CALCULATION OF SALES.

(E) ADDITIONAL PRIVILEGE FOR RESTAURANT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF A RESTAURANT HOLDING A CLASS B BEER, WINE, AND LIQUOR LICENSE IS LOCATED WITHIN A FREESTANDING ESTABLISHMENT CONTAINING BOWLING LANES ASSOCIATED WITH THE RESTAURANT, THE LICENSE HOLDER MAY SELL AND ALLOW CUSTOMERS TO CARRY OR CONSUME ALCOHOLIC BEVERAGES WITHIN ANY PLACE IN THE BOWLING ALLEY OR RESTAURANT.

(2) THE ADDITIONAL PRIVILEGE UNDER THIS SUBSECTION IS AVAILABLE BETWEEN 6 P.M. AND THE NORMAL CLOSING TIME FOR THE LICENSE.

**(3) THIS SUBSECTION:**

**(I) ONLY CONFERS ADDITIONAL PRIVILEGES ON LICENSES FOR RESTAURANTS THAT ARE ASSOCIATED WITH BOWLING ALLEYS; BUT**

**(II) DOES NOT CREATE A SEPARATE CLASS OF LICENSE FOR BOWLING ALLEYS.**

**(F) REQUIRED MINIMUM STOCK FOR OFF-SALE LIQUOR OPTION.**

**A LICENSE HOLDER WITH AN OFF-SALE OPTION SHALL CONTINUALLY MAINTAIN A MINIMUM STOCK OF \$8,000 WHOLESALE VALUE IN BEER, WINE, AND LIQUOR.**

**(G) FEES.****(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE ARE:**

**(I) \$2,260 FOR A HOTEL; AND**

**(II) \$1,720 FOR A RESTAURANT.**

**(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:**

**(I) \$2,685 FOR A HOTEL; AND**

**(II) \$2,145 FOR A RESTAURANT.**

**(3) THE ANNUAL LICENSE FEES FOR AN OPTION TO SELL LIQUOR FOR OFF-PREMISES CONSUMPTION ARE:**

**(I) \$350 FOR A 6-DAY RESTAURANT; AND**

**(II) \$450 FOR A 7-DAY RESTAURANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-201(n)(4)(i), 6-101(n)(5) and (7), 6-201(a)(1) and (n)(2) and (4), and 9-213(i).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to a “bona fide” hotel is deleted as vague.

In subsection (b)(1)(ii)3 of this section, the former reference to “seating facilities” is deleted as included in the reference to a “dining room”.

In subsection (b)(2) of this section, the former reference to a restaurant “which meets the following requirements and conditions” is deleted as unnecessary.

In subsection (b)(2)(ii) of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because the provision refers only to human beings.

Also in subsection (b)(2)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In subsection (b)(2)(iii) of this section, the reference to “unless the restaurant business was disrupted” is substituted for the former reference to “However, the 6–month time period requirement does not apply to” for brevity.

Also in subsection (b)(2)(iii) of this section, the former reference to before “the time” the application for the license was made is deleted as surplusage.

Also in subsection (b)(2)(iii) of this section, the former reference to “or interrupted” is deleted as redundant of “disrupted”.

In subsection (b)(2)(iv) of this section, the reference to “6 months” is substituted for the former reference to a “6–month period” for brevity.

Also in subsection (b)(2)(iv) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “alcoholic beverages” in accordance with the scope of this section.

In subsection (c)(1) of this section, the phrase at the place described “in the license” is added for clarity.

In subsection (c)(2) of this section, the former phrase “to keep for sale” is deleted as included in the phrase to “sell”.

In subsection (c)(3)(i) of this section, the reference to “beer in individual bottles and cans ... wine in split bottles” is substituted for the former phrase “pursuant to § 5–201(n) of this article” for clarity.

Subsection (d)(2) of this section states expressly what was only implicit in the former law, that it is the applicant who is required to provide a separate outside entrance. Also in subsection (d)(2) of this section, the reference to

“purchasers of alcoholic beverages for off-premises consumption” is substituted for the former reference to “off-sale customers” for clarity.

In subsection (e)(1) of this section, the reference to a “Class B beer, wine, and liquor license” is substituted for the former reference to a “license under § 6–201 of this article” for clarity.

Also in subsection (e)(1) of this section, the former phrase “as an additional privilege of that license” is deleted as surplusage.

Also in subsection (e)(1) of this section, the former reference to “the bowling lanes and on the concourse of the bowling lanes” is deleted as included in the reference to “any place in the bowling alley or restaurant”.

In subsection (e)(2) of this section, the reference to the normal closing time “for the license” is substituted for the former reference to the normal closing time “for those days specified under § 11–513 of this article if the bowling facility is open to the public; and ... [a]t any time permitted under §§ 6–201 and 11–513 of this article if the bowling facility is closed to the public for the purpose of holding a private function” for brevity and to avoid obsolete language.

In subsection (g)(3) of this section, the reference to “annual” is added for clarity.

Former Art. 2B, § 6–201(n)(1), which stated that former Art. 2B, § 6–201(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Hotel” § 1–101

“Off-sale” § 1–101

“Restaurant” § 22–101

“7-day license” § 1–101

“6-day license” § 1–101

“Wine” § 1–101

### **22–903. CLASS B CAFE BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B CAFE BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO SELL:**

**(I) BEER AND WINE FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(II) LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(2) THE LICENSE IS A 7-DAY LICENSE WITH AN ON-PREMISES WINE TASTING PRIVILEGE FOR EVERY DAY OF THE YEAR.**

**(3) THE LICENSE MAY BE USED FOR OFF-PREMISES CATERING.**

**(C) MAXIMUM NUMBER OF LICENSES AND SEATING CAPACITY.**

**THE BOARD SHALL SET:**

**(1) THE MAXIMUM NUMBER OF CAFE LICENSES THAT IT MAY ISSUE UNDER THIS SECTION; AND**

**(2) THE MAXIMUM AND MINIMUM SEATING CAPACITY FOR EACH CAFE LICENSE IT ISSUES.**

**(D) CONDITIONS FOR USE.**

**THE LICENSE MAY BE USED ONLY IF:**

**(1) THE BOARD DETERMINES THAT THE ESTABLISHMENT HAS ADEQUATE TABLES, CHAIRS, FOOD, AND FACILITIES FOR PREPARING AND SERVING MEALS;**

**(2) THE AVERAGE GROSS MONTHLY RECEIPTS FROM THE SALE OF COOKED OR PREPARED FOOD SERVED AT THE ESTABLISHMENT AND OTHER ITEMS APPROVED BY THE BOARD EXCEED 50% OF THE AVERAGE MONTHLY RECEIPTS FROM THE SALE OF BEER, WINE, AND LIQUOR SOLD FOR ON-PREMISES CONSUMPTION; AND**

**(3) NOT MORE THAN 10% OF THE TOTAL SQUARE FOOTAGE OF THE ESTABLISHMENT IS DEDICATED TO THE PUBLIC DISPLAY OF BEER AND WINE THAT IS OFFERED FOR SALE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004(B) OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,000.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-201(n)(10).

Subsection (e) of this section is new language added for clarity.

In subsection (a) of this section, the language “[t]here is” a Class B cafe beer, wine, and liquor license is substituted for the former language “[t]he Liquor Control Board may issue a special” Class B cafe beer, wine, and liquor license to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1-101

“Board” § 22-101

“7-day license” § 1-101

“Wine” § 1-101

**22-904. CLASS B-3 RESTAURANT/HOTEL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS B-3 RESTAURANT/HOTEL 6-DAY LICENSE; AND**

**(2) A CLASS B-3 RESTAURANT/HOTEL 7-DAY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A CLASS B-3 LICENSE TO A PERSON WHO:**

**(1) HAS BEEN OPERATING A RESTAURANT OR HOTEL UNDER A CLASS B BEER, WINE, AND LIQUOR LICENSE FOR 1 YEAR BEFORE THE APPLICATION FOR THE CLASS B-3 LICENSE;**

**(2) ACCOUNTS FOR AT LEAST 25% OF THE BUSINESS AT THE RESTAURANT OR HOTEL FROM THE SALE OF FOOD; AND**

**(3) IN THE JUDGMENT OF THE BOARD, HAS EQUIPPED AND STOCKED THE RESTAURANT OR HOTEL FOR THE CONTINUED REGULAR SALE OF FOOD TO CUSTOMERS AND GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE A LICENSE UNDER THIS SUBSECTION FOR USE IN A RESTAURANT OR HOTEL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, INCLUDING AT A RESTAURANT AND A BAR OR COUNTER IN A HOTEL, FOR ON-PREMISES CONSUMPTION.**

**(3) A HOLDER OF A LICENSE ISSUED BEFORE JULY 1, 1984, MAY SELL:**

**(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION;**

**(II) BEER AND WINE FOR OFF-PREMISES CONSUMPTION, INCLUDING:**

**1. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, BEER IN INDIVIDUAL BOTTLES AND CANS; AND**

**2. WINE IN SPLIT BOTTLES; AND**

**(III) LIQUOR, IF THE LICENSE HOLDER HAS BEEN GRANTED A LIQUOR OPTION.**

**(4) BEER MAY BE SOLD FOR OFF-PREMISES CONSUMPTION IN:**

**(I) BOTTLES OR CANS EXCEEDING 12 OUNCES IN WEIGHT OR SIZE, IF THE BEER IS SOLD IN A QUANTITY OF LESS THAN SIX; OR**

**(II) A CONTAINERIZED PACKAGE, IF THE PACKAGE HOLDS AT LEAST SIX BOTTLES OR CONTAINERS.**

**(D) OFF-SALE LIQUOR OPTION.**

**(1) A LICENSE HOLDER WITH AN OPTION AUTHORIZING THE SALE OF LIQUOR FOR OFF-PREMISES CONSUMPTION MAY EXERCISE THAT OPTION IN AN AREA THAT:**

**(I) IS DESCRIBED IN THE LICENSE APPLICATION;**

**(II) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN THE OPERATION OF THE RESTAURANT, NOT INCLUDING ADDITIONS OR EXTENSIONS; AND**

**(III) UNLESS SALES ARE CONDUCTED ONLY FROM BEHIND A BAR, IS SEPARATE AND DISTINCT FROM THE RESTAURANT SEATING AREA.**

**(2) IF THE LICENSE APPLICATION INDICATES THAT SALES OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION WILL BE MORE EXTENSIVE THAN FROM BEHIND A BAR, THE APPLICANT SHALL PROVIDE A SEPARATE OUTSIDE ENTRANCE FOR PURCHASERS OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION.**

**(3) TO MEET FOOD SALE REQUIREMENTS, RECEIPTS FOR SALES OF LIQUOR FOR OFF-PREMISES CONSUMPTION MAY NOT BE INCLUDED IN THE CALCULATION OF SALES.**

**(E) REQUIRED MINIMUM STOCK FOR LIQUOR OPTION.**

**A LICENSE HOLDER WITH AN OFF-SALE LIQUOR OPTION SHALL CONTINUALLY MAINTAIN A MINIMUM STOCK OF \$8,000 WHOLESALE VALUE IN BEER, WINE, AND LIQUOR.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 22-2004(C) OF THIS TITLE.**

**(G) FEES.**

**(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE ARE:**

**(I) \$2,620 FOR A HOTEL; AND**

**(II) \$2,050 FOR A RESTAURANT.**



**(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE ARE:****(I) \$3,045 FOR A HOTEL; AND****(II) \$2,435 FOR A RESTAURANT.****(3) THE ANNUAL LICENSE FEES FOR AN OPTION TO SELL LIQUOR FOR OFF-PREMISES CONSUMPTION ARE:****(I) \$350 FOR A 6-DAY RESTAURANT; AND****(II) \$450 FOR A 7-DAY RESTAURANT.**

REVISOR'S NOTE: Subsections (a) through (e) and (g) of this section are new language derived without substantive change from former Art. 2B, §§ 5-201(n)(4)(i), 6-101(n)(5) and (7), and 6-201(a)(1) and (n)(2)(ii) and (iv), (3)(i), and (4).

Subsection (f) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to "Liquor Control Board" is deleted as unnecessary in light of the defined term "Board".

In subsection (b)(1) of this section, the reference to "restaurant or hotel" is substituted for the former, broader reference to "business establishment" in accordance with the scope of this section.

In subsection (b)(2) of this section, the reference to "accounts for at least 25% of the business at the restaurant or hotel" is substituted for the former reference to "does at least 25 percent of his business" for clarity.

In subsection (d)(1)(ii) of this section, the former reference to a restaurant as a "business" is deleted as surplusage.

Subsection (d)(2) of this section states expressly what was only implicit in the former law, that it is the applicant who is required to provide a separate outside entrance.

In subsection (d)(2) of this section, the reference to "purchasers of alcoholic beverages for off-premises consumption" is substituted for the former reference to "off-sale customers" for clarity.

In subsection (g)(3) of this section, the reference to “annual” is added for clarity.

Former Art. 2B, § 6–201(n)(3)(ii)1, which authorized license holders to purchase liquor or spirituous beverages from licensed suppliers, is deleted as obsolete.

Former Art. 2B, § 6–201(n)(3)(ii)2, which stated that former Art. 2B, § 6–201(n) does not limit the powers of the Board to control the number of license holders under former Art. 2B, §§ 9–201 and 16–301, is deleted as surplusage.

Former Art. 2B, § 6–201(n)(3)(ii)3, which stated that former Art. 2B, § 6–201(n) does not contravene former Art. 2B, § 6–201, §§ 10–103 (regarding criminal background checks), 10–104 (regarding residency requirements for license holders), and 11–513 (regarding hours of sale), is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Hotel” § 1–101

“Person” § 1–101

“Restaurant” § 22–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

**22–905. CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**

**(2) A CLASS BFD (FINE DINING) BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER SHALL:**

- (I) SERVE ONLY FULL-COURSE DINNERS AT LEAST 5 DAYS A WEEK;**
- (II) OPEN THE RESTAURANT FOR BUSINESS NOT LATER THAN 5 P.M.; AND**
- (III) COMPLY WITH THE REQUIREMENTS OF § 22-103 OF THIS TITLE.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 22-2004(D) OF THIS TITLE.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$2,500 FOR A 6-DAY LICENSE; AND**
- (2) \$2,900 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: Subsections (a), (b), (d), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(n)(9).

Subsection (c) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "special" is deleted as unnecessary.

In subsection (d) of this section, the reference to "regulations" is substituted for the former reference to "rules" to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101  
"Board" § 22-101

“Restaurant” § 22-101

“7-day license” § 1-101

“6-day license” § 1-101

“Wine” § 1-101

**22-906. CLASS BNR ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS BNR (NEWLY OPENED RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDERS TO BE DECIDED BY BOARD.**

**THE BOARD MAY DECIDE:**

**(1) THE NUMBER OF LICENSES TO BE ISSUED; AND**

**(2) TO WHOM THE LICENSES SHALL BE ISSUED.**

**(C) SCOPE OF AUTHORIZATION.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NEWLY OPENED RESTAURANT THAT:**

**(1) HAS A MINIMUM CAPITAL INVESTMENT OF \$250,000 FOR NEW DINING ROOM FACILITIES AND NEWLY INSTALLED KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF LAND, BUILDINGS, OR A LEASE;**

**(2) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;**

**(3) HAS REGULAR SEATING AT TABLES, NOT INCLUDING SEATS AT BARS OR COUNTERS, FOR AT LEAST 60 INDIVIDUALS; AND**

**(4) MEETS OTHER STANDARDS SET OUT IN THE REGULATIONS OF THE BOARD.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM MONDAY THROUGH SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEES.****(1) THE ANNUAL LICENSE FEE IS \$3,000.****(2) ADDITIONAL FEES FOR CLASS B LICENSES WITH OFF-SALE LIQUOR PRIVILEGES ARE:****(I) \$350, FOR A 6-DAY LICENSE; AND****(II) \$450, FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(n)(4)(i) and (5).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "special" is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the language "[t]he Board may decide" is substituted for the former language "[t]he Liquor Control Board has complete discretion as to" for brevity.

In subsection (c)(2) and (3) of this section, the express requirements that the restaurant "serv[e] full-course meals at least twice daily [and] has regular seating at tables, not including seats at bars or counters, for at least 60 individuals" are substituted for the former requirement that the restaurant "comply with paragraph (2)(v)1 and 2 of this subsection" for clarity.

In subsection (c)(3) of this section, the former reference to seating "capacity" is deleted as surplusage.

Also in subsection (c)(3) of this section, the reference to "individuals" is substituted for the former, broader reference to "persons" because the provision refers only to human beings.

In subsection (c)(4) of this section, the requirement that the restaurant "mee[t] other standards set out in the regulations of the Board" is substituted for the former reference to "restaurants that [a]re as further defined by the regulations of the Liquor Board" for clarity.

In subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former, broader reference to "alcoholic beverages" in accordance with the scope of this section.

Also in subsection (d) of this section, the former reference to the restriction that the BNR license “provides no off–sale privileges” is deleted as implicit in the provision that the license authorizes the license holder to sell beer, wine, and liquor for on–premises consumption.

Defined terms: “Beer” § 1–101  
 “Board” § 22–101  
 “Restaurant” § 22–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

**22–907. CLASS C–1 LICENSES — WAR VETERANS’ ORGANIZATION.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A 6–DAY CLASS C–1 (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS C–1 (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE 6–DAY LICENSE OR THE 7–DAY LICENSE FOR USE BY A WAR VETERANS’ ORGANIZATION THAT:**

**(1) IS A NATIONALLY CHARTERED NONPROFIT ORGANIZATION OR CLUB;**

**(2) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY PRECEDING FILING OF THE APPLICATION FOR THE LICENSE;**

**(3) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(4) OPERATES ONLY FOR THE USE OF MEMBERS OF THE WAR VETERANS’ ORGANIZATION AND GUESTS ACCOMPANIED BY MEMBERS; AND**

**(5) MEETS IN A CLUBHOUSE THAT IS PRINCIPALLY USED FOR CLUB PURPOSES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 22-2004(F) OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL FEES FOR THE 6-DAY LICENSE, DEPENDING ON THE SIZE OF THE MEMBERSHIP OF THE WAR VETERANS' ORGANIZATION, ARE:**

- (I) \$350, FOR A MEMBERSHIP OF 50 TO 99;**
- (II) \$600, FOR A MEMBERSHIP OF 100 TO 250;**
- (III) \$850, FOR A MEMBERSHIP OF 251 TO 450; AND**
- (IV) \$1,000, FOR A MEMBERSHIP OF AT LEAST 451.**

**(2) THE ANNUAL FEES FOR THE 7-DAY LICENSE, DEPENDING ON THE SIZE OF THE MEMBERSHIP OF THE WAR VETERANS' ORGANIZATION, ARE:**

- (I) \$450, FOR A MEMBERSHIP OF 50 TO 99;**
- (II) \$700, FOR A MEMBERSHIP OF 100 TO 250;**
- (III) \$950, FOR A MEMBERSHIP OF 251 TO 450; AND**
- (IV) \$1,100, FOR A MEMBERSHIP OF AT LEAST 451.**

REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(n)(3), (4), and, as it related to a Class C-1 license, (2) and, as it related to establishing a Class C license, the first sentence of (a)(1).

Subsection (d) of this section is new language added for clarity.

Throughout this section, the former references to an "on-sale" license are deleted as unnecessary in light of subsection (b)(2) of this section.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised as a substantive provision rather than as a definition section to conform to the style used throughout this article.

In subsection (b) of this section, the former requirement that the organization be "neither directly nor indirectly operated as a public business" is deleted as unnecessary because the organization is nonprofit.

In the introductory language of subsection (b) of this section, the former reference to issuing the license "only" to a war veterans' organization is deleted as surplusage. Similarly, in subsection (c)(1) and (2) of this section, the former reference to consumption "only" on the licensed premises is deleted.

In subsection (b)(1) of this section, the former reference to a "bona fide" organization is deleted as surplusage.

In subsection (c)(1) and (2) of this section, the phrase "at a club at the place described in the license" is added for clarity.

Also in subsection (c)(1) and (2) of this section, the references to "beer, wine, and liquor" are substituted for the former reference to "alcoholic beverages" for clarity.

In the introductory language of subsection (e)(1) and (2) of this section, the references to "the war veterans' organization" are substituted for the former references to "a club or organization that qualifies for a Class C-1 license under this paragraph" for clarity and brevity.

In subsection (e)(1) and (2) of this section, the former references to "bona fide" members are deleted as surplusage.



Former Art. 2B, § 6–301(n)(1), which stated that former Art. 2B, § 6–301(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

- Defined terms: “Beer” § 1–101
- “Board” § 22–101
- “7–day license” § 1–101
- “6–day license” § 1–101
- “Wine” § 1–101

**22–908. CLASS C–2 LICENSES — FRATERNAL ORGANIZATION.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A 6–DAY CLASS C–2 (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS C–2 (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE 6–DAY LICENSE OR THE 7–DAY LICENSE FOR USE BY A FRATERNAL ORGANIZATION THAT:**

**(1) IS A LODGE OR CHAPTER OF A NATIONALLY CHARTERED FRATERNAL ORGANIZATION;**

**(2) IS COMPOSED OF INDUCTED MEMBERS;**

**(3) OPERATES A CLUBHOUSE OR BUILDING:**

**(I) FOR THE USE OF ITS MEMBERS; AND**

**(II) THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS; AND**

**(4) HAS AT LEAST 100 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE WAS APPLIED FOR OR ISSUED, AS DETERMINED BY THE BOARD.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 22-2005(F) OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL FEES FOR THE 6-DAY LICENSE, DEPENDING ON THE SIZE OF THE MEMBERSHIP OF THE FRATERNAL ORGANIZATION, ARE:**

**(I) \$800, FOR A MEMBERSHIP OF 100 TO 250;**

**(II) \$1,050, FOR A MEMBERSHIP OF 251 TO 450; AND**

**(III) \$1,200, FOR A MEMBERSHIP OF AT LEAST 451.**

**(2) THE ANNUAL FEES FOR THE 7-DAY LICENSE, DEPENDING ON THE SIZE OF THE MEMBERSHIP OF THE FRATERNAL ORGANIZATION, ARE:**

**(I) \$900, FOR A MEMBERSHIP OF 100 TO 250;**

**(II) \$1,150, FOR A MEMBERSHIP OF 251 TO 450; AND**

**(III) \$1,300, FOR A MEMBERSHIP OF AT LEAST 451.**

REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(n)(3), (5), and, as it related to a Class C-2 license, (2) and, as it related to establishing a Class C license, the first sentence of (a)(1).

Subsection (d) of this section is new language added for clarity.

Throughout this section, the former references to an “on-sale” license are deleted as unnecessary in light of subsection (c) of this section.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised as a substantive provision rather than as a definition section to conform to the style used throughout this article.

In subsection (b) of this section, the former phrase “[i]s neither directly nor indirectly operated as a public business;” is deleted as implicit in the term “fraternal organization”.

In the introductory language of subsection (b) of this section, the former reference to issuing the license “only” to a fraternal organization is deleted as surplusage. Similarly, in subsection (c)(1) and (2) of this section, the former reference to consumption “only” on the licensed premises is deleted.

In subsection (b)(1) of this section, the former reference to a “bona fide” organization is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of the organization” for brevity.

In subsections (b)(4) and (e)(1) and (2) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (b)(4) of this section, the phrase “as determined by the Board” is added for clarity.

In subsection (c)(1) and (2) of this section, the phrase “at a club at the place described in the license” is added for clarity.

Also in subsection (c)(1) and (2) of this section, the references to “beer, wine, and liquor” are substituted for the former reference to “alcoholic beverages” for clarity.

In the introductory language of subsection (e)(1) and (2) of this section, the references to “the fraternal organization” are substituted for the former references to “a club or organization that qualifies for a Class C-2 license under this paragraph” for clarity and brevity.

Defined terms: “Beer” § 1-101

“Board” § 22-101

“7-day license” § 1-101

“6-day license” § 1-101

“Wine” § 1-101

**22-909. CLASS C-3 LICENSES — COUNTRY CLUB, TOPIARY GARDEN, OR YACHT OR BOAT CLUB.**

**(A) ESTABLISHED.**

**THERE IS:**

**(1) A 6-DAY CLASS C-3 (COUNTRY CLUB, TOPIARY GARDEN, OR YACHT OR BOAT CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7-DAY CLASS C-3 (COUNTRY CLUB, TOPIARY GARDEN, OR YACHT OR BOAT CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE 6-DAY LICENSE OR THE 7-DAY LICENSE FOR USE BY:**

**(1) A COUNTRY CLUB THAT:**

**(I) MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;**

**(II) HAS AT LEAST 75 MEMBERS PAYING DUES OF AT LEAST \$50 PER YEAR PER MEMBER; AND**

**(III) MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES OR A SWIMMING POOL THAT IS AT LEAST 20 BY 40 FEET;**

**(2) A TOPIARY GARDEN THAT:**

**(I) OPERATES A PUBLIC MUSEUM AND GARDEN FOR THE MEMBERS OF THE TOPIARY GARDEN AND THE PUBLIC AS GUESTS OF THE MEMBERS;**

**(II) IS OPEN TO THE PUBLIC FOR AT LEAST 6 DAYS A WEEK FOR AT LEAST 6 HOURS A DAY DURING AT LEAST 5 MONTHS EACH YEAR; AND**

**(III) HAS FOOD PREPARATION FACILITIES ON THE PREMISES FOR THE CONVENIENCE OF GUESTS; OR**

**(3) A YACHT OR BOAT CLUB THAT:**

**(I) MAY BE OPERATED FOR PROFIT OR NOT FOR PROFIT;**

**(II) OWNS REAL PROPERTY IN THE COUNTY; AND**

**(III) HAS AT LEAST 150 DUES-PAYING MEMBERS, OF WHOM AT LEAST 50 OWN A YACHT, BOAT, OR OTHER VESSEL.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION BY MEMBERS AND GUESTS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 22-2004(F) OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL FEE FOR THE 6-DAY LICENSE IS \$1,300.**

**(2) THE ANNUAL FEE FOR THE 7-DAY LICENSE IS \$1,400.**

REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(n)(3), (6), and, as it related to a Class C-3 license, (2) and, as it related to establishing a Class C license, the first sentence of (a)(1).

Subsection (d) of this section is new language added for clarity.

Throughout this section, the former references to an "on-sale" license are deleted as unnecessary in light of subsection (c) of this section.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised as a substantive provision rather than as a definition section to conform to the style used throughout this article.

In the introductory language of subsection (b) of this section, the former reference to issuing the license “only” to a certain organization is deleted as surplusage. Similarly, in subsection (c)(1) and (2) of this section, the former reference to consumption “only” on the licensed premises is deleted.

In subsection (b)(1)(ii) and (3)(iii) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (b)(1)(iii) of this section, the former reference to maintaining “at the time of the application for the license and continu[ing] to maintain” is deleted as included in the word “maintains”.

Also in subsection (b)(1)(iii) of this section, the former phrase “instead of the golf course” is deleted as surplusage.

In subsection (b)(2)(i) and (ii) of this section, the former references to the “general” public are deleted as surplusage.

In subsection (b)(2)(iii) of this section, the former reference to “visiting” guests is deleted as surplusage.

In subsection (c)(1) and (2) of this section, the phrase “at a club at the place described in the license” is added for clarity.

Also in subsection (c)(1) and (2) of this section, the references to “beer, wine, and liquor” are substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (e) of this section, the references to “annual” are added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“County” § 22–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

## **22–910. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

### **(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) 7-DAY LICENSE;**  
**AND**

**(2) A CLASS D BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) 7-DAY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE A CLASS D LICENSE TO A CURRENT CLASS B LICENSE HOLDER THAT APPLIES FOR THE LICENSE.**

**(2) THE APPLICANT SHALL SURRENDER TO THE BOARD THE APPLICANT'S CLASS B LICENSE ON THE ISSUANCE OF THE CLASS D LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR:**

**(1) ON-PREMISES CONSUMPTION, IF AN ON-SALE LICENSE; OR**

**(2) ON- AND OFF-PREMISES CONSUMPTION, IF AN ON-SALE AND OFF-SALE LICENSE.**

**(D) NUMBER OF LICENSES TO BE ISSUED.**

**THE BOARD MAY DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.**

**(E) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(G) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$3,000 FOR AN ON-SALE LICENSE; AND**

**(2) \$4,000 FOR AN ON- AND OFF-SALE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (n)(2) through (5) and (7).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (a) and (c) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “all alcoholic beverages” to conform to the terminology used throughout this article.

In subsections (b) and (d) of this section, the former references to Class D licenses “authorized by this subsection” or issued under the “authority of this subsection” are deleted as surplusage.

In subsection (f) of this section, the former phrase “[i]n accordance with [former] § 16-301(a) of this article” is deleted as unnecessary because the former provision was merely a general authorization for the adoption of regulations.

Former Art. 2B, § 6-401(n)(1), which stated that former Art. 2B, § 6-401(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-401(n)(6), which required the Liquor Control Board to ensure that any Class D license meet the requirements of former Art. 2B, § 9-213, is deleted as unnecessary in light of the reorganization of this title.

Defined terms: “Beer” § 1-101

“Board” § 22-101

“Off-sale” § 1-101

“On-sale” § 1-101

“7-day license” § 1-101

“Wine” § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.****22-1001. BED AND BREAKFAST BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B-BB (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.**



**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE A BED AND BREAKFAST THAT:**

**(1) PROVIDES SERVICES ORDINARILY PROVIDED BY A BED AND BREAKFAST;**

**(2) HAS AT LEAST ONE ROOM BUT NOT MORE THAN 10 ROOMS, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME; AND**

**(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A GUEST IF:**

**(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

**(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.**

**(D) CATERING PRIVILEGE.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO A GUEST OF A CATERED EVENT AT THE BED AND BREAKFAST IF:**

**(1) THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE EVENT;**

**(2) THE LICENSE HOLDER CATERES THE EVENT; AND**

**(3) FOOD IS SERVED AT THE CATERED EVENT.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.**

**(F) PROHIBITED SALES.**

**THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO:**

**(1) IS NOT A GUEST OF THE BED AND BREAKFAST; OR**

**(2) IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER, WINE, AND LIQUOR.**

**(G) PROHIBITED ACTIVITY; END OF OPERATIONS.**

**(1) A BED AND BREAKFAST MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER, WINE, AND LIQUOR.**

**(2) IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST:**

**(I) THE LICENSE IS VOID; AND**

**(II) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO:**

**(1) CARRY OUT THIS SECTION; AND**

**(2) ENSURE THAT THE PRIMARY PURPOSE OF THE LICENSE IS TO ALLOW THE LICENSE HOLDER TO OPERATE A BED AND BREAKFAST.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(n)(8).

Throughout this section, the former reference to a bed and breakfast “establishment” is deleted as surplusage.

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (b) of this section, the references to the local “governmental unit” are substituted for the former references to the local “government authority” for consistency with other provisions of this revised article.

In the introductory language of subsection (b) of this section, the former reference to “reissuance” is deleted as implicit.

Also in the introductory language of subsection (b) of this section, the reference to “a license holder” is substituted for the former reference to “the applicant’s or the Class B–BB license holder’s establishment, as appropriate” for brevity.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “alcoholic beverages” in accordance with the scope of this section.

In the introductory language of subsection (d) of this section, the former reference to “keep for sale” is deleted as included in the reference to “sell”.

In subsection (e) of this section, the reference to the hours and days of sale that are set out “under § 22–2004 of this title” is added for clarity.

Also in subsection (e) of this section, the former reference to a license “issued in the county” is deleted as unnecessary because this title concerns only licenses issued in Harford County.

In the introductory language of subsection (f) of this section, the reference to “an individual” is substituted for the former, broader reference to “a person” because the provision refers only to human beings.

In subsection (h)(2) of this section, the reference to “operate a bed and breakfast” is substituted for the former reference to “operate an establishment as a bed and breakfast establishment” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference to a “guest of the bed and breakfast” in subsection (f)(1) of this section is unclear. The General Assembly may wish to clarify whether it includes a guest at a catered event.

“Board” § 22-101

“Wine” § 1-101

**22-1002. CONTINUING CARE FACILITY FOR THE AGED LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS CCFA (CONTINUING CARE FACILITY FOR THE AGED) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A CONTINUING CARE FACILITY FOR THE AGED THAT:**

**(1) PROVIDES CONTINUING CARE AS DEFINED UNDER § 10-401 OF THE HUMAN SERVICES ARTICLE;**

**(2) IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;**

**(3) IS CERTIFIED BY THE DEPARTMENT OF AGING; AND**

**(4) IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$5,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-213.2(b) through (d) and (f).

In subsection (b) of this section, the former explicit requirement that a continuing care facility be “located in Harford County” to be eligible for the Class CCFA license is deleted as implicit in the licensing authority of the Harford County Board of License Commissioners, which authority is limited to Harford County.

Former Art. 2B, § 8–213.2(a), which stated that former Art. 2B, § 8–213.2 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Wine” § 1–101

**22–1003. GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A GOLF COURSE THAT:**

**(1) IS OPEN TO THE PUBLIC;**

**(2) IS OPERATED FOR PROFIT; AND**

**(3) HAS A MINIMUM OF 18 HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-503(b) through (g).

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 22-2004 of this title" is substituted for the former reference to the "hours and days for sale are as specified in § 11-513(b)(1) of this article" for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8-503(a), which stated that the provisions of former Art. 2B, § 8-503 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-503(h), which stated that the distance a licensee must remain from a church or school specified in former Art. 2B, § 9-213 does not apply to Class GC (golf course) licensees, is deleted as unnecessary. The Class GC exception is stated in § 22-1602 of this title.

Defined terms: "Beer" § 1-101

"Board" § 22-101

"Wine" § 1-101

**22-1004. CLASS H-CC BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H-CC (CORPORATE CLUB/CONFERENCE CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ESTABLISHMENT WITH:**

(I) A BANQUET ROOM, CONFERENCE ROOM, OR MEETING ROOM THAT IS SUITABLE FOR PUBLIC GATHERINGS AND EQUIPPED WITH FOOD PREPARATION FACILITIES; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A CORPORATE DINING ROOM THAT IS RESERVED FOR MEMBERS OF A PRIVATE CLUB AND THEIR GUESTS.

(2) A CORPORATE DINING ROOM DESCRIBED IN PARAGRAPH (1)(II) OF THIS SUBSECTION:

(I) SHALL BE EQUIPPED FOR THE SALE OF FOOD; AND

(II) MAY BE USED BY A PRIVATE CLUB OF AT LEAST 25 MEMBERS WHO PAY AN ANNUAL MEMBERSHIP FEE.

(C) SCOPE OF AUTHORIZATION.

(1) THE LICENSE HOLDER MAY:

(I) SELL BEER, WINE, AND LIQUOR DURING AN EVENT CONTRACTED WITH ANOTHER PERSON IN:

1. A ROOM DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION; OR

2. ANOTHER AREA IN THE LICENSED PREMISES THAT THE BOARD APPROVES;

(II) HOLD MULTIPLE EVENTS IN THE LICENSED PREMISES SIMULTANEOUSLY; AND

(III) CONTRACT TO PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT HELD OFF THE LICENSED PREMISES IF THE EVENT IS IN THE COUNTY AND THE LICENSE HOLDER CONTRACTS TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT.

(2) THE LICENSE HOLDER MAY NOT HOLD MORE THAN FOUR SELF-SPONSORED EVENTS PER YEAR IN THE BANQUET, CONFERENCE, OR MEETING ROOM.

(D) SIX-LICENSE LIMIT.

**NOT MORE THAN SIX CLASS H-CC LICENSES MAY BE IN EFFECT AT A TIME.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(n)(6).

In subsection (c)(1)(i) of this section, the former phrase "keep for sale" is deleted as implicit in the reference to "sell".

Defined terms: "Beer" § 1-101

"Board" § 22-101

"County" § 22-101

"Wine" § 1-101

**22-1005. INN BEER, WINE, AND LIQUOR LICENSE.**

**(A) "GUEST" DEFINED.**

**IN THIS SECTION, "GUEST" MEANS AN INDIVIDUAL WHOSE NAME AND ADDRESS APPEAR ON THE REGISTRY THAT THE INN MAINTAINS.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B (INN) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A LICENSE HOLDER WHO IS APPROVED BY THE APPROPRIATE LOCAL GOVERNMENTAL UNIT TO OPERATE AN INN THAT:**

**(1) HAS AT LEAST 11 ROOMS OR SUITES, EACH WITH SLEEPING ACCOMMODATIONS, EXCLUDING RESIDENT MANAGEMENT QUARTERS, THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR A SPECIFIED TIME;**

**(2) HAS A SEATED DINING CAPACITY OF A SUFFICIENT SIZE TO ACCOMMODATE OVERNIGHT GUESTS AND DINNER PATRONS WHO PARTICIPATE IN REGULAR MEALS AND SPECIAL DINNER EVENTS ON THE PREMISES OF THE ESTABLISHMENT AS AUTHORIZED UNDER SUBSECTION (D) OF THIS SECTION; AND**



**(3) HAS A KITCHEN FACILITY THAT HAS BEEN APPROVED BY THE LOCAL GOVERNMENTAL UNIT.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

**(1) SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY A GUEST IN CONJUNCTION WITH A MEAL;**

**(2) WITH THE PRIOR APPROVAL OF THE BOARD, SERVE BEER, WINE, AND LIQUOR TO GUESTS AND DINNER PATRONS ON A PATIO, A DECK, A TERRACE, THE GROUNDS, OR ANY OTHER OUTDOOR AREA THAT IS AN INTEGRAL PART OF THE PREMISES;**

**(3) ALLOW A GUEST TO HAVE BEER, WINE, AND LIQUOR DELIVERED TO THE GUEST IN A SEALED PACKAGE BY THE INN, IF THE GUEST IS IN A BUILDING THAT IS:**

**(I) CONSIDERED PART OF THE INN OPERATION; AND**

**(II) LOCATED IN THE SAME MAIL UNIT NUMBER AS THE INN OR IS NOT MORE THAN ONE-EIGHTH OF A MILE FROM THE INN;**

**(4) HOLD A SPECIAL DINNER EVENT ON THE PREMISES OF THE ESTABLISHMENT; AND**

**(5) ALLOW AN INDIVIDUAL WHO IS NOT A GUEST TO PATRONIZE THE ESTABLISHMENT FOR A REGULAR OR SPECIAL DINNER MEAL.**

**(E) CATERING PRIVILEGE.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING CATERED EVENTS AT THE INN IF:**

**(1) THE LICENSE HOLDER IS UNDER CONTRACT TO CATER THE EVENT;**

**(2) THE LICENSE HOLDER CATERES THE EVENT; AND**

**(3) FOOD IS SERVED AT THE CATERED EVENT.**

**(F) OFF-SALE PRIVILEGE.**

A HOLDER OF A CLASS B (INN) LICENSE THAT WAS ISSUED AFTER MARCH 6, 2006, MAY SELL BEER AND WINE FROM THE DINING ROOM TO GUESTS FOR OFF-PREMISES CONSUMPTION IF THE HOLDER PREVIOUSLY HELD A CLASS B (RESTAURANT) LICENSE ALLOWING SALES OF BEER AND WINE FOR OFF-PREMISES CONSUMPTION.

**(G) HOURS AND DAYS OF SALE.**

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR TO GUESTS FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004 OF THIS TITLE.

**(H) PROHIBITED SALES.**

THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO:

(1) IS NOT A GUEST OR A PATRON OF THE DINING FACILITY OF THE INN; OR

(2) IS REGISTERED AS A GUEST AT THE INN ONLY TO OBTAIN BEER, WINE, AND LIQUOR.

**(I) PROHIBITED ACTIVITY; END OF OPERATIONS.**

(1) AN INN MAY NOT BE OPERATED ONLY TO SELL OR PROVIDE BEER, WINE, AND LIQUOR.

(2) IF AN INN ENDS OPERATIONS AS AN INN:

(i) THE LICENSE IS VOID; AND

(ii) THE LICENSE HOLDER SHALL RETURN THE LICENSE TO THE BOARD.

(3) BEER, WINE, AND LIQUOR IN OPEN CONTAINERS MAY NOT BE TRANSFERRED, CARRIED, TAKEN, OR DELIVERED TO, FROM, OR BETWEEN THE INN AND OTHER BUILDINGS THAT ARE CONSIDERED PART OF THE INN.

**(J) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO:**

**(1) CARRY OUT THIS SECTION; AND**

**(2) ENSURE THAT THE PRIMARY PURPOSE OF THE LICENSE IS TO ALLOW THE LICENSE HOLDER TO OPERATE AN INN.**

**(K) FEES.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$2,500 FOR AN INN THAT HAS AT LEAST 11 BUT NOT MORE THAN 24 ROOMS OR SUITES; AND**

**(2) \$3,295 FOR AN INN THAT HAS AT LEAST 25 ROOMS OR SUITES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(n)(7).

Throughout this section, the former references to an inn “establishment” are deleted as surplusage.

In subsection (b) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (c) of this section, the references to a local “governmental unit” are substituted for the former references to a local “governing authority” for consistency with other provisions of this title.

In the introductory language of subsection (c) of this section, the reference to a “license holder” is substituted for the former reference to “the establishment of the applicant or the special Class B (inn) license holder” for brevity.

Also in the introductory language of subsection (c) of this section, the former reference to “reissuance” is deleted as implicit.

In subsection (c)(1) of this section, the former reference to a specified “period of” time is deleted as surplusage.

In subsection (d)(1), (2), and (3) of this section, the references to “beer, wine, and liquor” are substituted for the former, broader references to “alcoholic beverages” to conform to the terminology used in this section.

In subsection (d)(2) of this section, the former reference to the premises “of the inn establishment” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the former reference to “keep for sale” is deleted as included in the reference to “sell”.

In subsection (g) of this section, the former reference to a license “established ... for Harford County under this article” is deleted as surplusage.

Also in subsection (g) of this section, the reference to the hours and days of sale that are set out “under § 22–2004 of this title” is added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Wine” § 1–101

## **22–1006. STADIUM LICENSE.**

### **(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “CONCESSION MANAGER” MEANS A PERSON THAT PROVIDES AND SUPERVISES UNDER CONTRACT THE COMPREHENSIVE MANAGEMENT OF ALL FOOD AND BEVERAGE CONCESSION SALES ON THE LICENSED PREMISES.**

**(3) “LICENSED PREMISES” INCLUDES THE STADIUM FACILITY AND STADIUM PARKING LOTS.**

### **(B) ESTABLISHED.**

**THERE IS A STADIUM BEER, WINE, AND LIQUOR LICENSE.**

### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR A STADIUM OWNED BY THE CITY OF ABERDEEN TO THE OWNER, LESSEE, OR CONCESSION MANAGER OF A PROFESSIONAL BASEBALL STADIUM.**

### **(D) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(2) THE LICENSE HOLDER MAY SELL, SERVE, OR ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR ON THE STADIUM PARKING LOTS ONLY WITH THE PRIOR WRITTEN APPROVAL OF THE BOARD.**

**(E) HOURS AND DAYS OF SALE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR:**

**(I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR**

**(II) DURING A DOUBLEHEADER GAME, AFTER THE BEGINNING OF THE SIXTH INNING OF THE SECOND GAME.**

**(F) REQUIREMENTS AND RESTRICTIONS.**

**(1) AN INDIVIDUAL WHO SERVES BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES SHALL HOLD A CERTIFICATE FROM AN ALCOHOL AWARENESS PROGRAM THAT THE BOARD APPROVES.**

**(2) AN INDIVIDUAL MAY SERVE LIQUOR DURING A BASEBALL GAME ONLY ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE SEATED.**

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL MAY SERVE BEER, WINE, AND LIQUOR DURING A BASEBALL GAME ONLY IN A PLASTIC, STYROFOAM, OR PAPER CONTAINER.**

**(II) AN INDIVIDUAL MAY SERVE BEER, WINE, AND LIQUOR IN A GLASS CONTAINER ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE SEATED.**

**(4) (I) THIS PARAGRAPH DOES NOT APPLY TO BEER AND WINE SERVED ON THE CLUB LEVEL OR IN A DINING AREA WHERE PATRONS ARE SEATED.**

**(II) AN INDIVIDUAL MAY DISPENSE BEER AND WINE DURING A BASEBALL GAME ONLY FROM A STATIONARY STRUCTURE THAT IS IN THE STADIUM AND EQUIPPED WITH A MOTOR VEHICLE DRIVER'S LICENSE SCANNER.**

**(5) A LICENSE HOLDER MAY NOT ALLOW A ROVING VENDOR TO DISPENSE BEER, WINE, AND LIQUOR.**

**(6) A LICENSE HOLDER MAY NOT ALLOW A PERSON TO CARRY BEER, WINE, AND LIQUOR ONTO OR OFF OF THE LICENSED PREMISES.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$10,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–213.1(b) through (g) and 11–513(b).

Throughout this section, the former references to a “stadium alcoholic beverages” license are deleted for clarity, brevity, and as unnecessary.

In subsection (a)(1) of this section, the standard introductory language “[i]n this section the following words have the meanings indicated” is substituted for the former language “[f]or the purpose of this section” to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the defined term “person” is substituted for the former reference to “a single individual or single entity” for brevity.

Also in subsection (a)(2) of this section, the reference to a person “under contract” to perform specified duties is substituted for the former reference to a person “contractually obligated” to perform specified duties for clarity.

In subsection (b) of this section, the reference to a stadium “beer, wine, and liquor” license is added for clarity and because the added phrase accurately describes the type of license authorized under this revised section.

In subsections (d)(2) and (f)(3) and (6) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” to conform to the terminology used throughout this section.

In subsection (f)(1) of this section, the former reference to a “valid” certificate is deleted as implicit in the reference to “certificate”.

In subsection (f)(6) of this section, the former phrase “[e]xcept for a wholesaler of beer, wine, or liquor who is conducting business with the licensee under this section” is deleted as unnecessary.

Former Art. 2B, § 8–213.1(a), which stated that former Art. 2B, § 8–213.1 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
“Board” § 22–101  
“Person” § 1–101  
“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**22–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**
- (2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 22–1102 OF THIS SUBTITLE; AND**
- (2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT TO § 22–1103 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101  
“County” § 22–101  
“License” § 1–101  
“License holder” § 1–101  
“Wine” § 1–101

**22-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.****(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF:**

- (1) A CLASS A-1 LICENSE;**
- (2) A CLASS A-2 LICENSE;**
- (3) A CLASS B LICENSE THAT HAS OFF-SALE PRIVILEGES; OR**
- (4) A CLASS D LICENSE.**

**(B) FEE.**

**THE ANNUAL PERMIT FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-213.3(c) and (d).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(iv), which stated that former Art. 2B, § 8-103, consisting of refillable container provisions, applied to Harford County, and former Art. 2B, § 8-213.3(a), which stated that former Art. 2B, § 8-213.3 applied only in Harford County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-213.3(b), which stated that there is a refillable container permit in Harford County, is deleted as unnecessary in light of § 4-1104 of this article.

Defined terms: "Beer" § 1-101

"Board" § 22-101

"License" § 1-101

"Off-sale" § 1-101

**22-1103. REFILLABLE CONTAINER PERMIT — WINE.****(A) AUTHORIZED PERMIT HOLDER.**



**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A HOLDER OF:**

- (1) A CLASS A-1 LICENSE;**
- (2) A CLASS A-2 LICENSE;**
- (3) A CLASS B LICENSE THAT HAS OFF-SALE PRIVILEGES; OR**
- (4) A CLASS D LICENSE.**

**(B) FEE.**

**THE ANNUAL PERMIT FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-213.3(c) and (d).

In subsection (a) of this section, the phrase "for wine" is added for clarity.

Former Art. 2B, § 8-103(a)(2)(i), which stated that former Art. 2B, § 8-103, consisting of refillable container provisions, applied to Harford County, is deleted as unnecessary in light of the organization of this article.

Defined terms: "Board" § 22-101

"License" § 1-101

"Off-sale" § 1-101

"Wine" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**22-1201. CLASS H CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H CATERER'S BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT OWNS, LEASES, OR OPERATES AN ESTABLISHMENT THAT HAS:**

- (1) ONE OR MORE BANQUET ROOMS SUITABLE FOR PUBLIC EVENTS;**

**AND**

**(2) FOOD PREPARATION FACILITIES ON THE PREMISES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) SELL OR PROVIDE ALL ALCOHOLIC BEVERAGES AT RETAIL FOR CONSUMPTION ON THE PREMISES OF THE CATERING ESTABLISHMENT DURING AN EVENT; AND**

**(2) (I) CONTRACT WITH A SPONSOR OF A PUBLIC OR PRIVATE EVENT TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES; OR**

**(II) ENTER INTO AN EXCLUSIVE LEASE WITH A VOLUNTEER FIRE COMPANY FOR A BANQUET FACILITY THAT THE VOLUNTEER FIRE COMPANY OWNS.**

**(D) POWERS.**

**THE LICENSE HOLDER MAY:**

**(1) CONTRACT WITH THE SPONSOR OR VOLUNTEER FIRE COMPANY UNDER SUBSECTION (C)(2) OF THIS SECTION TO ALLOW PATRONS TO BRING THEIR OWN ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE LICENSE HOLDER FOR CONSUMPTION AT A CATERED EVENT;**

**(2) CONTRACT TO PROVIDE ALCOHOLIC BEVERAGES AT A CATERED EVENT HELD OFF THE PREMISES OF THE LICENSE HOLDER IF:**

**(I) THE LICENSE HOLDER ALSO CONTRACTS TO PROVIDE FOOD FOR CONSUMPTION AT THE EVENT; AND**

**(II) THE EVENT IS HELD IN THE COUNTY; AND**

**(3) ONCE DURING A CALENDAR YEAR ON A DATE THAT THE HOLDER SELECTS, PROVIDE FOOD AND SELL OR PROVIDE ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION AT AN EVENT THAT THE LICENSE HOLDER SPONSORS.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

**(F) EFFECT OF SECTION.**

**A HOLDER OF A CLASS B HOTEL OR RESTAURANT BEER, WINE, AND LIQUOR LICENSE THAT PROVIDES CATERING SERVICES ON OR OFF THE PREMISES FOR WHICH THE LICENSE IS ISSUED:**

- (1) IS NOT REQUIRED TO OBTAIN A CLASS H LICENSE; BUT**
- (2) IS SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a Class H caterer's license exists in Harford County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6–704(b) through (d) and (a)(2) and (3).

Subsection (b) of this section is revised as a statement specifying the eligibility requirements of a Class H license, rather than as part of the definition of a “caterer”, for clarity and to conform to the format used in licensing provisions throughout this article.

In the introductory language of subsection (b) of this section, the reference to the Board “issu[ing]” the license is substituted for the former reference to the license being “issued upon the approval of” the Board for brevity.

In the introductory language of subsection (c) of this section, the reference to the license “holder” is substituted for the former reference to the “owner or operator of a catering establishment” for brevity and clarity. Similarly, in the introductory language of subsection (d) of this section, the reference to the “license holder” is substituted for the former references to a “caterer licensed under this section”.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as surplusage.

Also in subsection (c)(1) of this section, the reference to “provide” is added to state explicitly what was only implicit in the former law, that a license holder may provide at no cost alcoholic beverages as well as sell them.

In subsection (d)(1) of this section, the reference to a “sponsor or volunteer fire company under subsection (c)(2) of this section” is substituted for the former reference to “patrons” to correct an inadvertent error.

In subsection (d)(3) of this section, the reference to an event “that the license holder sponsors” is substituted for the former reference to a “self-sponsored” event for clarity.

In subsection (e) of this section, the former reference that the license fee “shall be paid to the Board before the license is issued and which shall be distributed as provided” is deleted as surplusage.

Former Art. 2B, § 6-704(a)(1), which stated that former Art. 2B, § 6-704 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 22-101

“County” § 22-101

“Hotel” § 1-101

“Person” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

##### **22-1301. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1202 (“PER DIEM LICENSES”);**

**(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);**

**(4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

(6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTION.

**SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22-1309 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 22-101

**22-1302. RESERVED.**

**22-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**22-1304. WINE FESTIVAL LICENSE.**

(A) ESTABLISHED.

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

(B) AUTHORIZED HOLDER.

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

(C) SCOPE OF AUTHORIZATION.

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.**

(D) TIME AND CONDITIONS FOR DISPLAY AND SALE.

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.**

**(E) LOCATION OF FESTIVAL.**

**THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$20.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-309.

Throughout this section, the former references to a "special" license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase "[n]otwithstanding any other provision to the contrary," is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the reference to a "retail license" is substituted for the former reference to an "existing State retail alcoholic beverages license ... issued pursuant to this article" for brevity.

In subsection (c) of this section, the reference to the "license authoriz[ing] the holder" to display and sell is substituted for the former reference to the requirement that the "licensee shall" display and sell for clarity and consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a "license holder shall" display and sell is substituted for

the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (e) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e) of this section, the former reference to a location “for this festival” is deleted as surplusage.

Also in subsection (e) of this section, the former reference to a location “in Harford County” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]he provisions of this section may not prohibit the licensee from holding” another license for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes the holder of the license “to display and sell wine that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: “Board” § 22–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wine” § 1–101

## **22–1305. BEER AND WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE (BW) LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF BEER AND WINE FOR TASTING.**

**(2) THE LICENSE MAY BE ISSUED FOR A MAXIMUM OF:**

**(I) ANY 26 DAYS IN A LICENSING PERIOD;**

**(II) ANY 52 DAYS IN A LICENSING PERIOD; OR**

**(III) AN ENTIRE LICENSING PERIOD.**

**(3) IF A LICENSE HOLDER IS ISSUED A LICENSE FOR ANY 26 DAYS IN A LICENSING PERIOD OR ANY 52 DAYS IN A LICENSING PERIOD, THE LICENSE HOLDER MUST NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE EXERCISING THE PRIVILEGES OF THE LICENSE.**

**(D) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING OF BEER OR WINE.**

**(E) FEE.**

**THE LICENSE FEE IS:**

**(1) \$100 FOR A 26-DAY LICENSE;**

**(2) \$150 FOR A 52-DAY LICENSE; AND**

**(3) \$225 FOR A 1-YEAR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-407(d), (e), (a)(2), (b)(2), and (f)(1).

Throughout this section, former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former phrase "[i]n Harford County," is deleted as unnecessary in light of the organization of this revised article.



In subsection (c)(1) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer and wine is added for clarity and consistency with terminology used throughout this article.

In subsection (c)(2)(iii) of this section, the reference to “an entire licensing period” is substituted for the former reference to “365 days in a license period” for clarity.

In subsection (c)(3) of this section, the reference to the “privileges of the license” is substituted for the former reference to the “provisions of the tasting or sampling license, of the licensee’s intent to have a tasting or sampling” for brevity.

In subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Also in subsection (d) of this section, the reference to each “offering” is substituted for the former reference to each “given brand” for clarity.

In subsection (e)(1) of this section, the reference to a “26–day license” is substituted for the former reference to a “license that is effective for any 26 days in a licensing period” for brevity. Similarly, in subsection (e)(2) of this section, the reference to a “52–day license” is substituted for the former reference to a “license that is effective for any 52 days in a licensing period” and in subsection (e)(3) of this section, the reference to a “1–year license” is substituted for the former reference to a “license that is effective for 365 days in a licensing period”.

Former Art. 2B, § 8–407(g), which authorized the Board to adopt rules or regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 22–209 of this subtitle.

Defined terms: “Beer” § 1–101

“Board” § 22–101

“Wine” § 1–101

## **22–1306. CORDIAL, BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CORDIAL, BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A1 BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF CORDIALS, BEER, WINE, AND LIQUOR FOR TASTING.**

**(2) THE LICENSE MAY BE ISSUED FOR A MAXIMUM OF:**

**(I) ANY 26 DAYS IN A LICENSING PERIOD;**

**(II) ANY 52 DAYS IN A LICENSING PERIOD; OR**

**(III) AN ENTIRE LICENSING PERIOD.**

**(3) IF A LICENSE HOLDER IS ISSUED A LICENSE FOR ANY 26 DAYS IN A LICENSING PERIOD OR ANY 52 DAYS IN A LICENSING PERIOD, THE LICENSE HOLDER MUST NOTIFY THE BOARD AT LEAST 7 DAYS BEFORE EXERCISING THE PRIVILEGES OF THE LICENSE.**

**(D) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME CORDIALS, BEER, WINE, OR LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) 0.5 OUNCE FROM EACH OFFERING OF A CORDIAL;**

**(2) 1 OUNCE FROM EACH OFFERING OF BEER OR WINE; AND**

**(3) 0.5 OUNCE FROM EACH OFFERING OF LIQUOR.**

**(E) FEE.**

**THE LICENSE FEE IS:**

**(1) \$125 FOR A 26-DAY LICENSE;**

**(2) \$200 FOR A 52-DAY LICENSE; AND**

**(3) \$400 FOR A 1-YEAR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-407(c), (e), (f), (a)(1), and (b)(1).

Throughout this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former phrase “[i]n Harford County,” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former phrase “subject to the provisions of subsections (c) and (d) of this section” is deleted as unnecessary in light of the organization of this section.

In subsection (c)(1) of this section, the reference to the license authorizing “the holder to allow” the consumption of cordials, beer, wine, and liquor is added for clarity and consistency with terminology used throughout this article.

In subsection (c)(2)(iii) of this section, the reference to “an entire licensing period” is substituted for the former reference to “365 days in a licensing period” for clarity.

In subsection (c)(3) of this section, the reference to the “privileges of the license” is substituted for the former reference to the “provisions of the tasting or sampling license, of the licensee’s intent to have a tasting or sampling” for brevity.

In the introductory language of subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (d) of this section, the references to each “offering” are substituted for the former references to each “given brand” or each “brand” for clarity.

In subsection (d)(3) of this section, the reference to “liquor” is substituted for the former broader phrase “any other alcoholic beverage” for clarity.

In subsection (e)(1) of this section, the reference to a “26-day license” is substituted for the former reference to a “license that is effective for any 26 days in a licensing period” for brevity. Similarly, in subsection (e)(2) of this section, the reference to a “52-day license” is substituted for the former reference to a “license that is effective for any 52 days in a licensing period” and in subsection (e)(3) of this section, the reference to a “1-year license” is

substituted for the former reference to a “license that is effective for 365 days in a licensing period”.

Defined terms: “Beer” § 1–101  
 “Board” § 22–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**22–1307. RESERVED.**

**22–1308. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**22–1309. FEES.**

**(A) CLASS C PER DIEM BEER OR CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE IS \$15 PER DAY.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$30 PER DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(8) and (d)(11).

**22–1310. MULTIPLE EVENT ENTERTAINMENT LICENSE FOR CLUBS.**

**(A) ESTABLISHED.**

**(1) THE BOARD MAY ISSUE A CLASS C–3 MULTIPLE EVENT (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(2) THE LICENSE ENTITLES A CLUB TO SELL OR PROVIDE BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY:**

**(I) NONMEMBERS OF THE CLUB WHO HAVE LEASED AN AREA OF THE LICENSED PREMISES FOR ENTERTAINMENT, A CONFERENCE, OR A SOCIAL EVENT; AND**

**(II) GUESTS WHO ATTEND THE EVENT.**

**(3) THIS SECTION DOES NOT PROHIBIT A CLUB FROM OBTAINING A CLASS C PER DIEM LICENSE.**

**(B) FORM OF APPLICATION.**

**THE APPLICATION SHALL BE ON THE FORM THAT THE BOARD REQUIRES AND THE APPLICANT SHALL SIGN IT.**

**(C) LIMITATIONS AND REQUIREMENT.**

**(1) THE BOARD MAY NOT ISSUE MORE THAN ONE LICENSE TO A CLUB IN A LICENSE YEAR.**

**(2) THE TOTAL NUMBER OF DAYS AUTHORIZED FOR EVENTS HELD UNDER A LICENSE MAY NOT EXCEED 60 IN A LICENSE YEAR.**

**(3) A LICENSE HOLDER SHALL NOTIFY THE BOARD OF AN EVENT IN WRITING ON A FORM THAT THE BOARD PROVIDES AT LEAST 7 DAYS BEFORE EACH EVENT.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$250 FOR NOT MORE THAN 10 EVENTS PER YEAR;**

**(2) \$400 FOR NOT MORE THAN 20 EVENTS PER YEAR;**

**(3) \$550 FOR NOT MORE THAN 30 EVENTS PER YEAR;**

**(4) \$700 FOR NOT MORE THAN 40 EVENTS PER YEAR; AND**

**(5) \$850 FOR NOT MORE THAN 60 EVENTS PER YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(v)(3)(i) through (iii) and (v) through (ix).

In subsection (a) of this section, the former reference to the definition for the term “club” is deleted as unnecessary in light of the article-wide definition provided in § 1-101 of this revised article.

In subsections (a)(2) and (c)(1) of this section, the former references to a “miscellaneous organization” are deleted as included in the defined term “club”.

In subsection (a)(2)(ii) of this section, the former reference to a “bona fide” event is deleted as surplusage.

Former Art. 2B, § 7-101(v)(3)(iv), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the routine practice of the Board.

Defined terms: “Board” § 22-101

“Club” § 1-101

“License” § 1-101

“On-sale” § 1-101

## **22-1311. MULTIPLE EVENT LICENSE FOR FIRE DEPARTMENT.**

### **(A) ESTABLISHED.**

**THE BOARD MAY ISSUE TO A FIRE DEPARTMENT A MULTIPLE EVENT BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE MAY BE USED AT AN ENTERTAINMENT EVENT HELD BY THE FIRE DEPARTMENT.**

**(2) THIS SECTION DOES NOT PROHIBIT A FIRE DEPARTMENT FROM OBTAINING A CLASS C PER DIEM LICENSE.**

### **(C) LICENSE FORM.**

**(1) THE LICENSE SHALL BE IN THE FORM THAT THE BOARD REQUIRES.**

**(2) THE APPLICANT SHALL SIGN THE LICENSE.**

### **(D) LIMITATIONS.**

**(1) THE BOARD MAY NOT:**

**(I) ISSUE FOR A FIRE DEPARTMENT A MULTIPLE EVENT BEER AND WINE LICENSE MORE THAN ONE TIME IN ANY YEAR; OR**

**(II) AUTHORIZE A MULTIPLE EVENT BEER AND WINE LICENSE FOR MORE THAN 40 DAYS IN A CALENDAR YEAR.**

**(2) A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH EVENT FOR WHICH THE LICENSE IS TO BE USED.**

**(E) FEES.****THE ANNUAL LICENSE FEES ARE:**

- (1) \$150 FOR NOT MORE THAN 10 EVENTS PER YEAR;**
- (2) \$300 FOR NOT MORE THAN 20 EVENTS PER YEAR;**
- (3) \$450 FOR NOT MORE THAN 30 EVENTS PER YEAR; AND**
- (4) \$600 FOR NOT MORE THAN 40 EVENTS PER YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(v)(2)(i), (iii) through (vii), and the second sentence of (ii).

In subsection (a) of this section, the former reference to "County" is deleted as unnecessary because the Board may issue a license to only those fire departments in Harford County.

In subsection (b) of this section, the former reference to the license "which entitles the holder to exercise any of the privileges conferred by that class of license" is deleted as unnecessary.

In subsection (d) of this section, the reference to an event "for which the license is to be used" is added for clarity.

Former Art. 2B, § 7-101(v)(1), which stated that former Art. 2B, § 7-101(v) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7-101(v)(2)(ii), which required that the license fee be paid to the Board before the license is issued, is deleted because it simply restates the routine practice of the Board.

Defined terms: “Board” § 22–101  
 “County” § 22–101

#### SUBTITLE 14. APPLICATIONS FOR LICENSES.

##### 22–1401. APPLICATION OF GENERAL PROVISIONS.

###### (A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);
- (4) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (5) § 4–109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);
- (6) § 4–111 (“PAYMENT OF LICENSE FEES”);
- (7) § 4–112 (“DISPOSITION OF LICENSE FEES”); AND
- (8) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

###### (B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- (1) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), WHICH IS SUPERSEDED BY § 22–1405 OF THIS SUBTITLE;
- (2) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), WHICH IS SUPERSEDED BY § 22–1405 OF THIS SUBTITLE; AND



**(3) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”).**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”):**

**(I) IN ADDITION TO § 22-1403 OF THIS SUBTITLE; AND**

**(II) SUBJECT TO § 22-1404 OF THIS SUBTITLE; AND**

**(2) § 4-113 (“REFUND OF LICENSE FEES”), SUBJECT TO § 22-1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a), (c), and (b)(1) and (2) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b)(3) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Harford County.

Former Art. 2B, § 10-205(f), which stated that in Harford County, the fee for licenses issued for less than 1 year is a certain fraction of the annual fee, depending on when in the license year the license was issued, is deleted as unnecessary because it merely tracks the language of § 4-114 of this article.

Defined term: “County” § 22-101

**22-1402. LICENSE FOR INDIVIDUAL.**

**(A) RESIDENCY REQUIREMENT.**

**(1) TO BE ISSUED A LICENSE FOR THE APPLICANT’S INDIVIDUAL USE, THE APPLICANT SHALL BE A RESIDENT OF THE COUNTY FOR AT LEAST 1 YEAR BEFORE FILING THE APPLICATION.**

**(2) THE LICENSE HOLDER IS REQUIRED TO REMAIN A RESIDENT OF THE COUNTY FOR AS LONG AS THE LICENSE IS IN EFFECT.**

**(B) VOTER REGISTRATION NOT REQUIRED.**

**AN APPLICANT UNDER THIS SECTION IS NOT REQUIRED TO BE A REGISTERED VOTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–101(a)(3) and 10–104(n).

In subsection (a)(1) of this section, the phrase “for the applicant’s individual use” is added for clarity.

Also in subsection (a)(1) of this section, the former reference to a “bona fide” resident is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a) of this section that the applicant be a resident of the County for 1 year before filing the application 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 classifies 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: “County” § 22–101  
“License” § 1–101

**22–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**(A) REQUIRED.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

**(B) RECORDS FROM OTHER POLICE.**

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE, INCLUDING THE COUNTY SHERIFF’S DEPARTMENT AND ALL MUNICIPAL POLICE DEPARTMENTS IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(a)(1) and (3) and (b)(13)(ii)2 and (viii)1A.

The references to “criminal history record information” are substituted for the former references to “criminal records” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 22–101  
 “Central Repository” § 1–101  
 “County” § 22–101  
 “License” § 1–101

**22–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2 and (ii)1B.

The reference to “criminal history record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Defined term: “Board” § 22–101

**22–1405. APPLICATION ON BEHALF OF CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY.**

**(A) IN GENERAL.**

**(1) A LICENSE FOR THE USE OF A CORPORATION, AN UNINCORPORATED ENTITY, OR A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR BY AND ISSUED TO, AS INDIVIDUALS:**

**(I) THREE OFFICERS HOLDING A FINANCIAL INTEREST IN THE CORPORATION; OR**

**(II) THREE AUTHORIZED PERSONS HOLDING A FINANCIAL INTEREST IN THE LIMITED LIABILITY COMPANY.**

**(2) ONE OF THE THREE INDIVIDUAL APPLICANTS WHO APPLY FOR A LICENSE SHALL BE A RESIDENT OF THE COUNTY.**

**(3) THE LICENSE SHALL BE IN EFFECT SO LONG AS THE RESIDENT APPLICANT REMAINS A RESIDENT OF THE COUNTY.**

**(4) FOR A LICENSE ISSUED AFTER JULY 1, 1984, THE RESIDENT APPLICANT SHALL:**

**(I) 1. EXCEPT FOR AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE, OWN AT LEAST 25% OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY; OR**

**2. IF AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE, OWN AT LEAST 10% OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY;**

**(II) SERVE AS MANAGER OR SUPERVISOR; AND**

**(III) BE PHYSICALLY PRESENT ON THE PREMISES FOR A SUBSTANTIAL AMOUNT OF TIME ON A DAILY BASIS.**

**(5) AN APPLICATION FOR A LICENSE SHALL:**

**(I) STATE THE NAME AND ADDRESS OF:**

**1. THE CORPORATION OR UNINCORPORATED ENTITY AND EACH OFFICER WHO HOLDS A FINANCIAL INTEREST IN THE CORPORATION OR UNINCORPORATED ENTITY; OR**

**2. THE LIMITED LIABILITY COMPANY AND EACH AUTHORIZED PERSON WHO HOLDS A FINANCIAL INTEREST IN THE LIMITED LIABILITY COMPANY; AND**

**(II) BE SIGNED BY:**

**1. THE PRESIDENT OR VICE PRESIDENT OF A CORPORATION OR AN UNINCORPORATED ENTITY AND THE THREE OFFICERS TO WHOM THE LICENSE IS ISSUED; OR**

**2. THE THREE AUTHORIZED PERSONS OF A LIMITED LIABILITY COMPANY TO WHOM THE LICENSE IS ISSUED.**

**(6) IF THERE ARE FEWER THAN THREE OFFICERS OR DIRECTORS OF A CORPORATION OR AN UNINCORPORATED ENTITY OR FEWER THAN THREE AUTHORIZED PERSONS OF A LIMITED LIABILITY COMPANY, EACH OFFICER, DIRECTOR, OR AUTHORIZED PERSON HOLDING A FINANCIAL INTEREST IN THE CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY SHALL APPLY FOR THE LICENSE.**

**(7) IF A CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS, ONE OR MORE RESIDENT STOCKHOLDERS WHO OWN MORE THAN 50% OF THE STOCK TOGETHER MAY APPLY FOR THE LICENSE.**

**(B) EXEMPTIONS FOR CLASS B OR CLASS BNR APPLICANTS.**

**(1) IN THIS SECTION, "OWNER":**

**(I) MEANS A PERSON WHO HAS A REAL, PROVABLE FINANCIAL INTEREST IN THE BUSINESS; AND**

**(II) INCLUDES A STOCKHOLDER OR MANAGERIAL EMPLOYEE OF THE ACTUAL OWNER.**

**(2) STOCK OWNERSHIP REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO AN APPLICANT FOR A CLASS B HOTEL OR RESTAURANT BEER, WINE, AND LIQUOR LICENSE OR A CLASS BNR BEER, WINE, AND LIQUOR LICENSE IN WHICH:**

**(I) A MAJORITY OF THE STOCK IS OWNED OR CONTROLLED EITHER DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS AND IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION;**

**(II) AT LEAST ONE LICENSE HOLDER IS A RESIDENT APPLICANT OF THE BUSINESS CONDUCTED ON THE LICENSED PREMISES WHO IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF THE BUSINESS; AND**

**(III) EACH LICENSE HOLDER IS A NAMED OFFICER OF THE CORPORATION.**

**(3) THE RESIDENCY REQUIREMENTS ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION REMAIN IN EFFECT FOR A CLASS B HOTEL OR RESTAURANT BEER, WINE, AND LIQUOR LICENSE OR A CLASS BNR BEER, WINE, AND LIQUOR LICENSE FOR AS LONG AS THE LICENSE IS IN EFFECT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(k)(1) through (3), (5) through (7), and, as it related to the issuance of a license, (4).

Throughout this section, the references to “financial” are substituted for the former references to “pecuniary” for clarity.

In subsection (a)(1) of this section, the reference to a “corporation, an unincorporated entity” is substituted for the former reference to a “corporation, whether incorporated or unincorporated” for clarity.

Also in subsection (a)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (a)(2) of this section, the former phrase “[i]n addition to the provisions of paragraph (1) of this subsection” is deleted as surplusage.

Also in subsection (a)(2) of this section, the former reference to a “bona fide” resident is deleted as surplusage.

In subsection (a)(7) of this section, the reference to stockholders “who own more than 50% of the stock together” is substituted for the former reference to “majority” stockholders for clarity.

Also in subsection (a)(7) of this section, the former phrase “as provided for in this subsection” is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to a majority “of the shares” of stock is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to “[a]t least” one license holder who is a resident operator is deleted for clarity. Similarly, the reference to “who is responsible” is substituted for the former reference to “and that same individual is responsible”.

Defined terms: “County” § 22–101

“License” § 1–101

“Person” § 1–101

## **22–1406. REFUND.**

**A LICENSE HOLDER IS ENTITLED TO A REFUND OF THE UNEARNED PORTION OF THE LICENSE FEE IF THE LICENSE HOLDER VOLUNTARILY SURRENDERS THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(e).

Defined terms: “License” § 1–101  
“License holder” § 1–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**22–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–213 (“REPLACEMENT LICENSES”); AND**
- (6) § 4–214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 22–1502 OF THIS SUBTITLE;**
- (2) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 22–1503 AND 22–1504 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO §§ 22-1503 AND 22-1504 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 22-1505 OF THIS SUBTITLE;

(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), SUBJECT TO §§ 22-1506 AND 22-1507 OF THIS SUBTITLE;

(6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), SUBJECT TO § 22-1508 OF THIS SUBTITLE; AND

(7) § 4-212 (“LICENSE NOT PROPERTY”), IN ADDITION TO § 22-1509 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 22-101

“License” § 1-101

“Local licensing board” § 1-101

**22-1502. GOODS ALLOWED TO BE SOLD ON LICENSED PREMISES.**

**(A) DETERMINATION OF GOODS BY BOARD.**

IN ADDITION TO FOOD COOKED OR PREPARED ON THE LICENSED PREMISES, A LICENSE HOLDER MAY SELL OTHER GOODS THAT THE BOARD SPECIFIES, INCLUDING NONALCOHOLIC DRINKS AND FOOD PREPARED OFF THE LICENSED PREMISES.

**(B) BOARD TO PRINT LIST OF GOODS.**

THE BOARD SHALL PRINT A LIST OF THE SALEABLE GOODS UNDER SUBSECTION (A) OF THIS SECTION AND PROVIDE A COPY TO EACH LICENSE HOLDER WHEN THE LICENSE IS ISSUED.

**(C) BOARD TO MAIL COPY OF REVISED LIST TO LICENSE HOLDERS.**

IF THE BOARD MAKES A CHANGE TO THE LIST, THE BOARD SHALL IMMEDIATELY MAIL A COPY OF THE REVISED LIST TO EACH LICENSE HOLDER.



REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 2B, § 10–203.

In subsection (a) of this section, the reference to food “prepared off the licensed premises” is added to state expressly what was only implied in the former law, that a license holder may sell as specified by the Board drinks and food prepared off the licensed premises.

Also in subsection (a) of this section, the reference to the “licensed premises” is substituted for the former reference to the “premises where the license is exercised” for brevity.

Also in subsection (a) of this section, the reference to food, drinks, food prepared off the licensed premises, and other goods “that the Board specifies” is substituted for the former reference to food, drinks, and other commodities and items “permitted to be charged against the sale of beer and wine by the licensee as hereinafter prescribed” for clarity. The former reference concerned the requirement of most licensed restaurants in the County, stated elsewhere in this subtitle, to sell food in excess of 50% of the average monthly receipts from the sale of beer and wine.

Also in subsection (a) of this section, the reference to “goods” is substituted for the former reference to “other commodities and items” for brevity.

In subsection (b) of this section, the reference to “saleable goods under subsection (a) of this section” is substituted for the former reference to “such items” for clarity.

Also in subsection (b) of this section, the former phrase “from time to time” is deleted as surplusage.

Defined terms: “Board” § 22–101

“License” § 1–101

“License holder” § 1–101

## **22–1503. INTEREST IN MORE THAN ONE LICENSE.**

### **(A) IN GENERAL.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT HAVE INTEREST IN MORE THAN ONE LICENSE.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION APPLIES WHETHER THE LICENSE IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, BY FRANCHISE OPERATION, BY STOCK OWNERSHIP, BY INTERLOCKING DIRECTORS OR**

**INTERLOCKING STOCK OWNERSHIP, OR IN ANY OTHER MANNER, DIRECTLY OR INDIRECTLY.**

**(B) INDIRECT OWNERSHIP INTEREST.**

**UNDER SUBSECTION (A) OF THIS SECTION, AN INDIRECT OWNERSHIP INTEREST IS PRESUMED TO EXIST BETWEEN ANY COMBINATION OF INDIVIDUALS, CORPORATIONS, LIMITED LIABILITY COMPANIES, PARTNERSHIPS, LIMITED PARTNERSHIPS, JOINT VENTURES, ASSOCIATIONS, OR OTHER PERSONS IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

- (1) A COMMON PARENT COMPANY;**
- (2) A FRANCHISE AGREEMENT;**
- (3) A LICENSING AGREEMENT;**
- (4) A CONCESSION AGREEMENT;**
- (5) DUAL MEMBERSHIP IN A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;**
- (6) A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS, OR A SHARING OF DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;**
- (7) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**
- (8) A SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-213(e)(2) and the first and third sentences of (1).

In subsection (a) of this section, the former reference to a "franchisor, franchisee, chain store operation, partnership, firm or corporation" is deleted as included in the defined term "person".

In subsection (a)(1) of this section, the reference to the exception "as otherwise provided in this title" is substituted for the former references to the exceptions

“as provided in subsection (j) of this section” and “to licenses issued under the provisions of § 7–101 of this article or to club licenses” for accuracy.

The second sentence of former Art. 2B, § 9–213(e)(1), which stated the intent of the section, is deleted as unnecessary.

Defined terms: “License” § 1–101

“Person” § 1–101

## **22–1504. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

## **22–1505. HEARING NOTICE; PUBLICATION OF DECISION.**

**(A) POSTING OF HEARING NOTICE.**

**(1) FOR A HEARING FOR AN APPLICATION FOR A NEW LICENSE OR AN UPGRADE TO AN EXISTING LICENSE, THE BOARD SHALL POST A NOTICE IN A CONSPICUOUS LOCATION ON THE EXTERIOR OF THE LOCATION DESCRIBED IN THE APPLICATION.**

**(2) THE NOTICE SHALL BE ON A SIGN THAT MEASURES AT LEAST 12 BY 18 INCHES AND INCLUDE:**

**(I) THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE;**

**(II) THE NAME OF THE APPLICANT; AND**

**(III) THE DATE, TIME, AND LOCATION FOR THE APPLICATION HEARING.**

**(3) THE NOTICE SHALL REMAIN POSTED FOR 20 DAYS BEFORE THE HEARING.**

**(B) PUBLICATION OF DECISION.**

**(1) THE BOARD SHALL PUBLISH ITS DECISION ON AN APPLICATION FOR A NEW LICENSE, AN UPGRADE OF AN EXISTING LICENSE, OR A CHANGE OF LOCATION OF AN EXISTING LICENSE IN TWO NEWSPAPERS OF GENERAL CIRCULATION PUBLISHED IN THE COUNTY.**

**(2) THE DECISION SHALL STATE THE NAME OF THE LICENSE HOLDER, THE TYPE OF LICENSE, AND THE LOCATION OF THE PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(b)(2), except as it related to the transfer of a license, and the first and second sentences of (h).

In subsection (a)(1) of this section, the reference to the exterior of the "location" is substituted for the former reference to the exterior of the "premises" for consistency with terminology used throughout this article.

In subsection (a)(2)(i) of this section, the reference to the class of license "for which application is made" is added for clarity.

In subsection (a)(3) of this section, the former requirement that the notice shall "be posted" is deleted as included in the requirement that the notice remain posted for 20 days before the hearing.

Defined terms: "Board" § 22-101

"County" § 22-101

"License" § 1-101

**22-1506. PROHIBITED ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT ISSUE A LICENSE TO A PERSON OR AN AGENT OF THE PERSON WHO HAS BEEN CONVICTED IN A FEDERAL OR STATE COURT OF:**

- (1) A FELONY; OR**
- (2) A VIOLATION OF THE LAWS GOVERNING:**
  - (I) THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**
  - (II) MAINTAINING OR OPERATING A BROTHEL; OR**
  - (III) GAMING.**

REVISOR'S NOTE: This section is new language derived without substantive change from the fifth sentence of former Art. 2B, § 10–203.

In the introductory language of this section, the former reference to a “representative” is deleted as redundant of the reference to an “agent”.

In item (2)(i) of this section, the defined term “alcoholic beverage[s]” is substituted for the more limited reference to “liquor” for clarity.

In item (2)(ii) of this section, the reference to a “brothel” is substituted for the former reference to a “bawdyhouse” for clarity.

In item (2)(iii) of this section, the reference to “gaming” is substituted for the former reference to “a place where gambling has been permitted” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 22–101

“License” § 1–101

“Person” § 1–101

“State” § 1–101

**22–1507. ADDITIONAL FACTORS TO BE CONSIDERED BY BOARD.**

**BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:**

- (1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;**
- (2) THE GENERAL FITNESS OF THE APPLICANT TO UPHOLD THE PUBLIC TRUST; AND**

**(3) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION:**

**(I) THE NUMBER OF EXISTING LICENSES; AND**

**(II) ANY OBJECTIONS FROM PROPERTY OWNERS LIVING IN THE IMMEDIATE NEIGHBORHOOD OF THE LOCATION DESCRIBED IN THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–203.

In the introductory language of this section, the requirement that the Board “consider and determine as suitable” specified factors before issuing a license is substituted for the former requirement that the Board “satisfy itself” of specified factors before issuing a license for clarity.

In item (2) of this section, the reference to the fitness of the applicant “to uphold the public trust” is substituted for the former reference to the fitness of the applicant “for the trust to be reposed” for clarity.

In the introductory language of item (3) of this section, the reference to the location “described in the application” is substituted for the former reference to the location “where such licensed business is to be conducted” for consistency with terminology used throughout this article.

In item (3)(ii) of this section, the reference to the immediate neighborhood “of the location described in the application” is added for clarity.

Defined terms: “Board” § 22–101

“License” § 1–101

**22–1508. LICENSE FORMS; EFFECTIVE DATE; EXPIRATION.**

**(A) LICENSE TO CONTAIN DESCRIPTION OF LOCATION.**

**A LICENSE SHALL DESCRIBE THE LOCATION OF THE LICENSED PREMISES.**

**(B) EFFECTIVE DATE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DECISION OF THE BOARD BECOMES EFFECTIVE 5 DAYS AFTER THE DATE OF PUBLICATION OF THE DECISION.**

**(2) THE BOARD MAY WAIVE THE 5-DAY PERIOD IF NO WRITTEN OR ORAL OBJECTION IS RAISED TO THE BOARD'S DECISION BY THE END OF THE APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third and fourth sentences of former Art. 2B, § 10-202(h) and the second sentence of § 10-203.

In subsection (a) of this section, the requirement that a license "describe the location of the licensed premises" is substituted for the former reference that a license "designate the place of business of the licensee" for clarity.

In subsection (b)(2) of this section, the reference that "[t]he Board" may waive the 5-day waiting period is added for clarity.

Also in subsection (b)(2) of this section, the reference to an objection that is not "raised" is added for clarity.

Also in subsection (b)(2) of this section, the reference to the end of the "application hearing" is substituted for the former reference to the end of the "public hearing on the licensing action" for clarity and brevity.

Defined terms: "Board" § 22-101

"License" § 1-101

**22-1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER;**

**(2) A DISTRAINT FOR RENT; OR**

**(3) SALE OR TRANSFER, UNLESS THE LICENSE ACCOMPANIES THE BUSINESS FOR WHICH THE LICENSE WAS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-501(e).

Defined terms: "License" § 1-101

"License holder" § 1-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.****22-1601. LICENSE QUOTA IN COUNTY.****(A) IN GENERAL.**

**FOR EVERY 3,000 INDIVIDUALS IN THE COUNTY, AS SPECIFIED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE BOARD MAY NOT ISSUE MORE THAN:**

- (1) ONE CLASS A (OFF-SALE) LICENSE;**
- (2) ONE CLASS A-1 (OFF-SALE) LICENSE; AND**
- (3) ONE CLASS A-2 (OFF-SALE) LICENSE.**

**(B) RESTRICTION ON ISSUING NEW LICENSES.**

**IF THE NUMBER OF LICENSES IN A CLASS EXCEEDS THE QUOTA SPECIFIED IN SUBSECTION (A) OF THIS SECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE OF THAT CLASS UNLESS THE NUMBER OF LICENSES OF THAT CLASS ARE REDUCED BY REVOCATION OR SURRENDER, CREATING A VACANCY UNDER THE PARTICULAR QUOTA SPECIFIED.**

**(C) EFFECT OF SECTION.**

**THIS SECTION DOES NOT APPLY TO THE TRANSFER, CONVERSION, OR RENEWAL OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-213(d) and (c)(2)(i) and (3).

In the introductory language of subsection (a) of this section, the former reference to individuals "of the population of" the County is deleted as surplusage.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (b) of this section, the former reference to licenses in a class "issued as of July 1, 1984" is deleted as unnecessary.



In subsection (c) of this section, the reference to “[t]his section...not apply[ing]” to the transfer, conversion, or renewal of a license is substituted for the former language “[f]or the purpose of this subsection” the transfer, conversion, or renewal of a license “may not be construed to be a new license” for brevity.

Also in subsection (c) of this section, the former reference to the transfer, conversion, or renewal of an “existing” license is deleted as implicit.

Former Art. 2B, § 9–213(a), which stated that the provisions of former Art. 2B, § 9–213 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–213(c)(1), which stated that former Art. 2B, § 9–213 did not preclude the renewal or transfer of any license issued prior to July 1, 1981, is deleted as surplusage.

Defined terms: “Board” § 22–101

“County” § 22–101

“License” § 1–101

## **22–1602. DISTANCE RESTRICTIONS FROM PLACE OF WORSHIP OR SCHOOL.**

### **(A) SCOPE OF SECTION.**

#### **THIS SECTION DOES NOT APPLY TO:**

**(1) A LICENSE IN EFFECT ON JULY 1, 1975, OR THE ISSUANCE OR TRANSFER OF A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR USE ON ANY PREMISES LICENSED ON JULY 1, 1975;**

**(2) A LICENSE IN EFFECT ON JULY 1, 1977;**

**(3) THE RENEWAL, TRANSFER, OR UPGRADING OF A LICENSE, UNLESS THE LICENSE IS TRANSFERRED TO A NEW LOCATION; AND**

**(4) THE ISSUANCE OF:**

**(I) A 1-DAY LICENSE THAT IS TO BE USED ON THE PREMISES OF A PLACE OF WORSHIP OR SCHOOL;**

**(II) A CLASS GC (GOLF COURSE) LICENSE; AND**

**(III) A CLASS CCFA (CONTINUING CARE FACILITY) LICENSE.**

**(B) DISTANCE FROM PLACE OF WORSHIP — 300-FOOT GENERAL RESTRICTION.**

**(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP.**

**(II) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE ISSUANCE OF:**

**(I) A 1-DAY LICENSE FOR USE IN A BUILDING;**

**(II) A LICENSE ISSUED TO A HOTEL, MOTEL, RESTAURANT, CLUB, OR CATERER IN A MUNICIPALITY; AND**

**(III) A CLASS H BEER, WINE, AND LIQUOR LICENSE ISSUED TO A CATERER FOR USE IN A BANQUET FACILITY IN AN ESTABLISHMENT IF:**

**1. THE CONSTRUCTION OF THE ESTABLISHMENT WAS COMPLETED AFTER JULY 1, 1991; AND**

**2. THE ESTABLISHMENT IS USED FOR EMERGENCY OPERATIONS BY A VOLUNTEER FIRE COMPANY.**

**(C) DISTANCE FROM SCHOOL.**

**(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE TO A BUSINESS ESTABLISHMENT THAT IS WITHIN 1,000 FEET OF A PUBLIC OR PRIVATE SCHOOL BUILDING.**

**(II) THE DISTANCE FROM THE ESTABLISHMENT TO THE PUBLIC OR PRIVATE SCHOOL IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE BUILDING OF THE SCHOOL.**

**(2) THE BOARD MAY ISSUE A LICENSE TO A BUSINESS ESTABLISHMENT IN A MUNICIPALITY IF THE BUSINESS ESTABLISHMENT IS NOT LOCATED WITHIN 300 FEET OF A PUBLIC OR PRIVATE SCHOOL.**

**(3) A DECISION OF THE COUNTY BOARD OF EDUCATION TO LOCATE A PUBLIC SCHOOL BUILDING WITHIN 1,000 FEET OF THE PREMISES OF A LICENSE HOLDER MAY NOT BE THE BASIS TO REVOKE OR DENY THE RENEWAL, TRANSFER, OR UPGRADING OF THE LICENSE.**

**(D) DISTANCE FROM SCHOOL RESTRICTION — WAIVER.**

**THE BOARD MAY WAIVE THE DISTANCE RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING AND ISSUE A CLASS B (ON-SALE) RESTAURANT LICENSE IF:**

**(1) THE RESTAURANT IS LOCATED IN A COMMUNITY SHOPPING CENTER THAT CONTAINS:**

**(I) SIX OR MORE RETAIL USES;**

**(II) SIX OR MORE RETAIL AND SERVICE USES; OR**

**(III) A GROSS FLOOR AREA OF MORE THAN 20,000 SQUARE FEET;**

**AND**

**(2) THE BOARD TAKES INTO ACCOUNT COMMENTS RECEIVED FROM PARENTS WHOSE CHILDREN ATTEND THE PUBLIC OR PRIVATE SCHOOL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-213.2(e) and § 9-213(b).

Throughout this section, the former references to a license "to sell alcoholic beverages" are deleted as included in the defined term "license".

In subsection (a)(4)(i) of this section, the reference to a "place of worship" is substituted for the former narrower reference to a "church" to conform to the terminology used throughout this article.

In subsection (a)(5) of this section, the former reference to a Class GC (golf course) license "as set forth in § 8-503 of this article" is deleted as surplusage.

In subsection (b)(1)(i) and (ii) of this section, the former references to a "church" are deleted as included in the references to a "place of worship".

In subsection (b)(1)(i) of this section, the phrase “[e]xcept as provided in paragraph (2) of this subsection” is substituted for the former phrase “[e]xcept as provided in paragraphs (2), (3), (5), (6), and (8) of this subsection” in light of the organization of this revised article.

In the introductory language of subsection (b)(2) of this section, the reference to “[p]aragraph (1) of this subsection” is substituted for the former reference to “provisions of paragraph (1) of this subsection relating to distance from a church or place of worship” for brevity.

In subsections (b)(2)(ii) and (c)(2) of this section, the former references to “an incorporated” municipality are deleted as included in the references to a “municipality”.

In subsection (b)(2)(ii) of this section, the former reference to a “bona fide” hotel, motel, or restaurant is deleted as surplusage.

Also in subsection (b)(2)(ii) of this section, the former reference to a municipality “of Harford County” is deleted as surplusage in light of the organization of this revised article.

Also in subsection (b)(2)(ii) of this section, the former references to a hotel, motel, or restaurant “as defined in § 6–201(n) of this article”, a club “as defined in § 6–301(o)(2) of this article”, and a caterer “as defined in § 6–704(a) of this article”, are deleted as surplusage.

In subsection (c)(1)(i) of this section, the former reference to a “parochial, or bona fide church” school building is deleted as included in the reference to a “private” school building.

In subsection (c)(3) of this section, the former reference to a decision “after June 30, 1975” is deleted as obsolete.

In subsection (d)(2) of this section, the former reference to the Board taking into account comments “among other considerations” is deleted as surplusage.

Defined terms: “Board” § 22–101

“County” § 22–101

“Club” § 1–101

“Hotel” § 1–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 22–101

**22–1603. PROHIBITION AGAINST CHAIN STORES, SUPERMARKETS, DISCOUNT HOUSES, AND FRANCHISED ESTABLISHMENTS.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY LICENSE WITH AN OFF-SALE PRIVILEGE MAY NOT BE ISSUED FOR OR TRANSFERRED TO:**

**(I) A CHAIN STORE;**

**(II) A SUPERMARKET;**

**(III) A DISCOUNT HOUSE; OR**

**(IV) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF AN ESTABLISHMENT LISTED IN THIS PARAGRAPH.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE RENEWAL OF A LICENSE.**

**(B) CLASS A-1 OR CLASS A-2 LICENSE UPGRADE.**

**AN ESTABLISHMENT THAT ON JULY 1, 1976, HELD A LICENSE WITH AN OFF-SALE PRIVILEGE MAY CONTINUE TO HOLD THE LICENSE OR APPLY TO UPGRADE TO A CLASS A-1 OR CLASS A-2 LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-213(f)(1).

In the introductory language of subsection (a)(1) of this section, the former reference to "any business establishment of the type commonly known as" a chain store, supermarket, discount house, or franchisor, franchisee, or concessionaire of such an establishment, is deleted as surplusage.

In subsection (b) of this section, the reference to a license "with an off-sale privilege" is added for clarity.

Former Art. 2B, § 9-213(f)(2), under which establishments that held an off-sale license issued before July 1, 1975, but later surrendered the license or saw the license canceled, were allowed to reacquire the license if an application was submitted by March 1, 1999, is deleted as obsolete.

Defined terms: "License" § 1-101  
"Off-sale" § 1-101

**22-1604. DRIVE-THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-213(h)(1), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a "sales" facility is substituted for the former reference to a "purchase" facility for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 22-101

"License" § 1-101

"Off-sale" § 1-101

**22-1605. RESERVED.****22-1606. RESERVED.****PART II. MULTIPLE LICENSING PLANS.****22-1607. LIMIT ON CLASS B LICENSES.**

**THE BOARD MAY ISSUE A MAXIMUM NUMBER OF NINE CLASS B LICENSES TO THE SAME PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-213(j).

The reference to "[t]he Board" is added to clarify that the Board is the issuing agent of a license.

The reference to "the same person" is substituted for the former reference to "an individual for the use of a sole practitioner, partnership, corporation, unincorporated association, or limited liability company" for brevity.

Defined terms: “Board” § 22–101  
“Person” § 1–101

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**22–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**
- (3) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO §§ 22–1703 AND 22–1704 OF THIS SUBTITLE; AND**
- (2) § 4–305 (“FILING FEES AND ENDORSEMENT”), SUBJECT TO § 22–1705 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of names of officers on licenses.

Defined terms: “County” § 22–101  
“License” § 1–101

**22–1702. HEARING AND NOTICE REQUIREMENTS.**

**(A) BOARD TO SET HEARING AND POST NOTICE.**

**ON RECEIPT OF AN APPLICATION FOR A TRANSFER OF A LICENSE, THE BOARD SHALL:**

**(1) SCHEDULE A PUBLIC HEARING; AND**

**(2) POST A NOTICE OF THE HEARING IN A CONSPICUOUS PLACE ON THE EXTERIOR OF THE PREMISES DESCRIBED IN THE APPLICATION.**

**(B) NOTICE SPECIFICATIONS.**

**THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) BE ON A SIGN MEASURING NOT LESS THAN 12 BY 18 INCHES;**

**(2) SPECIFY THE CLASS OF LICENSE SUBJECT TO THE APPLICATION, NAME OF THE APPLICANT, AND TIME, DATE, AND PLACE OF THE HEARING; AND**

**(3) REMAIN POSTED FOR AT LEAST 20 DAYS BEFORE THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(b)(2), as it related to license transfers.

In the introductory language of subsection (a) of this section, the former reference to "an existing" license is deleted as implicit.

In subsection (a)(1) of this section, the reference to the requirement that the Board "schedule a public hearing" expressly states what was only implicit in the former law, that the Board is required to hold a public hearing on an application for a transfer.

In subsection (a)(2) of this section, the former reference to a place "noticeable to the public" is deleted as redundant of the requirement that the place be "conspicuous".

In subsection (b)(2) of this section, the reference to the class of license "subject to the application" is added for clarity.

In subsection (b)(3) of this section, the reference to "at least" 20 days is added for accuracy and clarity.

Defined terms: "Board" § 22-101

"License" § 1-101

**22-1703. TRANSFER OF LICENSE FOR USE IN BUSINESS.**



**(A) IN GENERAL.**

**THE BOARD SHALL TRANSFER A LICENSE THAT IS ISSUED FOR USE IN A BUSINESS IF:**

- (1) THE BUSINESS IS SOLD TO A DIFFERENT OWNER; AND**
- (2) THE NEW OWNER QUALIFIES AS A LICENSE HOLDER.**

**(B) REQUIREMENTS OF RESIDENT APPLICANT.**

**(1) THIS SUBSECTION APPLIES TO THE RESIDENT APPLICANT OF A LICENSED ESTABLISHMENT FOR WHICH A LICENSE WAS TRANSFERRED AFTER JULY 1, 1984, ON BEHALF OF A CORPORATION, AN UNINCORPORATED ENTITY, OR A LIMITED LIABILITY COMPANY.**

**(2) THE RESIDENT APPLICANT SHALL:**

**(I) 1. UNLESS THE TRANSFERRED LICENSE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE AS PROVIDED IN ITEM 2 OF THIS ITEM, OWN AT LEAST 25% OF THE TOTAL CORPORATION, UNINCORPORATED ENTITY, OR LIMITED LIABILITY COMPANY; OR**

**2. IF THE TRANSFERRED LICENSE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE, OWN AT LEAST 10% OF THE TOTAL BUSINESS;**

**(II) SERVE AS MANAGER OR SUPERVISOR; AND**

**(III) BE PHYSICALLY PRESENT ON THE PREMISES A SUBSTANTIAL AMOUNT OF TIME ON A DAILY BASIS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-503(n)(3)(i) and 9-101(k)(3) and, as it related to transfers of a license, (4).

In subsection (a)(2) of this section, the defined term "license holder" is substituted for the former reference to a "licensee under this article" for brevity and consistency throughout this article.

In subsection (b)(2)(i)1 of this section, the reference to a "corporation, unincorporated entity, or limited liability company" is substituted for the former reference to a "business" for clarity.

Former Art. 2B, § 10-503(n)(1), which stated that former Art. 2B, § 10-503(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Board” § 22-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**22-1704. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

**THE BOARD MAY NOT TRANSFER THE LOCATION OR OWNERSHIP OF:**

**(1) A LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION; OR**

**(2) AN OFF-SALE LICENSE WITH THE PRIVILEGE OF OPERATING THE PREMISES AS A DRIVE-THROUGH PURCHASE FACILITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-503(n)(2) and 9-213(h)(2) and, as it related to license transfers, (1).

The former references to a license “of any class” are deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 22-101

“License” § 1-101

“Off-sale” § 1-101

**22-1705. FEE.**

**(A) FEE NOT TO EXCEED ADMINISTRATION COST.**

**THE BOARD MAY CHARGE A FEE FOR THE TRANSFER OF A LICENSE THAT MAY NOT EXCEED THE ADMINISTRATION COST FOR PROCESSING THE TRANSFER.**

**(B) TRANSFER BEFORE EXPIRATION DATE.**

**IF A LICENSE IS TRANSFERRED BEFORE ITS EXPIRATION DATE, THE BOARD SHALL ALLOW THE TRANSFEREE TO OPERATE UNDER THE LICENSE UNTIL THE LICENSE EXPIRATION DATE WITHOUT ADDITIONAL CHARGE.**

**(C) TRANSFER ON EXPIRATION DATE.**

**IF A LICENSE IS TRANSFERRED ON ITS EXPIRATION DATE, THE CHARGE FOR THE TRANSFER IS THE SAME AS THE FEE FOR THE ISSUANCE OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(n)(3)(ii).

The former references to a license transfer “under this paragraph” are deleted as surplusage.

In subsection (b) of this section, the former clause “except for the charge provided for under item 1 of this subparagraph” is deleted as surplusage.

Defined terms: “Board” § 22–101  
“License” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**22–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”), SUBJECT TO § 22-1802 OF THIS SUBTITLE; AND**

**(2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 22-1803 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 22-101  
 “License” § 1-101

**22-1802. LATE FILING.**

**THE BOARD MAY CONSIDER A LICENSE RENEWAL APPLICATION RECEIVED AFTER APRIL 1 FOR 30 DAYS BEFORE IT TAKES FINAL ACTION ON THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10-301(e).

The reference to a “license” renewal application is added for clarity.

The former reference to “a period of” 30 days is deleted as unnecessary.

Defined terms: “Board” § 22-101  
 “License” § 1-101

**22-1803. CONTENTS OF RENEWAL APPLICATION.**

**AN APPLICATION FOR A LICENSE RENEWAL SHALL BE IN THE FORM THE BOARD ADOPTS BY REGULATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10-301(e).

The former redundant reference to adopting “rules” is deleted as included in the reference to adopting “by regulation”.

The former reference to regulations “duly adopted” is deleted as unnecessary.

Defined terms: “Board” § 22–101

“License” § 1–101

**22–1804. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(viii)2.

Defined term: “License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**22–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**

**(2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**

**(3) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**

**(4) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**

**(5) § 4–508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 22–1902 OF THIS SUBTITLE; AND**

**(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 22-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 22-101

“License” § 1-101

“License holder” § 1-101

**22-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) IN GENERAL.**

**A LICENSE HOLDER MAY NOT:**

**(1) EMPLOY OR ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO SELL OR SERVE ALCOHOLIC BEVERAGES; OR**

**(2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EMPLOY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO ACT AS A BARTENDER OR TO SERVE ALCOHOLIC BEVERAGES AT A PERMANENT FULL-SERVICE BAR.**

**(B) INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY ACT AS A BARTENDER OR SERVE ALCOHOLIC BEVERAGES AT A PERMANENT FULL-SERVICE BAR IF THE INDIVIDUAL IS THE SON OR DAUGHTER OF THE OWNER OF THE LICENSED PREMISES.**

**(C) INDIVIDUALS AT LEAST 18 OR 16 YEARS OLD.**

**A LICENSE HOLDER MAY EMPLOY:**

**(1) AN INDIVIDUAL AT LEAST 18 YEARS OLD TO SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER; OR**

**(2) AN INDIVIDUAL AT LEAST 16 YEARS OLD TO ACT AS A BARTENDER’S ASSISTANT WHO:**

**(I) MAY REPLACE ICE, REMOVE TRASH, OR PERFORM SIMILAR TASKS THAT DO NOT INVOLVE ALCOHOLIC BEVERAGES; BUT**

**(II) MAY NOT ENGAGE IN THE DISTRIBUTION OR SALE OF ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–213(e)(2) through (4).

Throughout this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former phrase “alcoholic beverages licensee” to conform to the terminology used throughout this article.

In subsection (b) of this section, the reference to a “licensed” establishment is added for clarity.

In subsection (c)(1) of this section, the reference to a “server” is substituted for the former reference to a “waiter or waitress” for brevity.

Former Art. 2B, § 12–213(e)(1), which stated that former Art. 2B, § 12–213(e) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

**22–1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE ON LICENSED PREMISES REQUIRED.**

**THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

**(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**  
**AND**

**(2) PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR THE FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(3)(ii).

In the introductory language of subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

In subsection (a)(2) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (a)(2) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

Former Art. 2B, § 13–101(c)(3)(i), which stated that former Art. 2B, § 13–101(c)(3) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **22–1904. RECORDKEEPING.**

**(A) RECORD OF RECEIPTS AND EXPENDITURES.**

**A HOLDER OF A LICENSE WITH AN ON–SALE PRIVILEGE SHALL:**

**(1) KEEP COMPLETE AND ACCURATE BOOKS OF ACCOUNT OF DAILY RECEIPTS AND EXPENDITURES IN THE FORM THAT THE BOARD REQUIRES; AND**

**(2) PROCURE VOUCHERS OR PURCHASE SLIPS FOR ALL ALCOHOLIC BEVERAGES, FOOD, AND OTHER ITEMS BOUGHT FOR SALE.**

**(B) RECORDS TO BE OPEN FOR INSPECTION.**

**AN ON–SALE LICENSE HOLDER SHALL KEEP THE RECORDS REQUIRED UNDER SUBSECTION (A) OF THIS SECTION OPEN TO INSPECTION BY THE BOARD OR A DESIGNEE OF THE BOARD.**



**(C) HEARING.**

**(1) IF A REPORT REQUIRED BY THIS SECTION OR AN INVESTIGATION BY THE BOARD, A BOARD OFFICER, OR ANY OTHER PERSON INDICATES THAT A HOLDER OF A LICENSE WITH AN ON-SALE PRIVILEGE IS VIOLATING THIS TITLE, THE BOARD SHALL SUMMON THE LICENSE HOLDER AND CONDUCT A HEARING.**

**(2) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE BOARD SHALL REVOKE THE LICENSE HOLDER'S LICENSE IMMEDIATELY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-213(a) and (b).

In subsection (a)(1) of this section, the former phrase "showing in detail the ... receipts from the sale authorized therein" is deleted as included in the requirement that a license holder keep records "in the form that the Board requires".

In subsection (a)(2) of this section, the former reference to "commodities" is deleted as included in the reference to "items".

Also in subsection (a)(2) of this section, the reference to items "bought for sale" is substituted for the former reference to items "bought and permitted to be sold therein" for brevity.

In subsection (b) of this section, the reference to a "designee of the Board" is substituted for the former reference to an "inspector appointed by the said Liquor Control Board for that purpose" for brevity.

Also in subsection (b) of this section, the former reference to "books, accounts, and" is deleted as implicit in the word "records".

In subsection (c)(1) of this section, the reference to the requirement that the Board "conduct a hearing" is added to the former reference to the requirement that the Board "summon such licensee before it, for a hearing" for specificity and clarity.

Also in subsection (c)(1) of this section, the former clause "[a]ll licensees shall make such reports to the Liquor Control Board of all purchases and sales of alcoholic beverages as may be required by the regulations of said Board" is deleted as unnecessary in light of the requirement that license holders must comply with Board regulations.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 22-101

"License" § 1-101

“License holder” § 1–101

“On-sale” § 1–101

“Person” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**22–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Harford County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

**22–2002. BEER LICENSES.**

**RESERVED.**

**22–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-513(b)(1) and 11-403(a)(1)(ii).

In this section, references to a holder of a Class A, B, or C beer and wine license are substituted for the former vague references to "a licensee" to reflect the types of licenses available in the County.

Former Art. 2B, § 11-403(b)(2)(ix), which stated that, where the provisions of former Art. 2B, § 11-403 are in conflict with the provisions in former Art. 2B, §§ 11-402 and 11-513 concerning Harford County, §§ 11-402 and 11-513 shall govern, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-513(a), which stated that the provisions of former Art. 2B, § 11-513 applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
 "License holder" § 1-101  
 "Wine" § 1-101

**22-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS B-3 RESTAURANT/HOTEL LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS BFD (FINE DINING) ON-SALE BEER, WINE, AND LIQUOR LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS BFD (FINE DINING) ON-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE RESTAURANT FOR WHICH A CLASS BFD LICENSE IS ISSUED SHALL OPEN FOR BUSINESS NOT LATER THAN 5 P.M.

(E) CLASS BNR LICENSE.

A HOLDER OF A CLASS BNR ON-SALE BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.

(F) CLASS C BEER, WINE, AND LIQUOR LICENSE.

**(1) THIS SUBSECTION APPLIES TO CLASS C-1, C-2, AND C-3 (ON-SALE) ORGANIZATION OR CLUB BEER, WINE, AND LIQUOR LICENSES.**

**(2) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) FOR A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(G) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-201(n)(3)(i), (5)(i) and (iii), and (9)(i) and (iii), 6-301(n)(2), (4)(ii), (5)(ii), and (6)(ii), 11-403(a)(1)(ii), and 11-513(b)(1).

In this section, references to a holder of a Class A, B, C, or D beer, wine, and liquor license are substituted for the former vague references to "a licensee" to reflect the types of licenses available in the County.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

## **22-2005. HOURS ON JANUARY 1.**

**THIS TITLE DOES NOT REQUIRE A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION TO CLOSE THE LICENSED PREMISES UNTIL 2 A.M. ON JANUARY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(n)(2).

In this section, the clause "[t]his title does not" is substituted for the former clause "[t]his article may not be construed to require" for brevity.

The reference to “a license that allows the sale of alcoholic beverages for on-premises consumption” is substituted for the former reference to “an on-sale license” for clarity.

The former references to January 1 “of any year” are deleted as redundant.

Former Art. 2B, § 11-402(n)(1), which stated that former Art. 2B, § 11-402(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101  
 “License” § 1-101

## **22-2006. RESTRICTIONS ON LICENSE HOLDERS.**

### **A LICENSE HOLDER MAY NOT:**

**(1) ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE LICENSE HOLDER’S PREMISES BETWEEN 2:15 A.M. AND 8 A.M. THE SAME DAY; OR**

**(2) ALLOW AN ALCOHOLIC BEVERAGE GLASS, BOTTLE, OR CONTAINER TO REMAIN ON A TABLE OR SERVING COUNTER AFTER 2:30 A.M.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-513(c).

In item (2) of this section, the former references to “glass[es]” and “bottle[s]” are deleted as included in the reference to a “container”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the provisions in this section seem to conflict with the general restrictions on consumption. The general restrictions found in former Art. 2B, § 11-304(a)(1) — now § 22-2001(a) of this subtitle — prohibit consumption between 2 a.m. and 6 a.m. and specify that “an owner, operator or manager of the premises or places may not knowingly permit such consumption”. The provision specific to Harford County gives different hours during which a license holder may not allow consumption (between 2:15 a.m. and 8 a.m.) but does not specify different hours during which a person may not consume alcoholic beverages. It appears odd for a license holder to be prohibited from allowing consumption between 2:15 a.m. and 8 a.m. but a person to only be prohibited from consumption between 2 a.m. and 6 a.m.

Defined terms: “Alcoholic beverage” § 1-101  
 “License holder” § 1-101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.****22-2101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”); AND**
- (4) § 4-606 (“EFFECTS OF REVOCATION”).**

**(B) VARIATION.**

**SECTION 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(11), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 22-101

“License” § 1-101

“Local licensing board” § 1-101

**22-2102. GROUNDS FOR SUSPENSION, REVOCATION, OR FINES.****(A) FREQUENT INSPECTIONS OF LICENSED PREMISES.**

**THE BOARD AND GENERAL MANAGER SHALL HAVE FREQUENT INSPECTIONS MADE OF THE PREMISES OF ALL LICENSE HOLDERS.**



**(B) IMPOSITION OF PENALTIES.**

**THE BOARD MAY IMPOSE THE PENALTIES IN § 22-2706 OF THIS TITLE IF, AFTER A PUBLIC HEARING, THE BOARD FINDS THAT:**

**(1) A LICENSE HOLDER OR AN AGENT OR EMPLOYEE OF THE LICENSE HOLDER:**

**(I) HAS VIOLATED THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE;**

**(II) HAS FAILED TO OBSERVE IN GOOD FAITH THE PURPOSES OF THIS ARTICLE; OR**

**(III) HAS NOT MAINTAINED THE PREMISES IN A CLEAN AND SANITARY MANNER;**

**(2) ON THE LICENSED PREMISES THERE IS:**

**(I) ILLEGAL GAMBLING;**

**(II) AN ILLEGAL GAMBLING DEVICE; OR**

**(III) AN ALCOHOLIC BEVERAGE NOT AUTHORIZED TO BE SOLD UNDER THE APPROPRIATE LICENSE; OR**

**(3) THE LICENSE HOLDER HAS BEEN CONVICTED IN FEDERAL OR STATE COURT OF A FELONY.**

**(C) REPORT OF FINDINGS.**

**(1) THE BOARD SHALL REPORT ITS FINDINGS WITHIN 14 CALENDAR DAYS AFTER THE HEARING OR, IF EARLIER, AT THE NEXT REGULARLY SCHEDULED MEETING OF THE BOARD.**

**(2) THE BOARD SHALL REPORT CASES OF POTENTIAL CRIMINAL WRONGDOING TO THE STATE'S ATTORNEY AND THE SHERIFF FOR PROSECUTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(e)(1).

In subsection (a) of this section, the former reference to “make ... inspections” is deleted as included in the reference to “have ... inspections made”.

In subsection (b)(2)(ii) of this section, the former reference to an illegal gambling device “which [is] illegal under the laws of the State of Maryland” is deleted as surplusage.

In subsection (b)(2)(iii) of this section, the reference to an alcoholic beverage “not authorized to be sold under” the appropriate license is substituted for the former reference to an alcoholic beverage “in violation” of the appropriate license for clarity.

Defined terms: “Board” § 22–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

**22–2103. SURETY BOND FOR LICENSE PREVIOUSLY DENIED, SUSPENDED, OR REVOKED.**

**(A) REQUIRED.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT IF THE LICENSE HAS BEEN PREVIOUSLY DENIED, SUSPENDED, OR REVOKED UNLESS:**

**(I) 1. THE APPLICANT EXECUTES A SURETY BOND OF \$1,000 TO THE STATE;**

**2. THE BOARD APPROVES THE SURETY; AND**

**3. THE SURETY BOND IS CONDITIONED ON THE FAITHFUL OBSERVANCE OF THE LAWS GOVERNING ALCOHOLIC BEVERAGES IN THE STATE; OR**

**(II) THE BOARD:**

**1. ACCEPTS \$1,000 IN CASH; AND**

**2. DEPOSITS THE CASH AND RECORDS THE DEPOSIT.**

**(2) THE BOARD MAY WAIVE A REQUIRED SURETY BOND OR CASH DEPOSIT.**

**(B) BOND TO SECURE PAYMENT.**

**THE BOND SHALL SECURE THE PAYMENT OF ALL COSTS, FINES, AND PENALTIES IMPOSED ON THE APPLICANT ON A CHARGING DOCUMENT FOR A VIOLATION OF ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

**(C) DEPOSIT; RECORDATION; EVIDENCE.**

**(1) THE APPLICANT SHALL DEPOSIT AN APPROVED BOND WITH THE BOARD.**

**(2) THE BOARD SHALL RECORD THE BOND IN A BOOK KEPT FOR THAT PURPOSE.**

**(3) THE RECORD OR A CERTIFIED COPY OF THE RECORD IS EVIDENCE OF THE BOND.**

**(D) WAIVER FOR COMPLIANCE.**

**THE BOARD MAY STOP REQUIRING A LICENSE HOLDER TO POST BOND IF THE BOARD FINDS THAT THE LICENSE HOLDER HAS COMPLIED WITH THE TERMS OF A BOND FOR 1 CALENDAR YEAR.**

**(E) FAILURE TO COMPLY.**

**(1) THE BOARD MAY PETITION FOR FORFEITURE OF THE BOND IN CIRCUIT COURT IF:**

**(I) THE BOARD DETERMINES THAT THE LICENSE HOLDER HAS FAILED TO OBSERVE THE TERMS OF THE BOND; AND**

**(II) SUFFICIENT NOTICE IS GIVEN TO THE LICENSE HOLDER.**

**(2) IF THE CIRCUIT COURT DECLARES THE BOND FORFEITED, THE BOND SHALL BE PAYABLE TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 14–101(c).

Throughout this section, the former references to Board action “in its discretion” are deleted as implicit in the authority of the Board to take the actions referenced.

Also throughout this section, the former redundant references to cash “money” are deleted as surplusage.

In subsection (a)(1) of this section, the reference that “the Board may not issue a license” is substituted for the former reference that “[in the County] no retail license ... shall be granted” for clarity.

In subsection (a)(1)(i)1 of this section, the reference to the execution of a “surety” bond is added for clarity.

Also in subsection (a)(1)(i)1 of this section, the former reference to “the penal sum” is deleted as surplusage.

In subsection (a)(1)(i)2 of this section, the former reference to a “corporate” surety is deleted as surplusage.

In subsection (a)(1)(i)3 of this section, the reference to laws “governing” alcoholic beverages is substituted for the former reference to laws “controlling or affecting” alcoholic beverages for clarity and brevity.

Also in subsection (a)(1)(i)3 of this section, the former reference to the laws in the State “general or local, and the regulations of the Board,” is deleted as unnecessary and included in the reference to “laws governing alcoholic beverages in the State”.

Subsection (a)(2) of this section is revised to state explicitly what was only implied in the former law, that because the Board can waive the substitute cash deposit, the Board may also waive the underlying surety bond.

In subsection (a)(2) of this section, the former redundant reference to the acceptance of cash as “the deposit of the same” is deleted as unnecessary.

Also in subsection (a)(2) of this section, the former sentence stating that “[t]he Board may also, in its discretion, subsequently accept a bond as aforesaid in substitution of the cash money deposit” is deleted as unnecessary in light of the organization of subsection (a)(1) of this section, which states that the execution of a surety bond or a cash payment of \$1,000 is acceptable.

Also in subsection (a)(2) of this section, the former phrase “if deemed advisable” is deleted as surplusage.

In subsection (b) of this section, the reference to a violation “of alcoholic beverages laws in the County” is substituted for the former reference to a violation “of this article or any other act of assembly or regulation of the Board relating to selling or furnishing alcoholic beverages in Harford County” for brevity.

Also in subsection (b) of this section, the reference to a “charging document” is substituted for the former narrow reference to a “warrant or indictment” for clarity. The defined term “[c]harging document” under § 1–101 of the Criminal Procedure Article includes “a citation, an indictment, an information, a statement of charges, and a warrant”.

Also in subsection (b) of this section, the former reference to costs “which may be” imposed is deleted as surplusage.

In subsection (c)(1) of this section, the reference requiring “[t]he applicant” to deposit a bond with the Board is added for clarity.

In subsection (c)(2) of this section, the reference requiring “[t]he Board” to record a bond is added for clarity.

In subsection (c)(3) of this section, the reference to a certified copy “of the record” is added for clarity.

Also in subsection (c)(3) of this section, the reference to evidence “of the bond” is added for clarity.

Also in subsection (c)(3) of this section, the former reference to a “duly” certified copy is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “in any court of record” is deleted as surplusage.

In subsection (d) of this section, the reference to “terms of a bond” is substituted for the former reference to “terms thereof” for clarity.

Also in subsection (d) of this section, the former reference that the bond has been “provided” for 1 calendar year is deleted as surplusage.

Also in subsection (d) of this section, the former reference to a license holder who has complied “faithfully” with the terms of a bond is deleted as surplusage.

Also in subsection (d) of this section, the former reference to posting bond “under this section” is deleted as surplusage.

In the introductory language of subsection (e)(1) of this section, the reference to forfeiture “of the bond” is added for clarity.

Also in the introductory language of subsection (e)(1) of this section, the former reference authorizing the Board to “file a” petition for forfeiture is deleted as surplusage.

In subsection (e)(1)(i) of this section, the reference to “the Board determin[ing] that the license holder” has failed to observe the terms of the bond is added for clarity.

In subsection (e)(1)(ii) of this section, the reference to notice given “to the license holder” is added for clarity.

Also in subsection (e)(1)(ii) of this section, the reference to “sufficient” notice is substituted for the former reference to “due” notice for clarity.

In subsection (e)(2) of this section, the reference to the bond that “shall be payable to” the Board is substituted for the former reference to the bond that shall “belong to” the Board for accuracy.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 22–101

“County” § 22–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **22–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 22–101

“License” § 1–101

### **22–2202. SEASONAL CLOSING.**

**THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR NOT MORE THAN 6 MONTHS IF:**

**(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND**

**(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE:**

**(I) THE ANTICIPATED DATE OF CLOSING; AND**

**(II) THE ANTICIPATED DATE OF REOPENING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-504(f)(2) and, as it related to Harford County, (1).

In item (1) of this section, the former phrase "under its jurisdiction" is deleted as surplusage.

Defined terms: "Board" § 22-101  
"License holder" § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**22-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: "County" § 22-101  
"License holder" § 1-101

**SUBTITLE 24. JUDICIAL REVIEW.**

**22-2401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-902 ("JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD");**

- (2) § 4-903 (“PETITIONERS”);
- (3) § 4-904 (“STAY OF LOCAL BOARD’S PETITION”);
- (4) § 4-906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);
- (5) § 4-907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);

AND

(6) § 4-908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).

**(B) VARIATION.**

**SECTION 4-905 (“SCOPE OF JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 22-2403 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: “County” § 22-101  
 “Local licensing board” § 1-101

**22-2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)7.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 22-101  
 “County” § 22-101

**22-2403. OPTIONS FOR BOARD.**

**THE BOARD MAY CHOOSE TO:**

- (1) HAVE AN ACTION FOR JUDICIAL REVIEW TRIED BEFORE A JURY;

AND



**(2) IF THE BOARD HAS SUSPENDED OR REVOKED A LICENSE, ALLOW THE LICENSE HOLDER TO OPERATE PENDING THE OUTCOME OF THE JUDICIAL REVIEW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–102.

In the introductory language of this section, the former phrase “notwithstanding any other provisions in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In items (1) and (2) of this section, the references to a “judicial review” are substituted for the former incorrect references to an “appeal” to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

In item (2) of this section, the former erroneous reference to an “applicant” is deleted. An applicant does not possess a license. Consequently, there is no license of an applicant that the Board may suspend or revoke.

Defined terms: “Board” § 22–101

“License” § 1–101

“License holder” § 1–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**22–2501. ALLOWING CONSUMPTION, POSSESSION, OR TRANSFER OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION AND OTHERWISE PROVIDED IN THIS ARTICLE, A PERSON MAY NOT KNOWINGLY ALLOW THE CONSUMPTION, POSSESSION, OR TRANSFER OF ALCOHOLIC BEVERAGES IN AN ESTABLISHMENT THAT IS A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, OR PLACE OF PUBLIC ENTERTAINMENT IF:**

**(1) THE ESTABLISHMENT IS NOT LICENSED BY THE BOARD;**

**(2) THE PERSON POSSESSES OR CONTROLS THE ESTABLISHMENT AS OWNER, LESSEE, OR USER; AND**

**(3) THE ESTABLISHMENT IS:**

- (I) OPEN TO THE PUBLIC OR LICENSED BY THE STATE; OR
- (II) LICENSED BY THE STATE OR A COUNTY UNIT OTHER THAN THE BOARD.

**(B) EXCEPTIONS.**

**(1) THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(I) THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE; OR**

**(II) THE PROPERTY OF:**

1. A VOLUNTEER FIRE COMPANY;
2. A CATERING ESTABLISHMENT;
3. A COMMUNITY OR CIVIC ASSOCIATION;
4. A SWIM CLUB;
5. A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; OR
6. A RELIGIOUS INSTITUTION THAT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS.

**(2) THE BOARD MAY EXEMPT A PLACE SIMILAR TO ONE LISTED IN PARAGRAPH (1) OF THIS SUBSECTION ON A CASE-BY-CASE BASIS.**

**(3) THE BOARD SHALL ADOPT REGULATIONS TO ADMINISTER THIS SUBSECTION.**

**(C) PENALTY.**

**AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT SUBJECT TO THE PROHIBITIONS OF THIS SECTION WHO KNOWINGLY ALLOWS THE PROHIBITED CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(n)(1)(ii)1 and 2 and (iii) and (2) through (4).

In subsection (a) of this section, the reference to an "establishment" is substituted for the former defined term "premises" to avoid the implication that a business establishment is licensed by the Board of License Commissioners for the County.

In subsection (a)(3)(i) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b)(1)(ii)2 and 6 of this section, the former references to a "bona fide" catering establishment and a "bona fide" religious institution are deleted as vague.

In subsection (b)(3) of this section, the reference to "regulations" is substituted for the former reference to "uniform rules" to conform to the terminology used throughout this article.

Former Art. 2B, § 11-304(n)(1)(i), which stated that former Art. 2B, § 11-304(n) applied only in Harford County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-304(n)(1)(ii)3, which defined "person" as a "person, club, organization, or place of public entertainment", is deleted in light of the defined term "person" in § 1-101 of this revised article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements in subsection (b)(1)(ii)6 of this section that a religious institution be in existence for at least 3 years may violate the equal protection guarantees of the Fourteenth Amendment to the United States Constitution and Article 24 of the Maryland Declaration of Rights.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 22-101

"Club" § 1-101

"County" § 22-101

"Hotel" § 1-101

"Person" § 1-101

"Restaurant" § 1-101

"State" § 1-101

**22-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal

Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**SUBTITLE 26. ENFORCEMENT.**

**22–2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–205 (“PEACE OFFICERS”);**
- (4) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (5) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (6) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND**
- (7) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”).**

**(B) EXCEPTION.**

**SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22–2602 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO § 22–2604 OF THIS SUBTITLE; AND**

**(2) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO § 22–2606 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 22–101

“State” § 1–101

**22–2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

**(1) ADOPT AN ORDINANCE OR A RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6–320 OF THIS ARTICLE; AND**

**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(9).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 22–101

**22–2603. INVESTIGATION OF VIOLATION.**

**(A) ON RECEIPT OF COMPLAINT OR INFORMATION.**

**IF THE BOARD OR AN INSPECTOR OF THE BOARD RECEIVES A COMPLAINT OR INFORMATION ABOUT A VIOLATION OF THIS TITLE BY A LICENSE HOLDER, THE BOARD SHALL ORDER AN INSPECTOR TO INVESTIGATE.**

**(B) PROCEDURE TO FOLLOW IF COMPLAINT OR INFORMATION IS SUPPORTED BY EVIDENCE.**

**IF THE INVESTIGATION SHOWS THAT THE COMPLAINT OR INFORMATION IS SUPPORTED BY EVIDENCE, THE BOARD SHALL HANDLE THE CASE IN ACCORDANCE WITH § 22–2102 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–403.

In subsection (a) of this section, the reference to an “inspector” is substituted for the former reference to the “chief inspector or inspectors” for brevity.

Also in subsection (a) of this section, the reference to this “title” is substituted for the erroneous reference to this “section” for accuracy.

In subsection (b) of this section, the former requirement that the Board “shall immediately cause said licensee to appear before it to answer the charges” is deleted in light of the requirement that the Board “shall handle the case in accordance with § 22–2102 of this title”.

Also in subsection (b) of this section, the former phrase “[a]fter a public hearing” is deleted as included in the reference to “§ 22–2102 of this title”.

Defined terms: “Board” § 22–101  
“License holder” § 1–101

**22–2604. SERVICE OF SUMMONS.**

**IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6–204 OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A SUMMONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(b)(2)(i)6.

Defined term: “Board” § 22–101

**22–2605. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Harford County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

**22–2606. DISTRIBUTION OF FINES.**

**EACH FINE IMPOSED OR RECOGNIZANCE FORFEITED FOR A VIOLATION OF THIS ARTICLE THAT WAS COMMITTED IN THE COUNTY SHALL BE PAYABLE TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(a)(3) and the first clause of (1).

Defined terms: “Board” § 22–101  
“County” § 22–101

**SUBTITLE 27. PROHIBITED ACTS.**

**22–2701. 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) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);**



- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-320 (“DISORDERLY INTOXICATION”);
- (13) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

**(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 22-2702 OF THIS SUBTITLE;**

**(2) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 22-2703 OF THIS SUBTITLE; AND**

**(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 22-2704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 22-101

“License holder” § 1-101

“Premises” § 22-101

“Retail dealer” § 1-101

**22-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(c)(3) and (4).

The former references to “in fact” are deleted as surplusage.

The reference to the “finder of fact” is substituted for the former reference to the “judge, jury, or Liquor Control Board” for brevity.

Defined term: “License holder” § 1-101

**22-2703. POSSESSING AND ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER.**

**A PERSON MAY POSSESS ALCOHOLIC BEVERAGES ON THE PREMISES OF A LICENSE HOLDER IF:**

**(1) THE ALCOHOLIC BEVERAGES ARE OWNED BY A MEMBER OF A CLUB LICENSED FOR THE SALE OF BEER AND WINE OR BEER, WINE, AND LIQUOR AND ARE CONSUMED ON THE PREMISES;**

**(2) THE ALCOHOLIC BEVERAGES:**

**(I) HAVE BEEN BROUGHT ON THE PREMISES OF AN ON-SALE RESTAURANT FOR CONSUMPTION AND USE IN A PRIVATE DINING ROOM AT A PRIVATE GATHERING; AND**

**(II) HAVE NOT BEEN PROVIDED BY THE LICENSE HOLDER OF THE RESTAURANT; OR**

**(3) A DANCE OR SOCIAL EVENT IS:**

**(I) HELD ON THE PREMISES OF AN ESTABLISHMENT OF A HOLDER OF A CLASS C LICENSE; AND**

**(II) 1. ADVERTISED AS BEING BRING YOUR OWN (BYO); OR**

**2. SPONSORED BY A MEMBER OF THE CLUB OR BY A GUEST THAT A CLUB MEMBER SPONSORS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-213(d).

The introductory language of this section is revised to introduce the circumstances under which a person may possess alcoholic beverages on the premises of a license holder. The revision clarifies the former language that stated “[n]otwithstanding the provisions of § 12-107 or of any other contrary provisions of this article, the possession of alcoholic beverages upon the premises of a licensee under the provisions of this article is not unlawful under any of the following conditions”.

In items (1) and (2)(i) of this section, the former references to “under the provisions of this article” are deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Club” § 1-101

“License” § 1-101

“License holder” § 1–101  
 “On–sale” § 1–101  
 “Person” § 1–101  
 “Premises” § 22–101  
 “Restaurant” § 22–101  
 “Wine” § 1–101

**22–2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6–322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–301(a)(2).

The former definition of “unless authorized” is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(iv), which stated that former Art. 2B, § 19–301(a)(2) applied in Harford 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 this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**22–2705. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

**IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(c) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-110(a) and, as it related to Harford County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying "as to habitual drunkards" is deleted as surplusage.

In subsection (b) of this section, the defined term "alcoholic beverage" is substituted for the former references to "intoxicating beverages" for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to "barter" and "furnish" are deleted as included in the references to "sell" and "provide".

In subsection (b)(2) of this section, the reference to an individual with an "intellectual disability" is substituted for the former reference to a "mentally deficient" person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term "mentally retarded" in the Code with "intellectual disability".

In subsection (b)(3) of this section, the reference to a "family member or guardian" is substituted for the former reference to "parent or parents, guardian, husband, wife, son, daughter, brother, or sister" for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

**22–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 18 YEARS TO LOITER ABOUT POOL OR BILLIARD PARLOR.**

**(A) PROHIBITED.**

**A LICENSE HOLDER WHO OPERATES A POOL OR BILLIARD PARLOR ON THE LICENSED PREMISES MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS, UNLESS ACCOMPANIED BY A PARENT, TO ENTER INTO OR LOITER ABOUT THE PART OF THE PREMISES DEVOTED TO THE PLAYING OF POOL OR BILLIARDS.**

**(B) PENALTY.**

**AFTER A PUBLIC HEARING, IF THE BOARD DETERMINES THAT A LICENSE HOLDER OR AN AGENT OR EMPLOYEE OF THE LICENSE HOLDER HAS VIOLATED THIS SECTION, THE BOARD MAY IMPOSE:**

**(1) FOR A FIRST OFFENSE WITHIN THE LICENSING PERIOD:**

**(I) A FINE NOT EXCEEDING \$2,000; OR**

**(II) SUSPENSION OR REVOCATION OF THE LICENSE; OR**

**(2) FOR A SUBSEQUENT OFFENSE WITHIN THE SAME LICENSING PERIOD AS THE FIRST OFFENSE:**

**(I) A FINE NOT EXCEEDING \$2,000; AND**

**(II) SUSPENSION OR REVOCATION OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(e)(2) and (3).

In subsection (a) of this section, the former phrase “under 18 years of age” is deleted as redundant of the reference to “an individual under the age of 18 years” for clarity.

In subsection (b)(1)(i) and (2)(i) of this section, the former references to a fine “of not less than \$250” are deleted as unenforceable in light of § 14–102 of the Criminal Procedure Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Board” § 22–101

“License” § 1–101

“License holder” § 1–101

“Premises” § 22–101

## **SUBTITLE 28. PENALTIES.**

### **22–2801. APPLICATION OF GENERAL PROVISION.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 6–402(B) (“GENERAL PENALTY — IMPOSITION OF PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) EXCEPTION.**

**SECTION 6–402(A) (“GENERAL PENALTY — IN GENERAL”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 22–2802 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 22-101

**22-2802. GENERAL PENALTY.**

**(A) IMPRISONMENT AND FINE.**

**A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH UNLESS ANOTHER PENALTY IS SPECIFIED.**

**(B) CONFISCATION OF ALCOHOLIC BEVERAGES AFTER CONVICTION.**

**(1) AFTER A PERSON IS CONVICTED FOR THE ILLEGAL SALE, OFFER OF SALE, OR POSSESSION OF ALCOHOLIC BEVERAGES, THE SHERIFF OR OTHER LAW ENFORCEMENT OFFICER IN THE COUNTY SHALL SEIZE THE ALCOHOLIC BEVERAGES AND DELIVER THEM TO THE BOARD.**

**(2) THE BOARD SHALL SELL THE ALCOHOLIC BEVERAGES AND PAY THE PROCEEDS TO THE COUNTY TREASURER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(n).

In subsection (a) 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 (a) of this section, the former reference to both "fine and imprisonment in the discretion of the court" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "alcoholic beverages" is substituted for the former reference to "intoxicating liquors" for clarity and consistency throughout this article.

Also in subsection (b)(1) of this section, the former reference to "[i]n addition to such fine or imprisonment" for the illegal sale of alcoholic beverages is deleted as redundant in light of the reference to a person being convicted for the illegal sale of alcoholic beverages.



In subsection (b)(2) of this section, the former reference to the proceeds being paid to the County Treasurer “for the use of Harford County” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 22–101

“County” § 22–101

“Person” § 1–101

## **TITLE 23. HOWARD COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **23–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR HOWARD COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Howard County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS HOWARD COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Howard County”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (o).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**23–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN HOWARD COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**23–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 23–101

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS; APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD.**

**23-201. "HEARING BOARD" DEFINED.**

**IN THIS SUBTITLE, "HEARING BOARD" MEANS THE APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD ESTABLISHED UNDER § 23-204 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-107.1(a)(4).

Former Art. 2B, § 15-107.1(a)(5), which defined "Hearing Board member" to mean a member of the Appointed Alcoholic Beverage Hearing Board in Howard County, is deleted as unnecessary in light of the defined term "Hearing Board".

**23-202. BOARD OF LICENSE COMMISSIONERS ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR HOWARD COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Howard County exists.

Former Art. 2B, § 15-107.1(a)(1), which was the standard introductory provision to a definition section, is deleted as unnecessary because such a section is not used in this subtitle.

Former Art. 2B, § 15-107.1(a)(2), which defined "County" to mean Howard County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15-107.1(a)(3), which defined "County Council" to mean the County Council for Howard County, is deleted as surplusage.

Former Art. 2B, § 15-107.1(a)(6), which defined "Liquor Board" to mean the Board of License Commissioners for Howard County, is deleted as unnecessary because the term "Liquor Board" is not used in this title.

**23-203. MEMBERSHIP.**

**(A) IN GENERAL.**

**THE COUNTY COUNCIL SITS AS THE BOARD OF LICENSE COMMISSIONERS.**

**(B) SUBJECT TO PUBLIC ETHICS LAWS.**

**A MEMBER OF THE BOARD OF LICENSE COMMISSIONERS IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(b) and, as it related to members of the Board, (j).

In subsection (a) of this section, the reference to the County Council “sit[ting] as” the Board of License Commissioners is substituted for the former reference to the County Council “ex officio constitut[ing]” the Board for clarity.

Defined term: “County” § 23–101

**23–204. ESTABLISHMENT OF APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD.**

**THERE IS AN APPOINTED ALCOHOLIC BEVERAGE HEARING BOARD IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(c)(1).

Defined term: “County” § 23–101

**23–205. MEMBERSHIP OF HEARING BOARD.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE HEARING BOARD SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL IN ACCORDANCE WITH THIS SECTION.**

**(2) ONE MEMBER SHALL BE FROM EACH COUNCILMANIC DISTRICT.**

**(3) NOT MORE THAN THREE MEMBERS MAY BE REGISTERED WITH THE SAME POLITICAL PARTY.**

**(4) (I) EACH POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE IN THE MOST RECENT GENERAL ELECTION SHALL HAVE AT LEAST ONE REPRESENTATIVE ON THE HEARING BOARD.**

**(II) IF A POLITICAL PARTY THAT POLLED AT LEAST 25% OF THE TOTAL VOTE CAST FOR ALL CANDIDATES FOR THE OFFICE OF COUNTY EXECUTIVE**

**IN THE MOST RECENT GENERAL ELECTION DOES NOT HAVE AT LEAST ONE REPRESENTATIVE ON THE HEARING BOARD, THE NEXT VACANCY ON THE HEARING BOARD SHALL BE FILLED WITH AN INDIVIDUAL REGISTERED WITH THAT PARTY.**

**(B) NOMINATIONS BY COUNTY COUNCIL.**

**(1) EACH MEMBER OF THE COUNTY COUNCIL SHALL NOMINATE TO THE COUNTY EXECUTIVE THREE QUALIFIED INDIVIDUALS WHO LIVE IN THE DISTRICT OF THE MEMBER OF THE COUNTY COUNCIL.**

**(2) THE COUNTY EXECUTIVE SHALL APPOINT TO THE HEARING BOARD ONE INDIVIDUAL FROM THE LIST OF NOMINEES THAT EACH MEMBER OF THE COUNTY COUNCIL SUBMITS.**

**(3) THE COUNTY COUNCIL BY RESOLUTION SHALL CONFIRM THE APPOINTMENT OF HEARING BOARD MEMBERS.**

**(C) QUALIFICATIONS OF HEARING BOARD MEMBERS.**

**TO QUALIFY FOR APPOINTMENT AS A HEARING BOARD MEMBER, AN INDIVIDUAL SHALL BE:**

**(1) OF GOOD MORAL CHARACTER AND INTEGRITY;**

**(2) A REGISTERED VOTER OF THE COUNTY IMMEDIATELY PRIOR TO THE APPOINTMENT; AND**

**(3) AT LEAST 21 YEARS OLD.**

**(D) RESTRICTIONS ON HEARING BOARD MEMBERS.**

**(1) A HEARING BOARD MEMBER:**

**(I) MAY NOT HOLD ANOTHER PUBLIC OFFICE OR BE EMPLOYED BY THE COUNTY GOVERNMENT;**

**(II) SHALL BE A REGISTERED VOTER OF THE COUNTY DURING THE HEARING BOARD MEMBER'S TERM OF OFFICE; AND**

**(III) IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE COUNTY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HEARING BOARD MEMBER MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN:**

**(I) A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**(II) A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.**

**(3) A HEARING BOARD MEMBER MAY BE A HOLDER OF A 1-DAY OR 2-DAY LICENSE.**

**(E) TENURE.**

**(1) THE TERM OF A HEARING BOARD MEMBER IS 5 YEARS.**

**(2) THE TERMS OF THE HEARING BOARD MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR HEARING BOARD MEMBERS ON JULY 1, 2016.**

**(3) A HEARING BOARD MEMBER WHOSE TERM HAS EXPIRED AND WHO HAS SERVED 8 OR MORE CONSECUTIVE YEARS ON THE HEARING BOARD IS NOT ELIGIBLE FOR IMMEDIATE REAPPOINTMENT TO THE HEARING BOARD.**

**(F) VACANCIES.**

**A HEARING BOARD MEMBER WHO IS APPOINTED TO FILL A VACANCY SHALL SERVE THE REMAINDER OF THE UNEXPIRED TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(G) REMOVAL.**

**THE COUNTY COUNCIL MAY REMOVE A HEARING BOARD MEMBER FOR:**

- (1) INCOMPETENCE;**
- (2) MISCONDUCT;**
- (3) UNPROFESSIONAL CONDUCT;**
- (4) DISHONORABLE CONDUCT;**
- (5) NEGLIGENCE OF A DUTY REQUIRED BY LAW;**

**(6) FAILURE TO MEET THE QUALIFICATIONS OF SUBSECTION (C) OF THIS SECTION; OR**

**(7) A VIOLATION OF SUBSECTION (D)(2) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(d), (c)(3) through (6), and, as it related to members of the Hearing Board, (j).

In subsection (a)(1) of this section, the phrase “in accordance with this section” is added for clarity.

In subsection (e)(1) of this section, the former phrase “[e]xcept for the terms of some of the initial Hearing Board members” is deleted as obsolete.

In subsection (e)(2) of this section, the reference to the requirement that the terms of the Hearing Board members be staggered as required on July 1, 2016, is substituted for the former obsolete requirement that the terms be staggered as required on October 1, 1998. This substitution is not intended to alter the term of any member of the Hearing Board.

In subsection (f) of this section, the clause “until a successor is appointed and qualifies” is standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. This addition is supported by the cases of *Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b)(3) of this section states that “[t]he County Council by resolution shall confirm the appointment [made by the County Executive] of Hearing Board members.” The Committee questions whether the County Council is required to confirm all appointments, as the words “shall confirm” imply; or whether the words “may confirm” should be substituted, thus implying that the County Council may use its discretion in deciding whether to confirm appointments.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 23–101

“Hearing Board” § 23–201

“License” § 1–101

**23–206. HEARING BOARD CHAIR.**

**FROM AMONG ITS MEMBERS, THE HEARING BOARD SHALL ELECT A CHAIR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(e)(1).

The reference to a “chair” is substituted for the former reference to a “chairperson” for consistency with similar provisions in this and other revised articles of the Code.

Defined term: “Hearing Board” § 23–201

**23–207. QUORUM; MEETINGS; COMPENSATION; STAFF.**

**(A) QUORUM.**

**(1) A MAJORITY OF THE MEMBERS THEN SERVING ON THE HEARING BOARD IS A QUORUM.**

**(2) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE HEARING BOARD IS NEEDED TO TAKE ACTION.**

**(B) MEETINGS.**

**THE HEARING BOARD SHALL MEET AT LEAST ONCE EACH MONTH.**

**(C) COMPENSATION FOR HEARING BOARD AND BOARD OF LICENSE COMMISSIONERS.**

**(1) THE COMPENSATION OF THE HEARING BOARD MEMBERS FOR THE PERFORMANCE OF THEIR DUTIES SHALL BE THE AMOUNT SET BY THE COUNTY COUNCIL.**

**(2) THE COMPENSATION FOR MEMBERS OF THE BOARD OF LICENSE COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES SHALL BE:**

**(I) FOR THE CHAIR, \$55 PER MEETING ATTENDED, NOT TO EXCEED \$1,300 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS ATTENDED; AND**

**(II) FOR EACH OTHER MEMBER OF THE BOARD OF LICENSE COMMISSIONERS, \$50 PER MEETING ATTENDED, NOT TO EXCEED \$1,200 IN A FISCAL YEAR REGARDLESS OF THE NUMBER OF MEETINGS ATTENDED.**

**(D) STAFF FOR HEARING BOARD AND BOARD OF LICENSE COMMISSIONERS.**



**(1) PERSONNEL NEEDED TO CARRY OUT THE DUTIES OF THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS SHALL BE:**

**(I) INCLUDED IN THE STAFF OF THE COUNTY COUNCIL; AND**

**(II) SUPERVISED BY THE COUNTY COUNCIL ADMINISTRATOR.**

**(2) THE CHIEF OF THE COUNTY POLICE DEPARTMENT SHALL PROVIDE A SWORN MEMBER OF THE COUNTY POLICE DEPARTMENT AS AN INSPECTOR TO ASSIST THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS IN CARRYING OUT THEIR RESPONSIBILITIES AND IN ENFORCING THE LAW.**

**(3) AN EMPLOYEE OF THE HEARING BOARD OR THE BOARD OF LICENSE COMMISSIONERS IS SUBJECT TO THE PUBLIC ETHICS LAWS OF THE COUNTY.**

**(E) BUDGET FOR HEARING BOARD AND BOARD OF LICENSE COMMISSIONERS.**

**(1) THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS SHALL SUBMIT AN ANNUAL BUDGET REQUEST TO THE COUNTY COUNCIL NOT LATER THAN JANUARY 15 IN EACH YEAR FOR THE ENSUING FISCAL YEAR.**

**(2) THE BUDGET REQUEST SHALL INCLUDE:**

**(I) SALARIES FOR THE HEARING BOARD CHAIR AND OTHER HEARING BOARD MEMBERS;**

**(II) COMPENSATION OF PERSONNEL ASSIGNED TO THE HEARING BOARD; AND**

**(III) EXPENSES FOR OFFICE SUPPLIES, EQUIPMENT, AND SERVICES TO CARRY OUT THE RESPONSIBILITIES OF THE HEARING BOARD.**

**(3) (I) THE COUNTY COUNCIL SHALL:**

**1. REVIEW THE BUDGET REQUEST; AND**

**2. SUBMIT A BUDGET FOR THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS TO THE COUNTY EXECUTIVE IN THE**

**AMOUNT THAT THE COUNTY COUNCIL DETERMINES IS ADEQUATE TO SUPPORT THE DUTIES AND RESPONSIBILITIES OF THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE COUNTY EXECUTIVE SHALL INCLUDE THE BUDGET FOR THE HEARING BOARD AND THE BOARD OF LICENSE COMMISSIONERS AS SUBMITTED BY THE COUNTY COUNCIL IN THE COUNTY BUDGET THAT IS PREPARED IN ACCORDANCE WITH ARTICLE VI OF THE HOWARD COUNTY CHARTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(f), (g), (i), (e)(2) and (3), and, as it related to employees of the Hearing Board and Board of License Commissioners, (j).

In subsection (b) of this section, the former reference to the authority of the Hearing Board to meet “more often if needed” is deleted as surplusage.

In subsections (c)(2)(i) and (e)(2) of this section, the references to a “chair” are substituted for the former references to a “chairperson” for consistency with similar provisions in this and other revised articles of the Code.

Defined terms: “County” § 23–101  
 “Hearing Board” § 23–201

## **23–208. HEARING BOARD.**

**(A) AUTHORITY DELEGATED FROM BOARD OF LICENSE COMMISSIONERS.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE BOARD OF LICENSE COMMISSIONERS SHALL DELEGATE TO THE HEARING BOARD THE AUTHORITY TO HOLD HEARINGS AND DECIDE CASES INVOLVING A LICENSE HOLDER.**

**(B) NOTICE BY HEARING BOARD.**

**THE HEARING BOARD SHALL GIVE THE BOARD OF LICENSE COMMISSIONERS REGULAR AND PROMPT NOTICE OF THE FILING OF EACH:**

**(1) APPLICATION FOR A LICENSE OR CHANGE IN LICENSE; AND**

**(2) PETITION ALLEGING THAT A VIOLATION OF AN ALCOHOLIC BEVERAGES LAW HAS OCCURRED.**

**(C) ASSUMPTION OF ORIGINAL JURISDICTION BY BOARD OF LICENSE COMMISSIONERS.**

**AFTER GIVING NOTICE TO THE HEARING BOARD AND THE APPLICANT OR LICENSE HOLDER, THE BOARD OF LICENSE COMMISSIONERS MAY EXERCISE ORIGINAL JURISDICTION FOR AND HEAR A CASE THAT IS BEFORE THE HEARING BOARD IF THE BOARD OF LICENSE COMMISSIONERS DETERMINES THAT EXERCISING ORIGINAL JURISDICTION IS DESIRABLE AND IN THE PUBLIC INTEREST.**

**(D) REQUEST FOR HEARING BY BOARD.**

**(1) AFTER THE HEARING BOARD PROPOSES A DECISION REGARDING A CASE BEFORE IT, A PARTY, ANOTHER PARTICIPANT IN THE MATTER, OR ANOTHER PERSON WHO WOULD BE AGGRIEVED BY THE DECISION MAY REQUEST THAT THE BOARD OF LICENSE COMMISSIONERS HOLD A HEARING AND MAKE A FINAL DECISION.**

**(2) A PERSON THAT MAKES A REQUEST TO THE BOARD OF LICENSE COMMISSIONERS UNDER THIS SUBSECTION SHALL:**

**(I) MAKE THE REQUEST IN WRITING;**

**(II) INCLUDE A COPY OF THE PROPOSED DECISION AND ORDER OF THE HEARING BOARD;**

**(III) STATE THE REASONS WHY THE PERSON BELIEVES THAT THE PROPOSED DECISION OR ORDER IS WRONG; AND**

**(IV) SEND A COPY OF THE REQUEST AND ACCOMPANYING MATERIALS TO ALL OTHER PARTIES TO THE CASE.**

**(3) IF A REQUEST IS SUBMITTED TO THE BOARD OF LICENSE COMMISSIONERS, THE PROPOSED DECISION OF THE HEARING BOARD IS STAYED UNTIL RESOLUTION OF THE CASE BY THE BOARD OF LICENSE COMMISSIONERS.**

**(4) AFTER A REQUEST FOR A HEARING IS SUBMITTED TO THE BOARD OF LICENSE COMMISSIONERS, ANY OTHER PARTY TO THE PROCEEDING MAY SUBMIT TO THE BOARD OF LICENSE COMMISSIONERS A RESPONSE STATING WHY THE PROPOSED DECISION AND ORDER BY THE HEARING BOARD SHOULD BE UPHELD.**

**(E) HEARING DECISION BY BOARD OF LICENSE COMMISSIONERS.**

**(1) AFTER THE DEADLINE TO FILE A RESPONSE TO A REQUEST FOR A HEARING, THE BOARD OF LICENSE COMMISSIONERS SHALL:**

**(I) SCHEDULE A PUBLIC MEETING TO DECIDE WHETHER TO HEAR THE CASE; AND**

**(II) NOTIFY THE PARTIES OF THE MEETING DATE.**

**(2) THE PROPOSED DECISION OF THE HEARING BOARD BECOMES FINAL IF:**

**(I) A REQUEST FOR A HEARING IS NOT SUBMITTED TO THE BOARD OF LICENSE COMMISSIONERS ON OR BEFORE THE DEADLINE FOR A REQUEST; OR**

**(II) THE BOARD DECIDES NOT TO HEAR THE CASE.**

**(3) AFTER DECIDING TO HEAR A CASE, THE BOARD OF LICENSE COMMISSIONERS SHALL:**

**(I) SCHEDULE A DE NOVO HEARING AT WHICH THE BOARD OF LICENSE COMMISSIONERS MAY HEAR WITNESSES; AND**

**(II) NOTIFY THE PARTIES OF THE HEARING DATE.**

**(4) AFTER THE CLOSE OF THE HEARING RECORD, THE BOARD OF LICENSE COMMISSIONERS SHALL ISSUE A FINAL DECISION TO THE PARTIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-107.1(k) through (p) and (c)(2).

In subsection (b)(2) of this section, the former reference to an alcoholic beverages "regulation" is deleted as included in the reference to an alcoholic beverages "law".

In subsection (d)(3) of this section, the reference to a stay "until resolution of the case by the Board" is added for clarity and to state expressly what formerly was only implied.

In the introductory language of subsection (e)(1) of this section, the reference to the "deadline to file a response to a request for a hearing" is substituted for the former phrase "[a]fter the period to file a response ends" for clarity.

In subsection (e)(2)(i) of this section, the reference to a submission to the Board "on or before the deadline" is substituted for the former reference to submission to the Board "within the time allotted" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Hearing Board" § 23-201

"License" § 1-101

"License holder" § 1-101

"Person" § 1-101

**23-209. ISSUANCE OF LICENSES.**

**(A) IN GENERAL.**

**THE BOARD OF LICENSE COMMISSIONERS OR THE HEARING BOARD MAY ISSUE LICENSES.**

**(B) PAYMENT OF BOARD OF LICENSE COMMISSIONERS SALARIES AND EXPENSES.**

**THE COUNTY SHALL:**

**(1) PAY FROM THE LICENSE FEE RECEIPTS THE SALARIES AND EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS; AND**

**(2) DEVOTE THE BALANCE OF THE RECEIPTS TO THE GENERAL PURPOSES OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(o)(1)(i) and (2).

In subsection (b)(1) of this section, the reference to "license fee" receipts is added for clarity.

Defined terms: "County" § 23-101

"Hearing Board" § 23-201

"License" § 1-101

**23-210. REGULATIONS.**

**(A) FOR HEARING BOARD.**

**THE HEARING BOARD SHALL:**

**(1) PROPOSE REGULATIONS TO ENABLE IT TO CARRY OUT ITS DUTIES, INCLUDING THE ISSUANCE OF LICENSES; AND**

**(2) SUBMIT THE PROPOSED REGULATIONS TO THE BOARD OF LICENSE COMMISSIONERS FOR APPROVAL.**

**(B) FOR BOARD OF LICENSE COMMISSIONERS.**

**THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–107.1(h) and 16–301(a), as it related to the authority of the Board to adopt regulations.

In subsection (a)(1) of this section, the former reference to proposing “reasonable” regulations is deleted as implicit in the requirement to propose regulations.

In subsection (b) of this section, the reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Also in subsection (b) of this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined terms: “Hearing Board” § 23–201

“License” § 1–101

### **SUBTITLE 3. LIQUOR CONTROL.**

**23–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 23–101

### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

**23–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**
- (8) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (9) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (10) § 2–212 (“ADDITIONAL LICENSES”);**
- (11) § 2–213 (“ADDITIONAL FEES”);**
- (12) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);
- (2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”); AND
- (3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsections (b)(2) and (3) of this section are new language derived without substantive change from former Art. 2B, §§ 2-207(a)(4)(iii) and the introductory language of 12-112(a), as they limited to specific jurisdictions, not including Howard County, the application of a Class 6 pub-brewery license and the general prohibition against beer sale on credit to retail dealers revised in §§ 2-208 and 2-215 of Division I of this article. No substantive change is intended.

Former Art. 2B, § 2-208(b)(2)(xiv), which stated that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 23-101  
 “Manufacturer’s license” § 1-101

#### **23-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(10).

Defined terms: “Alcoholic beverage” § 1-101  
 “Manufacturer’s license” § 1-101

#### **SUBTITLE 5. WHOLESALER’S LICENSES.**



**23-501. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);**
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);**
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);**
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);**
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

**(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

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 to specific jurisdictions, not including Howard County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: “County” § 23-101  
 “Wholesaler’s license” § 1-101

**23-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 23-503 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

**23-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.****23–601. CLASS A BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(o) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**23-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(a)(1) and (o)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Former Art. 2B, § 3–201(o)(2), which provided that a restaurant as defined in § 1–101 of this article may apply for a Class B beer license, is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Hotel” § 1–101  
“Restaurant” § 1–101

**23–603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(2) A LICENSE MAY BE ISSUED ONLY TO A CLUB:**

**(I) THAT IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES;**

**(II) THAT IS AFFILIATED WITH A NATIONAL ORGANIZATION;**

**(III) THAT HAS AT LEAST 75 MEMBERS WHO PAID DUES AS REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS ISSUED;**

**(IV) WITH AT LEAST 75% OF ITS MEMBERSHIP CONSISTING OF INDIVIDUALS WHO HAVE RESIDED IN THE COUNTY FOR AT LEAST 2 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION FOR THE LICENSE; AND**

**(V) THAT HAS MAINTAINED A POST IN THE COUNTY FOR AT LEAST 3 YEARS IMMEDIATELY PRECEDING THE DATE OF THE APPLICATION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$25.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(o) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) and (2)(iii) of this section, the former references to "bona fide" members are deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implied in the word "sell".

Defined terms: "Beer" § 1-101

"Club" § 1-101

"County" § 23-101

**23-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(o) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**23-701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(11), (b)(1), (c)(1), and (d)(1).

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 23–101

“Light wine” § 23–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **23–801. CLASS A BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**



**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINES IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$175.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(o) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

Also in subsection (b)(1) of this section, the former reference to selling “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
“Light wine” § 23–101

**23–802. CLASS B BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL OR RESTAURANT.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$175.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (o)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the reference to the authority of the Board to "issue" the license is substituted for the former reference to the authority of a restaurant to "apply to" the Board for the license to conform to the terminology used throughout this article and in light of the fact that a restaurant does not apply for a license.

Also in subsection (b)(1) of this section, the former phrase "that meets the definition of a restaurant under § 1-102(a)(22) of this article" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Former Art. 2B, § 5-201(o)(1), which stated that former Art. 2B, § 5-201(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 23-101

"Hotel" § 1-101

"Light wine" § 23-101

"Restaurant" § 1-101

**23-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE 6-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT HAS HELD REGULAR MEETINGS AT AN ESTABLISHED HEADQUARTERS FOR 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE IS MADE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(D) SUNDAY PERMIT.**

**THE HOLDER OF THE LICENSE MAY PURCHASE A SUNDAY PERMIT FOR AN ADDITIONAL ANNUAL FEE OF \$75.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(a)(1) and (o)(2) through (5).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the defined term "beer" is substituted for the former reference to "brewed beverages with an alcoholic content of no more than 6 percent by volume" for brevity and clarity.

Also in subsection (b)(2) of this section, the defined term "wine" is substituted for the former reference to "fermented beverages containing no more than 23 percent by volume" for brevity and clarity. Correspondingly, throughout this section, the references to "wine" have been substituted for the former references to "light wine".

Also in subsection (b)(2) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b)(2) of this section, the former reference to a "bona fide" member is deleted as surplusage.

In subsection (d) of this section, the reference to a "Sunday permit" is substituted for the former reference to a "special Sunday on-sale only license" for brevity and to conform to the terminology used throughout this article.

Former Art. 2B, § 5–301(o)(1), which stated that former Art. 2B, § 5–301(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

#### **23–804. CLASS D BEER AND LIGHT WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

##### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

##### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$175.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(o) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Light wine” § 23–101

### **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**23-901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS A-1 BEER, WINE, AND LIQUOR 7-DAY LICENSE; AND**
- (2) A CLASS A-2 BEER, WINE, AND LIQUOR 6-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$900 FOR A CLASS A-1, 7-DAY LICENSE; AND**
- (2) \$700 FOR A CLASS A-2, 6-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(a)(1) and (3) and (o)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (b)(2) of this section, the phrase “shall sell” is substituted for the former word “deliver” for clarity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Former Art. 2B, § 6–101(o)(1), which stated that former Art. 2B, § 6–101(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

## **23–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

- (1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**
- (2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**
- (3) CONTAINS:**
  - (I) AT LEAST ONE PASSENGER ELEVATOR;**
  - (II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**
  - (III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) BEER AND WINE OFF-SALE PERMIT.**

- (1) THERE IS A BEER AND WINE (B-SBW) OFF-SALE PERMIT.**
- (2) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE THAT IS ISSUED FOR A RESTAURANT.**
- (3) A HOLDER OF THE PERMIT:**
  - (I) MAY SELL BEER AND WINE FOR OFF-PREMISES CONSUMPTION ONLY TO PERSONS WHO HAVE PURCHASED FOOD OR ALCOHOL FROM THE LICENSED PREMISES; AND**
  - (II) MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER OR WINE FOR OFF-PREMISES SALES IN AREAS OF THE ESTABLISHMENT THAT ARE ACCESSIBLE TO THE PUBLIC.**
- (4) THE TERM OF THE PERMIT IS THE SAME AS THAT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE THAT THE APPLICANT HOLDS.**

**(5) BEFORE THE BOARD MAY ISSUE THE PERMIT:**

**(I) THE APPLICANT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES; AND**

**(II) THE SAME ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS AS THOSE FOR CLASS B LICENSES SHALL BE MET.**

**(6) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED UNDER THE PERMIT SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT UNDER § 1-101 OF THIS ARTICLE.**

**(7) A HOLDER OF THE PERMIT MAY EXERCISE THE PRIVILEGES OF THE PERMIT ONLY WHEN THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT.**

**(8) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF PERMITS TO BE ISSUED.**

**(E) FARM BREWERY LICENSE OPTION.**

**THE COMPTROLLER MAY ISSUE ONE CLASS 8 FARM BREWERY LICENSE TO A LICENSE HOLDER THAT HOLDS NOT MORE THAN TWO CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(F) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$1,000 FOR THE CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) \$500 FOR THE OFF-SALE BEER AND WINE PERMIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-201(a)(1) and (3)(i) and (o), 7-101(p-1)(2) through (8) and (10), and 12-107(e)(7)(ii).

Subsection (a) of this section is standard language used throughout this article to establish a license.



In subsection (b) of this section, the former phrase “[e]xcept in Montgomery County or in the case of a contrary provision in this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(3)(ii) of this section, the phrase “at least” is substituted for the former phrase “no less than” to conform to the terminology used throughout this article.

In subsection (b)(3)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

In subsection (d)(6) of this section, the reference to “a restaurant” is added for clarity.

Former Art. 2B, §§ 7–101(p–1)(1) and 12–104(e)(7)(i), which stated that former Art. 2B, §§ 7–101(p–1)(1) and 12–104(e)(7)(i) applied only in Howard County, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“Comptroller” § 1–101

“Hotel” § 1–101

“Off–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **23–903. CLASS BLX LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS BLX BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

##### **(1) A HOLDER OF:**

**(I) A CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**

**OR**

**(II) A CLASS BLX BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) AN APPLICANT THAT DOES NOT HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE IN A RESTAURANT:**

**(I) THAT HAS A MINIMUM CAPITAL INVESTMENT OF \$750,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS;**

**(II) FOR WHICH CONSTRUCTION BEGAN ON OR AFTER JULY 1, 1992; AND**

**(III) THAT HAS SEATING FOR AT LEAST 125 INDIVIDUALS.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 23-2004(C) OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 8-214.

Subsection (d) of this section is new language added for clarity.

In subsection (b)(1) of this section and throughout this section, the references authorizing "the Board" to issue a Class BLX license are added for clarity.

Also in subsection (b)(1) of this section, the former phrase "[n]otwithstanding any provision of § 9-102(a) of this article" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(1)(i) of this section, the former references to a "valid" Class B license and a "valid" Class BLX license are deleted as surplusage.

In subsection (b)(2) of this section, the reference to another “alcoholic beverages” license is substituted for the former reference to another “liquor” license for clarity and consistency within this revised article.

In subsection (c)(1)(i) of this section, the reference to a required capital investment “not including” the cost of land or buildings is substituted for the former reference to a required capital investment “exclusive” of the cost of land or buildings for clarity.

In subsection (c)(1)(ii) of this section, the reference to the date on or after which construction “began” is substituted for the former reference to the date on or after which construction “commenced” for clarity.

In subsection (c)(1)(iii) of this section, the former reference to seating “capacity” is deleted as surplusage.

Also in subsection (c)(1)(iii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection refers only to human beings.

Subsection (c)(2) of this section is new language added to state expressly what formerly was only implied, that a Class BLX license authorizes the sale of alcoholic beverages for on–premises consumption.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (b) of this section does not set a limit on the number of Class B and Class BLX licenses that may be held by an individual. However, the Howard County Board’s regulations state that a person may hold up to two Class B licenses and three Class BLX licenses, or up to five Class BLX licenses.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

#### **23–904. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

#### **23–905. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) 6-DAY LICENSE;
- (2) A CLASS D BEER, WINE, AND LIQUOR (ON-SALE) 7-DAY LICENSE;
- (3) A CLASS D BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) 6-DAY LICENSE; AND
- (4) A CLASS D BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) 7-DAY LICENSE.

**(B) SCOPE OF AUTHORIZATION.**

(1) AN ON-SALE LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.

(2) AN ON- AND OFF-SALE LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.

**(C) DRUGSTORE PROHIBITION.**

THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.

**(D) FEES.**

THE ANNUAL LICENSE FEES ARE:

- (1) \$600 FOR A 6-DAY (ON-SALE) LICENSE;
- (2) \$1,000 FOR A 7-DAY (ON-SALE) LICENSE;
- (3) \$800 FOR A 6-DAY (ON- AND OFF-SALE) LICENSE; AND
- (4) \$1,000 FOR A 7-DAY (ON- AND OFF-SALE) LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (o)(2).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

Former Art. 2B, § 6–401(o)(1), which stated that former Art. 2B, § 6–401(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Off–Sale” § 1–101

“On–Sale” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **23–1001. CONFERENCE CENTER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (CONFERENCE CENTER) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CONFERENCE CENTER OR TO ITS OWNER, WHETHER OR NOT OPERATED FOR PROFIT, THAT HAS:**

**(1) AT LEAST 7,000 SQUARE FEET OF CONFERENCE AREA; AND**

**(2) ACCOMMODATIONS, EQUIPMENT, AND FACILITIES DESIGNED FOR HOLDING MEETINGS, SEMINARS, AND CONFERENCES.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

#### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 23–2004 OF THIS TITLE.**

**(E) FEE.****THE ANNUAL LICENSE FEE IS \$700.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–301(o)(4) and, as it related to Howard County, (a)(1).

Subsection (d) of this section is new language added to provide a cross–reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Howard County.

In the introductory language of subsection (b) of this section, the former reference to “owners” is deleted in light of the reference to “owner” and § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at retail at any club, at the place described in the license,” is deleted as surplusage.

Former Art. 2B, § 6–301(o)(1), which stated that former Art. 2B, § 6–301(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

**23–1002. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C (CONTINUING CARE RETIREMENT COMMUNITY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CONTINUING CARE RETIREMENT COMMUNITY THAT:**

**(1) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(2) OPERATES ONLY FOR THE USE OF ITS RESIDENTS AND GUESTS OF THE COMMUNITY.**

**(c) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A RESIDENT OR A GUEST OF THE COMMUNITY FOR ON-PREMISES CONSUMPTION.**

**(d) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 23-2004 OF THIS TITLE.**

**(e) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(o)(6).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Howard County.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (b) of this section, the former reference to a continuing care retirement community that is "composed of residents of a continuing care retirement community" is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a continuing care retirement community that is “not directly or indirectly owned or operated as a public business” is deleted as surplusage.

In subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to selling “at retail” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

### **23–1003. COUNTRY CLUB LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY CLUB) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB OR TO ITS OWNER, WHETHER OR NOT OPERATED FOR PROFIT, THAT HAS:**

**(1) AN ANNUAL LIMITED MEMBERSHIP; AND**

**(2) WHEN THE LICENSE IS ISSUED, A REGULAR OR CHAMPIONSHIP GOLF COURSE OF 18 HOLES ADJACENT TO THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT AND OTHER CLUB FACILITIES.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

#### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 23–2004 OF THIS TITLE.**



**(E) FEE.****THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–301(o)(2) and, as it related to Howard County, (a)(1).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Howard County.

In the introductory language of subsection (b) of this section, the former reference to “owners” is deleted in light of the reference to “owner” and § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (b) of this section, the former reference to a “bona fide” annual limited membership is deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at retail at any club, at the place described in the license,” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

**23–1004. GOLF COURSE LICENSES.****(A) ESTABLISHED.****THERE IS:**

**(1) A CLASS GC (GOLF COURSE) BEER AND LIGHT WINE LICENSE; AND**

**(2) A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN ORGANIZATION THAT OWNS OR MANAGES A GOLF COURSE WITH AT LEAST 18 HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL THE ALCOHOLIC BEVERAGES SPECIFIED ON THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) THE BOARD MAY PLACE CONDITIONS ON THE LOCATION OF SALES AND CONSUMPTION, INCLUDING:**

**(I) PROHIBITING THE SALE AND CONSUMPTION OF LIQUOR ON SPECIFIED AREAS OF PREMISES WITH A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) ALLOWING THE SALE AND CONSUMPTION OF ONLY BEER AND LIGHT WINE ON SPECIFIED AREAS OF THE PREMISES WITH A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(3) IF THE BOARD DETERMINES THAT CIRCUMSTANCES WARRANT, THE BOARD MAY RESTRICT THE SALE OF ALCOHOLIC BEVERAGES TO BEER AND LIGHT WINE ON PREMISES FOR WHICH A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED.**

**(D) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION:**

**(I) THE HOLDER OF A CLASS GC (GOLF COURSE) BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6:30 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) THE HOLDER OF A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6:30 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE BOARD MAY REDUCE THE HOURS AND DAYS OF SALE FOR ALL OR PART OF THE LICENSED PREMISES.**

**(E) LICENSE FEES.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$350 FOR A CLASS GC (GOLF COURSE) BEER AND LIGHT WINE LICENSE; AND**

**(2) \$1,500 FOR A CLASS GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-504(c) through (i) and 11-514(a)(3).

In subsections (a) and (e) of this section, the former references to a "7-day" license are deleted for consistency in license names throughout this subtitle.

In subsection (c)(1) of this section, the reference to the alcoholic beverages "specified on the license" is added for clarity.

In subsection (d) of this section, the references to the authority of the "holder of a ... license" to "sell" are substituted for the former reference to the "hours and days for sale are" for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8-504(a), which stated that the provisions of former Art. 2B, § 8-504 applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-504(b), which defined the term "Board", is deleted in light of the definition of "Board" in § 23-101 of this title.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 23-101

"Wine" § 1-101

**23-1005. POLICE OFFICERS' LOCAL AFFILIATE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (POLICE OFFICERS' LOCAL AFFILIATE) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL AFFILIATE OF AN INTERNATIONAL ORGANIZATION OF POLICE OFFICERS THAT:**

**(I) HAS AT LEAST 100 DUES PAYING MEMBERS; AND**

**(II) CHARGES EACH MEMBER AT LEAST \$15 A MONTH IN DUES.**

**(2) THE LOCAL AFFILIATE SHALL OPERATE THE CLUBHOUSE WHERE THE LICENSE IS IN EFFECT ONLY FOR ITS OWN MEMBERS AND THEIR GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO MEMBERS OF THE LOCAL AFFILIATE AND GUESTS ACCOMPANIED BY MEMBERS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 23-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Sections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(o)(5) and, as it related to Howard County, (a)(1).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Howard County.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at retail at any club, at the place described in the license," is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(3) of this section, the phrase "to its members and guests accompanied by members" is added to apply a restriction common on club licenses to this license.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

**23–1006. RACETRACK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A RACETRACK LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A REGULARLY LICENSED RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION OF INDIVIDUALS, OR A CORPORATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT ONE OR MORE LOCATIONS ON THE PREMISES OF THE LICENSE HOLDER’S RACING PARK.**

**(D) FEE.**

**THE LICENSE FEE IS \$1,000 FOR EACH CALENDAR YEAR, PAYABLE TO THE COUNTY DIRECTOR OF FINANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–602(a) and (b).

In subsection (b) of this section, the language authorizing the Board to “issue” a license to a racetrack owner is substituted for the former language authorizing a racetrack owner to “procure” a license for consistency with language used throughout this article.

Also in subsection (b) of this section, the former reference to the owner “or owners” of a racing establishment is deleted as redundant in light of GP § 1–202 of the Code, which provides that the singular includes the plural, unless a contrary intent is clearly expressed.

In subsection (c) of this section, the reference to the sale of alcoholic beverages “on the premises” of the license holder’s racing park is substituted for the former reference to the sale of alcoholic beverages “within” the license holder’s racing park to conform to the terminology used throughout this article.

Also in subsection (c) of this section, the reference to the sale of “beer, wine, and liquor” is substituted for the former reference to “any and all alcoholic beverages” for clarity.

In subsection (d) of this section, the reference to the “license fee” is substituted for the former reference to the “cost” of the license to conform with the terminology used throughout this article.

Former Art. 2B, § 8–602(c), which stated that racetrack licenses and licensees are subject to all laws, rules and regulations applicable in the County to the sale of alcoholic beverages, not inconsistent with the provisions of former Art. 2B, § 8–602, is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“County” § 23–101

“Wine” § 1–101

### **23–1007. VETERANS’ CLUB LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ CLUB) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

##### **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(I) IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES;**

**(II) IS AFFILIATED WITH A NATIONAL ORGANIZATION; AND**

**(III) HAS AT LEAST 75 MEMBERS WHO HAVE PAID THE DUES REQUIRED BY ITS NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS SOUGHT.**

##### **(2) FOR THE LICENSE TO BE ISSUED:**

**(I) AT LEAST 75% OF THE MEMBERS OF THE CLUB SHALL HAVE RESIDED IN THE COUNTY FOR AT LEAST 2 YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION FOR THE LICENSE; AND**

**(II) THE CLUB SHALL HAVE MAINTAINED A POST IN THE COUNTY FOR AT LEAST 3 YEARS PRECEDING THE DATE OF THE APPLICATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE BEER, WINE, AND LIQUOR TO MEMBERS OF THE CLUB AND GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 23-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(o)(3) and, as it related to Howard County, (a)(1).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Howard County.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase at retail "at any club", at the place described in the license, is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(ii) of this section, the requirement that at least 75% of the members of the club shall have resided in the County for at least 2 years immediately preceding the date of the license application 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 classifies 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).

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that in subsection (b)(3) of this section, the phrase “to members and guests accompanied by members” is added to apply a restriction common on club licenses to this license.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Club” § 1–101

“County” § 23–101

“Wine” § 1–101

#### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

##### **23–1101. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 23–1102 OF THIS SUBTITLE; AND**

**(2) § 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT TO § 23–1103 OF THIS SUBTITLE.**



REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Former Art. 2B, § 8–103(a)(1)(v), which stated that former Art. 2B, § 8–103 applied with respect to draft beer in Howard County, and former Art. 2B, § 8–103(a)(2)(ii), which stated that former Art. 2B, § 8–103 applied with respect to wine in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “County” § 23–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**23–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE AND A CLASS GC LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) FEE.**

**THERE IS NO FEE FOR THE PERMIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(p–1)(11).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

Defined terms: “Beer” § 1–101  
 “Board” § 23–101  
 “License” § 1–101

**23–1103. REFILLABLE CONTAINER PERMIT — WINE.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A HOLDER OF ANY CLASS OF LICENSE EXCEPT A CLASS C LICENSE AND A CLASS GC LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) FEE.**

**THERE IS NO FEE FOR THE PERMIT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(p-1)(11).

In subsection (a) of this section, the phrase "for wine" is added for clarity.

Defined terms: "Board" § 23-101

"License" § 1-101

"Wine" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**23-1201. RESERVED.**

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**23-1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1202 ("PER DIEM LICENSES");**

**(2) § 4-1203 ("CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES");**

(3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);

(4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

(5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTION.

SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 23-1312 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 23-101

23-1302. RESERVED.

23-1303. RESERVED.

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

23-1304. BEER FESTIVAL LICENSE.

(A) ESTABLISHED.

THERE IS A BEER FESTIVAL LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, A CLASS 5 BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER.

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.****A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**
- (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE BEER FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.****THE BOARD SHALL:**

- (1) CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL;**
- (2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**
- (3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$50 FOR A 1-DAY OR 2-DAY FESTIVAL.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-808(b) through (h).

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to a “current retail alcoholic beverages license” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (d)(2) and (e)(2) of this section, the former references to a festival or location “in Howard County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to “a location that is not already licensed” is substituted for the former reference to “an unlicensed premises” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for the special beer festival” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the licensee from holding” another license for clarity.

Former Art. 2B, § 8–808(a), which defined the term “Board” to mean the Howard County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 23–101 of this title.

Defined terms: “Beer” § 1–101  
 “Board” § 23–101

## **23–1305. WINE FESTIVAL LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE THAT AUTHORIZES THE HOLDER TO SELL WINE, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE WINE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD SHALL CHOOSE 1 WEEKEND EACH YEAR FOR THE WINE FESTIVAL.**

**(2) THE BOARD SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(3) THE WEEKEND CHOSEN FOR THE WINE FESTIVAL MAY NOT CONFLICT WITH THE DATES CHOSEN FOR THE:**

**(I) ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**

**(II) BALTIMORE COUNTY WINE FESTIVAL;**

**(III) CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL IN WASHINGTON COUNTY; OR**

**(IV) MARYLAND WINE FESTIVAL IN CARROLL COUNTY.**

**(F) FEE.**

**THE LICENSE FEE IS \$15.**

**(G) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–310.

Throughout this section, the former references to a “special” wine festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a “retail license” is substituted for the former reference to an “existing retail alcoholic beverages license issued in the State” for brevity.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision to the contrary,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the “license authoriz[ing] the holder to” display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

Also in subsections (d) and (e)(3) of this section, the former references to a festival or location “in Howard County” are deleted as surplusage.

In subsection (e)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which does not hold an alcoholic beverages license” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for this festival” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes the holder of the license “to display and sell wine at retail that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: “Board” § 23–101

“License” § 1-101

“State” § 1-101

“Wine” § 1-101

**23-1306. WINE SAMPLING LICENSE FOR NONPROFIT ORGANIZATION.**

**(A) ESTABLISHED.**

**THERE IS A WINE SAMPLING (WS) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION OF WINE FOR SAMPLING:**

**(i) ON PREMISES FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED WITH AUTHORIZATION OF THE HOLDER OF THE LICENSE FOR THE PREMISES; OR**

**(ii) AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(2) THE LICENSE HOLDER MAY CARRY WINE ONTO THE PREMISES FOR WINE SAMPLING WITH THE AUTHORIZATION OF THE OWNER OR HOLDER OF THE CLASS B LICENSE.**

**(D) LICENSE APPLICATION.**

**THE NONPROFIT ORGANIZATION SHALL APPLY FOR THE LICENSE AT LEAST 15 DAYS BEFORE THE LICENSE IS ISSUED.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE NOT MORE THAN 12 LICENSES IN A LICENSE YEAR TO A SINGLE NONPROFIT ORGANIZATION.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL.**



**(G) FEE.****THE LICENSE FEE IS \$15 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-408.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsections (b), (d), and (e) of this section, the former references to a "bona fide" nonprofit organization are deleted as surplusage.

In subsection (c)(1)(ii) of this section, the reference to a "location that is not already licensed" is substituted for the former reference to "nonlicensed premises" for consistency with terminology used throughout this article.

In subsection (f) of this section, the reference to each "offering" is substituted for the former reference to each "given brand" for clarity.

Also in subsection (f) of this section, the reference to "an individual" is substituted for the former, overly broad reference to "any one person" for clarity.

Defined terms: "Board" § 23-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**23-1307. BEER AND WINE TASTING LICENSE.****(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (BWL) LICENSE OR CLASS A BEER AND WINE (BW) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION, FOR TASTING, OF:**

**(1) BEER; OR**

**(2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE:**

**(1) WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING AND NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL IN A DAY; OR**

**(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH OFFERING AND NOT MORE THAN 8 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL IN A DAY.**

**(E) FEE.**

**IN ADDITION TO THE FEE OF ANY OTHER ALCOHOLIC BEVERAGES LICENSE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-408.1(a).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to "alcoholic beverages" is deleted as unnecessary in light of the reference to "beer and wine".

In subsection (b) of this section, the former phrase "[n]otwithstanding any other provision of law," is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license authorizing "the holder to allow" on-premises consumption is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of subsection (c) of this section, the former phrase "or sampling only" is deleted as surplusage.

In subsection (d) of this section, the references to each “offering” and all “offerings” are substituted for the former references to each “given brand” and all “brands” 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, § 8–408.1(c), which authorized the Board to adopt rules or regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 23–210 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**23–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWL) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (BWL) LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION, FOR TASTING, OF:**

**(1) BEER;**

**(2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME; OR**

**(3) LIQUOR.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE:**

**(1) WINE IN A QUANTITY OF NOT MORE THAN 1 OUNCE FROM EACH OFFERING AND NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL IN A DAY;**

**(2) BEER IN A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH OFFERING AND NOT MORE THAN 8 OUNCES FROM ALL OFFERINGS TO AN INDIVIDUAL IN A DAY; OR**

**(3) LIQUOR IN A QUANTITY OF NOT MORE THAN 1/4 OUNCE FROM EACH OFFERING AND NOT MORE THAN 1 OUNCE FROM ALL OFFERINGS TO AN INDIVIDUAL IN A DAY.**

**(E) FEE.**

**IN ADDITION TO ANY OTHER ALCOHOLIC BEVERAGES LICENSE FEE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–408.1(b).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to “alcoholic beverages” is deleted as unnecessary in light of the reference to “beer, wine, and liquor”.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer, wine, and liquor is added for clarity and consistency with terminology used throughout this article.

Also in the introductory language of 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 references to each “offering” and all “offerings” are substituted for the former references to each “given brand” and all “brands” 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.

Defined terms: “Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

**23–1309. EDUCATIONAL EVENT LICENSES.**

**(A) “EDUCATIONAL EVENT” DEFINED.**

**IN THIS SECTION, “EDUCATIONAL EVENT” MEANS AN EVENT AT WHICH A SPEAKER PROVIDES INSTRUCTION ON HOW TO DEVELOP A FOUNDATION OF ALCOHOLIC BEVERAGES KNOWLEDGE, INCLUDING:**

- (1) STYLES OF BEER, WINE, AND LIQUOR;**
- (2) METHODS OF TASTING BEER, WINE, AND LIQUOR;**
- (3) PAIRING FOOD AND BEER, WINE, AND LIQUOR; AND**
- (4) SERVING, STORING, AND BUYING BEER, WINE, AND LIQUOR.**

**(B) ESTABLISHED.**

**THE BOARD MAY ISSUE:**

**(1) AN EDUCATIONAL EVENT BEER AND WINE TASTING (BWT) LICENSE; AND**

**(2) AN EDUCATIONAL EVENT BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

**(C) AUTHORIZED LICENSE HOLDER.**

**(1) AN EDUCATIONAL EVENT BWT LICENSE MAY BE ISSUED TO A HOLDER OF:**

- (I) A CLASS A BEER AND WINE LICENSE; OR**
- (II) A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(2) AN EDUCATIONAL EVENT BWLT LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) AN EDUCATIONAL EVENT BWT LICENSE AUTHORIZES THE ON-PREMISES CONSUMPTION, FOR TASTING OR SAMPLING, OF:**

**(I) BEER; OR**

**(II) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

**(2) AN EDUCATIONAL EVENT BWLT LICENSE:**

**(I) HAS THE PRIVILEGES OF A BWT LICENSE SET OUT IN PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) AUTHORIZES THE ON-PREMISES CONSUMPTION, FOR TASTING OR SAMPLING, OF LIQUOR.**

**(3) (I) AN EDUCATIONAL EVENT BWT LICENSE AND EDUCATIONAL EVENT BWLT LICENSE AUTHORIZE THE LICENSE HOLDER TO PROVIDE ALCOHOLIC BEVERAGES FROM THE LICENSE HOLDER'S INVENTORY TO A CONSUMER WHO HAS PREREGISTERED FOR AN EDUCATIONAL EVENT.**

**(II) THE ALCOHOLIC BEVERAGES MAY BE PROVIDED AT A PRORATED CHARGE THAT COVERS THE COST OF THE EDUCATIONAL EVENT, INCLUDING ALCOHOLIC BEVERAGES, SNACKS, AND A SPEAKER.**

**(E) PROHIBITED ACTIVITIES.**

**(1) A HOLDER OF AN EDUCATIONAL EVENT BWT LICENSE MAY NOT SERVE:**

**(I) WINE IN A QUANTITY OF MORE THAN 1 OUNCE FROM ANY INDIVIDUAL BRAND AND MORE THAN 6 OUNCES IN THE AGGREGATE TO ANY ONE INDIVIDUAL IN A SINGLE DAY; OR**

**(II) BEER IN A QUANTITY OF MORE THAN 2 OUNCES FROM ANY INDIVIDUAL BRAND AND MORE THAN 6 OUNCES IN THE AGGREGATE TO ANY ONE INDIVIDUAL IN A SINGLE DAY.**

**(2) A HOLDER OF AN EDUCATIONAL EVENT BWLT LICENSE:**

**(I) IS SUBJECT TO THE PROHIBITIONS SET OUT IN PARAGRAPH (1) OF THIS SUBSECTION; AND**

**(II) MAY NOT SERVE LIQUOR IN A QUANTITY OF MORE THAN 1/2 OUNCE FROM ANY INDIVIDUAL BRAND AND NOT MORE THAN 3 OUNCES IN THE AGGREGATE TO ANY ONE INDIVIDUAL IN A SINGLE DAY.**

**(F) FEES.**

**IN ADDITION TO THE FEE FOR ANY OTHER LICENSE, THE ANNUAL FEES ARE:**

**(1) \$100 FOR AN EDUCATIONAL EVENT BWT LICENSE; AND**

**(2) \$100 FOR AN EDUCATIONAL EVENT BWLT LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–408.2(a) through (c).

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of law” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(3) of this section, the references to “alcoholic beverages” are substituted for the former references to “beer and wine” and “liquor” for brevity.

In subsection (e)(1) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

Former Art. 2B, § 8–408.2(d), which stated that the Board may adopt regulations providing additional requirements to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 23–210 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“License” § 1–101

“Wine” § 1–101

**23–1310. RESERVED.**

**23-1311. RESERVED.****PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.****23-1312. FEE.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND LIGHT WINE LICENSE, AND A CLASS C BEER, WINE, AND LIQUOR LICENSE IS \$15 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(9).

Defined terms: "Beer" § 1-101

"License" § 1-101

"Wine" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.****23-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**
- (2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**
- (3) § 4-106 ("PAYMENT OF NOTICE EXPENSES");**
- (4) § 4-108 ("APPLICATION FORM REQUIRED BY COMPTROLLER");**
- (5) § 4-111 ("PAYMENT OF LICENSE FEES");**
- (6) § 4-112 ("DISPOSITION OF LICENSE FEES");**
- (7) § 4-113 ("REFUND OF LICENSE FEES"); AND**



(8) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

(B) EXCEPTION.

SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION FOR SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 23-1406 OF THIS SUBTITLE.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 23-1404 OF THIS SUBTITLE;

(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 23-1404 OF THIS SUBTITLE;

(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 23-1402, 23-1403, AND 23-1408 OF THIS SUBTITLE; AND

(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 23-1407 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(o)(1)(ii), which stated that in the County the Director of Finance shall collect the license fees, is deleted as duplicative of § 4-111 of this article.

Defined term: “County” § 23-101

**23-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

(A) REQUIRED.

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

(B) RECORDS FROM COUNTY POLICE.

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM COUNTY POLICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xii)1A and (ii)1F and 2.

In this section, the references to "criminal history record information" are substituted for the former references to "criminal records" to conform to the terminology used in CP § 10-201.

In subsection (a) of this section, the former references to the "Federal Bureau of Investigation" are deleted as unnecessary in light of § 4-107 of this article.

Defined terms: "Board" § 23-101

"Central Repository" § 1-101

"License" § 1-101

**23-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE OR § 23-1805 OF THIS TITLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2 and (ii)1F.

The reference to "criminal history record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

The reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: "Board" § 23-101

**23-1404. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) REQUIREMENTS FOR APPLICANTS.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN APPLICANT FOR A NEW LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL CERTIFY THAT AS LONG AS THE APPLICANT IS THE HOLDER OF THE LICENSE, THE APPLICANT SHALL:**

**(1) OWN AT LEAST 10% OF THE STOCK IN THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY; OR**

**(2) (I) SERVE AS THE MANAGER OR SUPERVISOR OF THE CORPORATION OR LIMITED LIABILITY COMPANY; AND**

**(II) BE PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE LICENSED PREMISES OF THE CORPORATION OR LIMITED LIABILITY COMPANY TO CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

**(B) REQUIREMENTS FOR DOCUMENTATION.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, APPLICANTS FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT:**

**(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION; AND**

**(2) A SCHEDULE THAT STATES:**

**(I) THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD BY EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION; OR**

**(II) THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD BY EACH MEMBER HOLDING AT LEAST 5% INTEREST IN A LIMITED LIABILITY COMPANY.**

**(C) EXCEPTIONS.**

**(1) (I) THE STOCK OR INTEREST REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A CORPORATION OR LIMITED LIABILITY COMPANY IN WHICH:**

**1. THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**2. A MAJORITY OF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY**

**COMPANIES WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(II) A CORPORATION OR LIMITED LIABILITY COMPANY PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL MAINTAIN ONE APPLICANT AS A MANAGER OR SUPERVISOR PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE LICENSED PREMISES TO CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

**(2) THE SCHEDULE REQUIREMENT ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

**(I) A CORPORATION WHOSE STOCK IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**(II) A LIMITED LIABILITY COMPANY WHOSE INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(e)(2) through (4) and, as it related to applicants for a new license, (1).

In the introductory language of subsection (b) of this section, the phrase "applicants for a license for a corporation or limited liability company" is substituted for the former phrase "[i]ndividuals applying for a license on behalf of corporations or limited liability companies" for brevity.

In subsection (b)(1) of this section, the former phrase "as the case may be" is deleted as surplusage.

In subsection (c)(1)(i)2 of this section, the reference to "stock or interest [that] is authorized for sale by the United States Securities and Exchange Commission" is substituted for the former reference to "shares of stock or interest [that] are so traded" for clarity.

Defined term: "License" § 1-101

**23-1405. RESIDENT STATUS.**

**(A) REQUIRED INFORMATION.**

**AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE APPLICATION:**

**(1) A STATEMENT WHETHER THE APPLICANT IS A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN; OR**

**(2) IF THE APPLICANT IS NOT A NATURAL-BORN CITIZEN OR A NATURALIZED CITIZEN, INFORMATION OR DOCUMENTATION REQUIRED BY THE BOARD TO SHOW PROOF OF IMMIGRATION STATUS.**

**(B) VERIFICATION OF STATUS.**

**THE BOARD MAY OBTAIN INFORMATION FROM THE SOCIAL SECURITY ADMINISTRATION AND THE DEPARTMENT OF HOMELAND SECURITY – IMMIGRATION AND CUSTOMS TO VERIFY THE CITIZENSHIP OR IMMIGRATION STATUS OF THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(3-a), as it related to Howard County.

In this section, the references to "immigration" status are substituted for the former references to "alien" status for clarity.

Defined terms: "Board" § 23-101  
"County" § 23-101  
"License" § 1-101

**23-1406. PETITION OF SUPPORT TO BE SIGNED BY AT LEAST THREE RESIDENTS.**

**(A) IN GENERAL.**

**AN APPLICANT SHALL INCLUDE WITH THE APPLICATION A PETITION OF SUPPORT SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE DISTRICT WHERE THE BUSINESS IS TO BE CONDUCTED STATING THAT THE APPLICANT:**

**(1) IS KNOWN PERSONALLY TO THE RESIDENTS; AND**

**(2) SUBJECT TO SUBSECTION (B) OF THIS SECTION, HAS BEEN A RESIDENT OF THE COUNTY FOR 2 YEARS IMMEDIATELY PRECEDING THE PRESENTATION OF THE APPLICATION TO THE RESIDENTS.**

**(B) WAIVER OF RESIDENCY REQUIREMENT.**

**THE BOARD MAY WAIVE THE 2-YEAR RESIDENCY REQUIREMENT FOR AN APPLICANT IF THE APPLICANT:**

- (1) IS THE PURCHASER OF A BUSINESS ALREADY IN OPERATION; OR**
- (2) HAS OWNED THE PREMISES FOR WHICH A LICENSE IS SOUGHT FOR AT LEAST 2 YEARS IMMEDIATELY PRECEDING THE FILING OF THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(o)(1), as it related to a statement by citizens who are owners and residents of the district where the applicant for a license intends to conduct business.

In this section, the former references to an applicant "or applicants" is deleted in light of GP § 1-202, which provides that the singular generally includes the plural.

In the introductory language of subsection (a) of this section, the reference to a "petition of support" is substituted for the former reference to a "certificate" to conform to the terminology used throughout this article.

In subsection (a) of this section, the reference to "residents" who are owners of real property and registered voters in the district where the business is to be conducted is substituted for the former reference to "citizens" because the former reference to "citizens" is unclear in this context.

In subsection (b) of this section, the former phrase "however, that notwithstanding the provisions as hereinbefore set forth and also as contained in § 10-103 of this article" is deleted as unnecessary in light of the organization of this revised article.

In subsection (b)(1) of this section, the former reference to a "bona fide" purchaser is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a)(2) of this section that an applicant has been a resident of the County for 2 years immediately preceding presentation of the application to the residents 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 classifies 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: "Board" § 23-101

"County" § 23-101

"License" § 1-101

**23-1407. ADDITIONAL REQUIREMENTS FOR APPLICANTS.**

**AN APPLICANT FOR A LICENSE SHALL:**

- (1) BE A RESIDENT OF THE COUNTY;**
- (2) IN THE DETERMINATION OF THE BOARD, BE OF GOOD CHARACTER; AND**
- (3) INCLUDE THE FOLLOWING INFORMATION WITH THE APPLICATION:**
  - (I) A STATEMENT THAT THE APPLICANT IS AT LEAST 18 YEARS OLD; AND**
  - (II) A CHECKLIST AND POLICE CONSENT FORM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(o)(2) and, as it related to the residency and character of the applicant, (1).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the County in item (1) of this section 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 classifies 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: "Board" § 23-101

"County" § 23-101

"License" § 1-101

**23-1408. CRIMINAL HISTORY RECORD INFORMATION TO BE MADE AVAILABLE ONLY TO PERSONNEL OF BOARD OF LICENSE COMMISSIONERS OR HEARING BOARD.**

**THE BOARD SHALL MAKE CRIMINAL HISTORY RECORD INFORMATION IN ITS POSSESSION AVAILABLE ONLY TO MEMBERS, CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE BOARD AND TO MEMBERS, CLERKS, ADMINISTRATORS, AND INSPECTORS OF THE COUNTY ALCOHOLIC BEVERAGE HEARING BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xii)3B.

The reference to "history record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

Defined terms: "Board" § 23-101

"County" § 23-101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **23-1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-209 ("HEARING");**
- (5) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**
- (6) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION"); AND**
- (7) § 4-213 ("REPLACEMENT LICENSES").**

##### **(B) EXCEPTION.**

**SECTION 4-214 ("WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 23-1507 OF THIS SUBTITLE.**

##### **(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**



(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 23-1502 OF THIS SUBTITLE;

(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 23-1504 OF THIS SUBTITLE;

(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 23-1505 OF THIS SUBTITLE; AND

(5) § 4-212 (“LICENSE NOT PROPERTY”), IN ADDITION TO § 23-1506 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 23-101

“License” § 1-101

“Local licensing board” § 1-101

## **23-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(8), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the defined term “person”.

Former Art. 2B, § 10–202(a)(3)(iv), which authorized the Board to issue a license after the payment of a fee, is deleted as included in the general authority of the Board to issue a license under § 4–202 of this article and the general requirement to pay the license fee before issuance under § 4–111 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“License” § 1–101

“Light wine” § 23–101

“Person” § 1–101

“State” § 1–101

“Wine” § 1–101

### **23–1503. FINDINGS FOR DECISION ON CLASS A LICENSE APPLICATION.**

**IN DETERMINING WHETHER TO APPROVE AN APPLICATION FOR ANY NEW CLASS A LICENSE, THE HEARING BOARD SHALL INCLUDE IN ITS WRITTEN DECISION FINDINGS AS TO EACH OF THE FACTORS SET FORTH UNDER § 4–210(A) OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–214(e).

Defined terms: “Hearing Board” § 23–101

“License” § 1–101

### **23–1504. INTERESTS IN MULTIPLE LICENSES — PROHIBITED.**

**UNLESS OTHERWISE EXPRESSLY AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THAT INTEREST IS HELD OR CONTROLLED BY DIRECT OR INDIRECT OWNERSHIP, STOCK OWNERSHIP, INTERLOCKING DIRECTORS OR INTERLOCKING STOCK OWNERSHIP, OR ANY OTHER DIRECT OR INDIRECT MANNER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–301(4)(ii) and, except as they related to the renewal of a license, (i)1 and the first sentence of the introductory language of § 9–301.

The reference to interest in a license “regardless of whether that interest” is held or controlled in specified manners is added for clarity.

The former references to a “partnership, firm, or corporation” are deleted as included in the defined term “person”.

Former Art. 2B, § 9–301(4)(i)2, which expressed the intention of former Art. 2B, § 9–301(4), is deleted as unnecessary.

Defined terms: “Board” § 23–101

“License” § 1–101

“Person” § 1–101

### **23–1505. NOTICE OF LICENSE APPLICATION.**

#### **(A) REQUIRED FOR 15 DAYS BEFORE HEARING.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, AN INSPECTOR FOR THE BOARD, IN COOPERATION WITH THE APPLICANT, SHALL POST A HEARING NOTICE FOR AT LEAST 15 DAYS BEFORE THE HEARING ON AN APPLICATION FOR:**

- (1) A NEW LICENSE;**
- (2) A CHANGE IN THE CLASS OF A LICENSE; OR**
- (3) AN EXTENSION OF THE LICENSED PREMISES.**

#### **(B) POSTING AT LOCATION DESCRIBED IN APPLICATION.**

**THE NOTICE SHALL BE POSTED AT THE LOCATION DESCRIBED IN THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(n), except as it related to license transfers.

In the introductory language of subsection (a) of this section, the reference to an “inspector for the Board” is substituted for the former reference to the “Board” in light of the requirement that an inspector post the notice.

Also in the introductory language of subsection (a) of this section, the requirement that “[t]he posting shall exist” for a minimum period of time is deleted as unnecessary.

Defined terms: “Board” § 23–101

“License” § 1–101

**23-1506. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.****A LICENSE IS NOT:**

**(1) SUBJECT TO A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) SUBJECT TO A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-501(d).

The former reference to a license not being "regarded as property or as conferring any property rights" is deleted as redundant of § 4-212 of this article.

Defined terms: "License" § 1-101  
"License holder" § 1-101

**23-1507. WAITING PERIOD AFTER DENIALS.**

**(A) FIRST REFUSAL — 1-YEAR WAITING PERIOD.**

**IF A LICENSE APPLICATION IS DENIED, ANOTHER LICENSE APPLICATION FROM THE SAME APPLICANT OR FOR THE SAME LOCATION MAY NOT BE CONSIDERED FOR 1 YEAR AFTER THE DENIAL.**

**(B) SUBSEQUENT REFUSAL — 2-YEAR WAITING PERIOD.**

**IF A SUBSEQUENT LICENSE APPLICATION BY THE SAME APPLICANT OR FOR THE SAME LOCATION IS DENIED WITHIN A 2-YEAR PERIOD AFTER THE FIRST DENIAL, ANOTHER APPLICATION MAY NOT BE CONSIDERED FROM THAT APPLICANT OR FOR THAT LOCATION UNTIL THE 2-YEAR PERIOD EXPIRES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-208(g).

The references to the "location" are substituted for the former references to the "premises" for consistency with terminology used throughout this article.

The former references to "the date of" the denial are deleted as surplusage.

In subsection (a) of this section, the former phrase "a period of" 1 year is deleted as surplusage.

In subsection (b) of this section, the former phrase “as the case may be” is deleted as surplusage.

Defined term: “License” § 1–101

**23–1508. LICENSE FOR INCOMPLETE BUILDING.**

**(A) TENTATIVE APPROVAL BY BOARD.**

**THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON THE PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

**(B) FINAL APPROVAL BY BOARD.**

**THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION UNDER THIS SECTION ON COMPLETION OF THE ESTABLISHMENT IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–214(d).

In this section, the references to an “establishment” are substituted for the former references to a “building” to conform to the terminology used throughout this article.

Defined terms: “Board” § 23–101  
“License” § 1–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 9–102(b–1)(2)(iv), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Howard County, is deleted as unnecessary. This revision applies the general rule to Howard County. The fact that Howard County is not covered by the exception need not be stated.

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**23–1601. QUOTA FOR CLASS A LICENSES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE MORE THAN ONE CLASS A LICENSE OF ANY TYPE FOR EVERY 4,000 RESIDENTS OF THE COUNTY, AS DETERMINED BY THE LATEST FEDERAL CENSUS.**

**(B) EXCEPTION.**

**THIS SECTION DOES NOT APPLY TO A CLASS A LICENSE ISSUED FOR USE IN AN EXISTING SHOPPING CENTER OR IN A PROPOSED SHOPPING CENTER DEVELOPMENT FOR WHICH A BUILDING PERMIT HAS BEEN ISSUED THAT CONTAINS 200,000 OR MORE SQUARE FEET OF COMMERCIAL RETAIL SPACE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-214(f).

Defined terms: "Board" § 23-101

"County" § 23-101

"License" § 1-101

**23-1602. DISTANCE RESTRICTION FROM SCHOOL.**

**(A) IN GENERAL.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE:**

**(i) A CLASS B LICENSE FOR A RESTAURANT THAT IS WITHIN 400 FEET OF THE NEAREST POINT OF A PUBLIC SCHOOL BUILDING; OR**

**(ii) ANY OTHER LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF THE NEAREST POINT OF A PUBLIC SCHOOL BUILDING.**

**(2) A DECISION OF THE COUNTY BOARD OF EDUCATION TO LOCATE A PUBLIC SCHOOL BUILDING WITHIN 500 FEET OF THE PREMISES OF A LICENSE HOLDER MAY NOT BE THE BASIS TO REVOKE OR DENY THE RENEWAL OR TRANSFER OF THE LICENSE.**

**(B) LICENSES ISSUED ON OR BEFORE JUNE 30, 1971.**

**FOR A LICENSE ISSUED ON OR BEFORE JUNE 30, 1971, THE BOARD MAY RENEW THE LICENSE OR APPROVE THE TRANSFER OF THE LICENSE TO A NEW LICENSE HOLDER FOR THE SAME ESTABLISHMENT AND TYPE OF LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–214(b).

In the introductory language of subsection (a)(1) and in subsection (b) of this section, the references to the “Board” are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues and renews licenses.

In subsections (a)(1)(ii) and (b) of this section, the references to an “establishment” are substituted for the former references to a “building” to conform to the terminology used throughout this article.

In subsection (a)(1) of this section, the former references to a license “to sell alcoholic beverages” are deleted as included in the defined term “license”.

In subsection (a)(1)(ii) of this section, the former reference to a license issued “after June 30, 1971” is deleted as obsolete. Similarly, in subsection (a)(2) of this section, the former reference to a decision “after June 30, 1971” is deleted.

In subsection (a)(2) of this section, the former reference to an “existing” license holder is deleted as surplusage.

In subsection (b) of this section, the former reference to a license “assigned” to a new licensee is deleted as included in the reference to a license “transferred”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under subsection (a)(2) of this section, a decision of the County Board of Education to locate a public school within 500 feet of an existing license holder may not be the basis to revoke or deny the renewal or transfer of the license. Under subsection (a)(1)(i), however, a restaurant with a Class B license may be located 400 feet from a public school building. The law is silent as to whether a decision of the board to locate a school within 400 feet of a licensed restaurant could be the basis to revoke or deny the renewal or transfer of the license.

Defined terms: “Board” § 23–101

“License” § 1–101

“License holder” § 1–101

“Restaurant” § 1–101

### **23–1603. DRIVE–THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-214(c), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a "sales" facility is substituted for the former reference to a "purchase" facility for clarity.

Also in the introductory language of this section, the former reference to the Board not "approv[ing] an application on behalf of" a license is deleted as implicit in the reference to the Board not "issu[ing]" a license.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 23-101

"License" § 1-101

"Off-sale" § 1-101

**23-1604. RESERVED.**

**23-1605. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**23-1606. COMBINATION OF CLASS B AND CLASS BLX LICENSES.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTIONS (B) AND (C) OF THIS SECTION, THE BOARD MAY ISSUE TO AN INDIVIDUAL OR FOR THE USE OF A PERSON:**

**(1) TWO CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSES AND SEVEN CLASS BLX (LUXURY RESTAURANT)(ON-SALE) BEER, WINE, AND LIQUOR LICENSES; OR**

**(2) NINE CLASS BLX (LUXURY RESTAURANT)(ON-SALE) BEER, WINE, AND LIQUOR LICENSES.**

**(B) DIRECT OR INDIRECT INTEREST IN MORE THAN NINE LICENSES PROHIBITED.**



**A PERSON MAY NOT HAVE A DIRECT OR INDIRECT INTEREST IN ANY COMBINATION OF MORE THAN NINE CLASS B AND CLASS BLX LICENSES.**

**(C) PRESUMPTION OF INDIRECT INTEREST.**

**FOR PURPOSES OF THIS SECTION, AN INDIRECT INTEREST IS PRESUMED TO EXIST BETWEEN TWO PERSONS IF BOTH:**

- (1) HAVE A COMMON PARENT COMPANY;**
- (2) ARE LINKED BY A FRANCHISE AGREEMENT, LICENSING AGREEMENT, OR A CONCESSION AGREEMENT;**
- (3) ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED;**
- (4) SHARE:**
  - (I) DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS; OR**
  - (II) DIRECTORS, STOCKHOLDERS, PARTNERS, OR MEMBERS OF PARENTS OR SUBSIDIARIES;**
- (5) SHARE, DIRECTLY OR INDIRECTLY, PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**
- (6) SHARE A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(o).

In subsection (a) of this section, the former phrase “notwithstanding any other provision of law” is deleted as surplusage.

In subsection (b) of this section, the former reference to “corporation, limited liability company, partnership, limited partnership, joint venture, association, or other combination of persons, whether natural or otherwise and for whatever reason formed” is deleted as included in the defined term “person”. Similarly, in subsection (c) of this section, the former reference to “corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other combination of persons, whether natural or otherwise,” is deleted.

Defined terms: “Board” § 23–101

“License” § 1–101

“Person” § 1–101

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**23–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(3) § 4–305 (“FILING FEES AND ENDORSEMENT”).**

**(B) EXCEPTION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 23–1705 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23–1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 23–101

“License” § 1–101

**23–1702. PAYMENT OF TAXES.**

**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS ALL STATE AND LOCAL PERSONAL PROPERTY TAXES OWED BY THE TRANSFEROR ARE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(o)(2).

The phrase "[t]he Board may not allow" is substituted for the former reference to "may not be granted" to conform to the terminology used throughout this article.

Former Art. 2B, § 10-503(o)(1), which stated that former Art. 2B, § 10-503(o) applied only to Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 23-101

"License" § 1-101

"State" § 1-101

**23-1703. APPLICATION FOR CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) REQUIREMENTS FOR APPLICANTS.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN APPLICANT FOR THE TRANSFER OF A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL CERTIFY THAT AS LONG AS THE APPLICANT IS THE HOLDER OF THE LICENSE, THE APPLICANT SHALL:**

**(1) OWN AT LEAST 10% OF THE STOCK IN THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY; OR**

**(2) (I) SERVE AS THE MANAGER OR SUPERVISOR OF THE CORPORATION OR LIMITED LIABILITY COMPANY; AND**

**(II) BE PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE LICENSED PREMISES OF THE CORPORATION OR LIMITED LIABILITY COMPANY TO CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

**(B) REQUIREMENTS FOR DOCUMENTATION.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, APPLICANTS FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL SUBMIT:**

**(1) AN EXECUTED COPY OF THE ARTICLES OF INCORPORATION OR ARTICLES OF ORGANIZATION; AND**

**(2) A SCHEDULE THAT STATES:**

**(I) THE NAME, ADDRESS, AND PERCENTAGE OF STOCK HELD BY EACH STOCKHOLDER HOLDING AT LEAST 5% OF THE STOCK OF A CORPORATION; OR**

**(II) THE NAME, ADDRESS, AND PERCENTAGE OF INTEREST HELD BY EACH MEMBER HOLDING AT LEAST 5% INTEREST IN A LIMITED LIABILITY COMPANY.**

**(C) EXCEPTIONS.**

**(1) (I) THE STOCK OR INTEREST REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION DO NOT APPLY TO A CORPORATION OR LIMITED LIABILITY COMPANY IN WHICH:**

**1. THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**2. A MAJORITY OF THE STOCK OF THE CORPORATION OR INTEREST IN THE LIMITED LIABILITY COMPANY IS OWNED OR CONTROLLED DIRECTLY OR INDIRECTLY BY ONE OR MORE CORPORATIONS OR LIMITED LIABILITY COMPANIES WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(II) A CORPORATION OR LIMITED LIABILITY COMPANY PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL MAINTAIN ONE APPLICANT AS A MANAGER OR SUPERVISOR PHYSICALLY PRESENT ON A FULL-TIME BASIS AT THE LICENSED PREMISES TO CONDUCT THE DAILY BUSINESS INVOLVING TRANSACTIONS CONCERNING ALCOHOLIC BEVERAGES SALES.**

**(2) THE SCHEDULE REQUIREMENT ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO:**

**(I) A CORPORATION WHOSE STOCK IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION; OR**

**(II) A LIMITED LIABILITY COMPANY WHOSE INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(e)(2) through (4) and, as it related to license transfers, (1).

In the introductory language of subsection (a) of this section, the reference to the “applicant” is substituted for the former references to the “qualifying individual” for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to certifying that the “following requirements shall be maintained” is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former reference to an “existing” license is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase “applicants for a license for a corporation or limited liability company” is substituted for the former phrase “[i]ndividuals applying for a license on behalf of corporations or limited liability companies” for brevity.

In subsection (b)(1) of this section, the former phrase “as the case may be” is deleted as surplusage.

In subsection (c)(1)(i)2 of this section, the reference to “stock or interest [that] is authorized for sale by the United States Securities and Exchange Commission” is substituted for the former reference to “shares of stock or interest [that] are so traded” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“License” § 1–101

**23–1704. HEARING AND NOTICE REQUIREMENTS.**

**(A) BOARD TO SET HEARING AND POST NOTICE.**

**ON RECEIPT OF AN APPLICATION FOR A TRANSFER OF A LICENSE, THE BOARD SHALL:**

**(1) SCHEDULE A PUBLIC HEARING; AND**

**(2) POST A NOTICE OF THE HEARING ON THE PREMISES DESCRIBED IN THE APPLICATION.**

**(B) NOTICE SPECIFICATIONS.**

**THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) BE POSTED BY THE INSPECTOR WITH THE COOPERATION OF THE APPLICANT; AND**

**(2) REMAIN POSTED FOR AT LEAST 15 DAYS BEFORE THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(n)(2), (3), and, as it related to license transfers, (1).

In subsection (a)(1) of this section, the reference to the requirement that the Board “schedule a public hearing” expressly states what was only implicit in the former law, that the Board is required to hold a public hearing on an application for a transfer.

In the introductory language of subsection (b) of this section, the reference to the “notice required under subsection (a) of this section” is substituted for the former reference to the “posting” for clarity and specificity.

In subsection (b)(2) of this section, the reference to “remain posted” is substituted for the former reference to “exist” for clarity.

Defined terms: “Board” § 23–101  
“License” § 1–101

**23–1705. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

- (1) THE SUBSTITUTION OF THE OFFICER; AND**
- (2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT AND PAYMENT OF A \$5 FEE, THE BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first through fourth sentences of former Art. 2B, § 10-301(h)(1), as they related to Howard County.

In subsection (a) of this section, the former reference to an officer who has "been removed from office" is deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsection (a)(1) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any "class of alcoholic beverage" license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements “applicable to the original officer” is substituted for the former reference to requirements “the substitute would have to meet if the substitute were named in the original application” for brevity.

Also in subsection (a)(2) of this section, the former reference to a “fit” individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In the introductory language of subsection (c) of this section, the former reference to a payment of \$5 “for this service” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 23–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

### **23–1706. TRANSFER OF LICENSES PROHIBITED FOR DRIVE–THROUGHS.**

**THE BOARD MAY NOT TRANSFER AN OFF–SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–214(c), as it related to the transfer of a license.

The former references to a license “of any class” are deleted as surplusage.



Former Art. 2B, § 9–214(a), which stated that former Art. 2B, § 9–214 applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 23–101

“License” § 1–101

“Off–sale” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **23–1801. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4–406 (“PROTESTS”);**
- (5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4–409 (“MULTIPLE LICENSES”); AND**
- (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

#### **(B) VARIATION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23–1802 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 23–101  
“License” § 1–101

**23–1802. LATE FILING.**

**IF A LICENSE HOLDER FAILS TO FILE A LICENSE RENEWAL APPLICATION BY APRIL 1 OF EACH YEAR, THE BOARD SHALL:**

**(1) CONSIDER THE LICENSE TO BE EXPIRED AS OF ITS TERMINATION DATE; OR**

**(2) IMPOSE A PENALTY ON THE LICENSE HOLDER OF \$50 FOR EACH DAY THE APPLICATION IS LATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(h)(2).

In the introductory language of this section, the reference to a “license holder” failing to renew a license is added for clarity.

Also in the introductory language of this section, the reference requiring “the Board” to take specified action is added for clarity.

In item (1) of this section, the reference requiring a license to expire “as of its termination date” is added to state explicitly what formerly only was implied.

Also in item (1) of this section, the reference requiring the Board to “consider the license to be expired” is substituted for the former reference establishing that failure to file a renewal application shall “result in nonrenewal of the license” for clarity.

In item (2) of this section, the reference requiring the Board to “impose” a penalty is added for clarity.

Also in item (2) of this section, the reference requiring the Board to assess a penalty “on the license holder” is added for clarity.

Also in item (2) of this section, the former redundant reference to a penalty of \$50 “per day” the application is late is deleted as included in the reference to a penalty of \$50 “for each day” the application is late.

Defined terms: “Board” § 23–101  
“License” § 1–101  
“License holder” § 1–101

**23-1803. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 23-1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(8), as it related to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 23-1502 of this title,” is added to clarify that this section is an exception to § 23-1502.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 23-101

“State” § 1-101

“Wine” § 1-101

**23-1804. MULTIPLE LICENSES.**

**NOTWITHSTANDING § 23-1504 OF THIS TITLE, A PERSON WHO HAS AN INTEREST IN MORE THAN ONE LICENSE MAY RENEW THE LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-301(4)(i), as it related to the renewal of a license in Howard County.

The phrase “[n]otwithstanding § 23-1504 of this title,” is added to clarify that this section is an exception to § 23-1504.

Defined terms: “License” § 1-101

“Person” § 1-101

**23-1805. CRIMINAL HISTORY RECORDS CHECK APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE APPLIES TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xii)2.

Defined term: "License" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**23-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**
- (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES");**
- (3) § 4-506 ("EVIDENCE OF PURCHASER'S AGE"); AND**
- (4) § 4-508 ("DISPLAY OF LICENSE").**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS"), SUBJECT TO § 23-1902 OF THIS SUBTITLE;**
- (2) § 4-505 ("ALCOHOL AWARENESS PROGRAM"), SUBJECT TO § 23-1903 OF THIS SUBTITLE; AND**
- (3) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"), SUBJECT TO § 23-1904 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 23-101

"License" § 1-101

"License holder" § 1-101

**23-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A HOLDER OF A CLASS A, CLASS B, OR CLASS C LICENSE MAY EMPLOY AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD TO SELL OR SERVE ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-214(c).

Defined term: "Alcoholic beverage" § 1-101

**23-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.****A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(i)1, (iii), and (iv)4 and, as it related to Howard County, 1.

In subsection (a) of this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (a)(1)(ii) of this section, the reference to being present "on the licensed premises" is added for clarity.

Also in subsection (a)(1)(ii) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "alcohol" to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former reference to a "bona fide" personal or business reason is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 23-101

"License holder" § 1-101

**23-1904. RETAIL DELIVERY.****A LICENSE HOLDER MAY NOT MAKE A RETAIL DELIVERY OF ALCOHOLIC BEVERAGES UNLESS THE PURCHASER:**

**(1) IS PHYSICALLY PRESENT ON THE LICENSED PREMISES WHEN THE PURCHASER ORDERS THE ALCOHOLIC BEVERAGES; AND**

**(2) PAYS FOR THE PURCHASE AT THE TIME OF THE ORDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(c)(2).

Former Art. 2B, § 12-301(c)(1), which stated that former Art. 2B, § 12-301(c) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101  
“License holder” § 1-101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **23-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Howard County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in CR § 14–102, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **23–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

#### **EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

**(1) A HOLDER OF A 6–DAY CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) A HOLDER OF A 7–DAY CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

### **(B) CLASS B BEER LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**



**(C) CLASS C BEER LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER LICENSE.**

**EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

**(1) A HOLDER OF A 6-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(1)(ii) and 11-514(a)(1) and (2).

Former Art. 2B, § 11-514(b)(1), which stated that “[t]he provisions of this section do not apply to sales made pursuant to § 11-402(o) [hours of sale for New Year’s Day]”, is deleted as unnecessary in light of the organization of this revised article. Hours of sale for New Year’s Day are listed in § 23-2005 of this subtitle.

Former Art. 2B, § 11-514(b)(2), which stated that “[t]he provisions of §§ 11-301, 11-302, and 11-303 of this article do not apply in Howard County”, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 23-101

**23-2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**EXCEPT AS OTHERWISE RESTRICTED BY THE BOARD:**

(1) A HOLDER OF A 6-DAY CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

**(B) CLASS B BEER AND LIGHT WINE LICENSE.**

(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.

**(C) CLASS B BEER AND LIGHT WINE (B-SBW) (OFF-SALE) LICENSE.**

A HOLDER OF A CLASS B BEER AND LIGHT WINE (B-SBW) (OFF-SALE) LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 10 A.M. TO MIDNIGHT.

**(D) CLASS C BEER AND LIGHT WINE LICENSE.**

(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE AT A BAR OR COUNTER ON SUNDAY.

**(E) CLASS D BEER AND LIGHT WINE LICENSE.**

**EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

(1) A HOLDER OF A 6-DAY CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

**(2) A HOLDER OF A 7-DAY CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 7-101(p-1)(2) and (9), 11-403(a)(1)(ii), and 11-514(a)(1) and (2).

In subsections (a)(2), (b)(1), and (d)(1) of this section, the references to the authority of a holder of a 7-day license to sell alcoholic beverages "Monday through Sunday, from 6 a.m. to 2 a.m. the following day" are substituted for former references to the authority of the license holder to sell alcoholic beverages "between the hours of 6 a.m. and 2 a.m. of the next day, Monday through Saturday, inclusive" and "between 6 a.m. Sunday and 2 a.m. Monday" for clarity and to conform to the terminology used throughout this subtitle.

Defined terms: "Beer" § 1-101

"Board" § 23-101

"Wine" § 1-101

**23-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

**(1) A HOLDER OF A 6-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) A HOLDER OF A 7-DAY CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS BLX (LUXURY RESTAURANT) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS BLX (LUXURY RESTAURANT) (ON-SALE) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS OTHERWISE PROVIDED BY THE BOARD AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**EXCEPT AS OTHERWISE PROVIDED BY THE BOARD:**

**(1) A HOLDER OF A 6-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) A HOLDER OF A 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-403(a)(1)(ii), 11-514(a)(1) and (2), and the first sentence of 8-214(a).

Throughout this section, the references to the authorization of license holders to sell "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages authorized by their license" for clarity.

Defined terms: "Beer" § 1-101

“Board” § 23–101

“Wine” § 1–101

**23–2005. HOLIDAY HOURS.**

**(A) JANUARY 1 HOURS, EXCEPT FOR CLASS A LICENSE HOLDERS.**

**A LICENSE HOLDER, OTHER THAN A HOLDER OF A CLASS A LICENSE, MAY SELL ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE AT ALL TIMES ON JANUARY 1.**

**(B) DECEMBER 24 AND DECEMBER 31 HOURS FOR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON DECEMBER 24 AND DECEMBER 31, FROM 6 A.M. TO MIDNIGHT REGARDLESS OF THE DAY OF THE WEEK ON WHICH DECEMBER 24 AND DECEMBER 31 FALL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(o)(2) and (3).

In subsection (a) of this section, the former phrase “[n]otwithstanding §§ 11–304(a) and 11–514 of this title and any other restrictions as to hours imposed by this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a) of this section, the former reference to the authority of a license holder to “remain open” is deleted as implicit in the authority to “sell alcoholic beverages”.

Also in subsection (a) of this section, the former reference to January 1 “of any year” is deleted as surplusage.

In subsection (b) of this section, the former phrase “[n]otwithstanding § 6–101 of this article, § 11–403 of this subtitle, and § 11–514 of this title” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–402(o)(1), which stated that former Art. 2B, § 11–402(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.****23-2101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4-606 (“EFFECTS OF REVOCATION”).**

**(B) EXCEPTION.**

**SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 23-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 23-101

“License” § 1-101

“Local licensing board” § 1-101

**23-2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4-604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A LICENSE IF THE BOARD FINDS THAT A LICENSE HOLDER OR AN AGENT OR EMPLOYEE OF A LICENSE HOLDER HAS VIOLATED THIS ARTICLE OR A RULE OR REGULATION OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(f).

The former reference to a “servant” of a license holder is deleted as included in the reference to an “agent or employee” of a license holder.

Defined terms: “Board” § 23–101  
“License” § 1–101  
“License holder” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**23–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 23–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**23–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 23–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**23–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 23–101

**23-2402. COSTS.****(A) CLERK TO COLLECT.**

**BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:**

**(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

**(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.**

**(B) NO ASSESSMENT AGAINST BOARD.**

**THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(d), as it related to Howard County.

In subsection (a) of this section, the references to "an action for judicial review" and "the petitioner" are substituted for the former incorrect references to "an appeal" and "the persons or persons so appealing" to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: "Board" § 23-101  
"County" § 23-101

**23-2403. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)8.

The reference to the "circuit court for the County" is substituted for the former reference to the "court" for clarity.



Defined terms: "Board" § 23-101  
"County" § 23-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**23-2501. PLACE OF ADULT ENTERTAINMENT.**

**(A) "PLACE OF ADULT ENTERTAINMENT" DEFINED.**

IN THIS SUBTITLE, "PLACE OF ADULT ENTERTAINMENT" MEANS AN ESTABLISHMENT THAT:

(1) IS NOT LICENSED BY THE BOARD BUT TO WHICH A CUSTOMER BRINGS ALCOHOLIC BEVERAGES THAT THE CUSTOMER HAS PURCHASED ELSEWHERE; AND

(2) ALLOWS AT ITS LOCATION A FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.

**(B) ALCOHOL AWARENESS REQUIREMENTS FOR EMPLOYEES AND SUPERVISORS.**

AN INDIVIDUAL WHO SERVES FOOD, ALCOHOLIC BEVERAGES, OR SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, IN A PLACE OF ADULT ENTERTAINMENT OR WHO SUPERVISES OR MANAGES A PLACE OF ADULT ENTERTAINMENT SHALL:

(1) RECEIVE ALCOHOL AWARENESS TRAINING AS PROVIDED IN § 4-508 OF THIS ARTICLE; AND

(2) REFUSE TO FACILITATE THE CONTINUED CONSUMPTION OF ALCOHOLIC BEVERAGES BY A CUSTOMER WHO APPEARS TO BE INEBRIATED.

**(C) HOURS AND DAYS OF OPERATION.**

THE HOURS AND DAYS DURING WHICH A PLACE OF PUBLIC ENTERTAINMENT MAY BE OPEN ARE MONDAY THROUGH SATURDAY, FROM 11:30 A.M. TO 1:30 A.M. THE FOLLOWING DAY.

**(D) PENALTY.**

**(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–107(b) through (e).

Throughout this section, the references to a place of “adult” entertainment are substituted for the former references to a place of “public” entertainment for clarity.

In subsections (a)(1) and (b)(2) of this section, the references to “customer” are substituted for the former references to “patron” and “patrons” for clarity.

In subsection (a)(2) of this section, the reference to “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the reference to “alcoholic” beverages is added for clarity.

Also in subsection (b) of this section, the former reference to “dispenses” is deleted as included in the reference to “serves”.

In subsection (b)(2) of this section, the former phrase “in any way” is deleted as surplusage.

In subsection (c) of this section, the former reference to open “for business” is deleted as surplusage.

Former Art. 2B, § 20–107(a), which stated that former Art. 2B, § 20–107 applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

## **23–2502. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) BRINGING, CONSUMING, OR TRANSFERRING ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT BRING INTO A PLACE OF ADULT ENTERTAINMENT AND CONSUME OR TRANSFER ALCOHOLIC BEVERAGES, IF THE ENTERTAINMENT IN THE PLACE IS ADULT ENTERTAINMENT DESCRIBED IN § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT MAY NOT ALLOW A FEMALE ENTERTAINER TO EXHIBIT HER BREASTS BELOW THE TOP OF THE AREOLA OR EXHIBIT THE CLEFT OF HER BUTTOCKS.**

**(C) PENALTY.**

**(1) A PERSON WHO OPERATES A PLACE OF ADULT ENTERTAINMENT WHO KNOWINGLY ALLOWS A VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

**(2) EACH DAY OF OPERATION IN VIOLATION OF THIS SECTION IS A SEPARATE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(o)(2).

In subsections (a) and (c) of this section, the references to "adult" entertainment are substituted for the former references to "public" entertainment for clarity.

Former Art. 2B, § 11-304(o)(1), which stated that former Art. 2B, § 11-304(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**23-2503. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**SUBTITLE 26. ENFORCEMENT.****23-2601. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined term: “County” § 23–101

**23–2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(viii), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 23–101

**SUBTITLE 27. PROHIBITED ACTS.****23-2701. 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) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (4) § 6-310 (“PROVIDING FREE FOOD”);**
- (5) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (6) § 6-312 (“BEVERAGE MISREPRESENTATION”);**
- (7) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (8) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (9) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (10) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**
- (11) § 6-320 (“DISORDERLY INTOXICATION”);**
- (12) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**

(13) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

(14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(16) § 6-327 (“TAX EVASION”);

(17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(18) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 23-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 23-2703 OF THIS SUBTITLE; AND

(3) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 23-2704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 23-101

“License holder” § 1-101

“Retail dealer” § 1-101

**23-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) SUMMONS; BAIL.

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.



Former Art. 2B, § 12-108(f)(1)(vi), which stated that former Art. 2B, § 12-108(f)(2) applied in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 23-101  
“License holder” § 1-101  
“State” § 1-101

**23-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 23-101  
“License holder” § 1-101  
“State” § 1-101

**23-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR VETERANS ORGANIZATION.**

**(A) IN GENERAL.**

**THE PROHIBITIONS IN §§ 6-308 AND 6-319 OF THIS ARTICLE CONCERNING THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM A LICENSE HOLDER DO NOT APPLY TO A SOCIAL EVENT, INCLUDING A DANCE, WEDDING, OR FUNDRAISER, THAT IS HELD IN A HALL RENTED FROM AND LOCATED ON THE PREMISES OF A VETERANS ORGANIZATION THAT HOLDS A LICENSE.**

**(B) VETERANS ORGANIZATION MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES.**

**THE VETERANS ORGANIZATION MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES TO THE INDIVIDUALS ATTENDING THE SOCIAL EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(5).

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"License holder" § 1-101

**23-2705. ALLOWING GAME OF CHANCE OR SKILL TO BE PLAYED ON PREMISES BY INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

**(A) LICENSE HOLDER PROHIBITED.**

**A HOLDER OF AN ON-SALE LICENSE MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 18 YEARS TO PLAY A GAME OF CHANCE OR SKILL, INCLUDING POOL, BILLIARDS, SHUFFLEBOARD, OR A PINBALL OR CONSOLE MACHINE, IN THE LICENSED ESTABLISHMENT UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR GUARDIAN.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-214(b).

Former Art. 2B, § 12-214(a), which stated that former Art. 2B, § 12-214 applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
“License holder” § 1–101  
“On–sale” § 1–101

**23–2706. GIFTS TO MEMBER OF BOARD OR HEARING BOARD PROHIBITED.**

**(A) PROHIBITED.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN APPLICANT FOR A LICENSE, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT OF MORE THAN NOMINAL VALUE TO:**

- (1) A MEMBER OF THE BOARD OR HEARING BOARD;**
- (2) AN EMPLOYEE OF THE MEMBER OF THE BOARD OR HEARING BOARD; OR**
- (3) AN AGENT ACTING ON BEHALF OF A MEMBER OF THE BOARD OR HEARING BOARD OR EMPLOYEE ASSIGNED TO THE BOARD OR HEARING BOARD.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–107.1(q).

In the introductory language of subsection (a) of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer to pay a commission, profit, or remuneration or make a gift” for brevity.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 23–101  
“Hearing Board” § 23–101  
“License” § 1–101  
“License holder” § 1–101  
“Person” § 1–101

**SUBTITLE 28. PENALTIES.**

**23–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 23-101

**23-2802. PENALTY IMPOSED BY BOARD.**

**(A) FINE OR SUSPENSION.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 FOR EACH OFFENSE OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION OF A LICENSE.**

**(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(o)(2).

In subsection (a) of this section, the reference to a cause for suspension “of a license” is substituted for the former reference to a cause for suspension “under the alcoholic beverage laws affecting Howard County” for brevity.

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Former Art. 2B, § 16-507(o)(1), which stated that former Art. 2B, § 16-507(o) applied only in Howard County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 23-101

“County” § 23-101

“License” § 1-101

**TITLE 24. KENT COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**24-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR KENT COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Kent County”.

**(C) COUNTY.**

**“COUNTY” MEANS KENT COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Kent County”.

**24-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN KENT COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**24-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE**

**DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 24–101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(p), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**24–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR KENT COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Kent County exists.

**24–202. MEMBERSHIP; COMPENSATION.**

**(A) MEMBERSHIP.**

**THE COUNTY COMMISSIONERS SIT AS THE BOARD.**

**(B) COMPENSATION.**

**EACH MEMBER OF THE BOARD SHALL RECEIVE, IN ADDITION TO A COUNTY COMMISSIONER’S SALARY, \$300 ANNUALLY FOR SERVICES IN ACTING AS A MEMBER OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(p) and 15–105(a), as it related to Kent County.

In subsection (a) of this section, the reference to the County Commissioners “sit[ting] as” the Board of License Commissioners is substituted for the former reference to the County Commissioners “ex officio constitut[ing]” the Board for clarity.

In subsection (b) of this section, the reference to each member of the “Board” is substituted for the former reference to each member of the “Board of County Commissioners” for consistency with similar provisions throughout this article.

Defined terms: “Board” § 24–101  
“County” § 24–101

**24–203. STAFF.**

**THE BOARD MAY:**

- (1) EMPLOY:**
  - (I) A SECRETARY;**
  - (II) INSPECTORS, SUBJECT TO § 24–204 OF THIS SUBTITLE; AND**
  - (III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**
- (2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(a)(2).

In item (1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Defined term: “Board” § 24–101

**24-204. INSPECTORS.****(A) NUMBER OF INSPECTORS.****THE BOARD:**

- (1) SHALL EMPLOY ONE FULL-TIME INSPECTOR; AND**
- (2) MAY EMPLOY ONE ADDITIONAL PART-TIME OR FULL-TIME INSPECTOR.**

**(B) QUALIFICATIONS.**

**AN INDIVIDUAL MAY NOT QUALIFY OR CONTINUE SERVICE AS AN INSPECTOR IF THE INSPECTOR OR ANY MEMBER OF THE INSPECTOR'S IMMEDIATE FAMILY HAS A PERSONAL OR FINANCIAL INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE, LICENSE HOLDER, OR PREMISES LICENSED UNDER THIS ARTICLE.**

**(C) DUTIES.****AN INSPECTOR SHALL:**

- (1) INVESTIGATE ALL APPLICANTS FOR A LICENSE OR TRANSFER OF LICENSE;**
- (2) INSPECT AT UNANNOUNCED TIMES EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 90 DAYS;**
- (3) ENFORCE ALL ALCOHOLIC BEVERAGES LAWS WITH THE SAME POWER AS A LAW ENFORCEMENT OFFICER OF THE STATE;**
- (4) INVESTIGATE ALL VIOLATIONS OF THE ALCOHOLIC BEVERAGES LAWS AND REPORT THEM TO THE BOARD; AND**
- (5) SUBMIT MONTHLY REPORTS IN WRITING TO THE BOARD OF THE INSPECTOR'S ACTIVITIES, SETTING FORTH COMPLAINTS AND LISTING VIOLATIONS THAT THE INSPECTOR OBSERVED OR WERE REPORTED TO THE INSPECTOR.**

**(D) OATH.**



**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(E) COMPENSATION AND REIMBURSEMENT FOR TRAVEL EXPENSES.**

**(1) EACH INSPECTOR IS ENTITLED TO COMPENSATION AND REIMBURSEMENT FOR TRAVEL EXPENSES.**

**(2) THE BOARD SHALL SET THE RATE FOR REIMBURSEMENT OF TRAVEL EXPENSES.**

**(3) THE BOARD OF COUNTY COMMISSIONERS SHALL:**

**(I) SET THE COMPENSATION; AND**

**(II) PAY FOR THE COMPENSATION AND TRAVEL EXPENSES.**

**(F) REMOVAL.**

**(1) AN INSPECTOR MAY BE REMOVED ONLY FOR CAUSE INVOLVING DISHONESTY, INCOMPETENCE, OR IMMORAL CONDUCT WHILE IN THE PERFORMANCE OF DUTY.**

**(2) BEFORE AN INSPECTOR MAY BE REMOVED, THE BOARD, IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT, SHALL GIVE THE INSPECTOR:**

**(I) WRITTEN NOTICE OF ALL PENDING CHARGES; AND**

**(II) AN OPPORTUNITY TO REPLY IN A PUBLIC HEARING BEFORE THE BOARD IN PERSON OR BY COUNSEL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(p)(3) through (8).

The former references to "alcoholic beverages" inspectors are deleted as unnecessary.

In subsection (b) of this section, the reference to "any member of" the inspector's immediate family is added for clarity.

Also in subsection (b) of this section, the reference to an "individual" is substituted for the former overly broad reference to a "person" for clarity.

In the introductory language of subsection (c) of this section, the requirement that an inspector “shall” perform certain functions is substituted for the former reference to an inspector “ha[ving] the following powers and duties” for brevity.

In subsection (c)(2) of this section, the reference to every licensed premises “in the County” is added for clarity.

In subsection (c)(3) of this section, the former reference to laws “of Kent County” is deleted as unnecessary.

In subsection (c)(5) of this section, the references to violations “that the inspector” observed or were reported “to the inspector” are added for clarity.

In subsection (d) of this section, the requirement that an “inspector” shall take an oath is substituted for the former requirement that “[b]efore a person qualifies as an alcoholic beverages inspector, the person” shall take an oath for brevity and consistency with other similar provisions of this article.

Also in subsection (d) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “make an oath to faithfully perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland” for brevity.

In subsection (f) of this section, the references to “removed” are substituted for the former references to “discharge[d]” to conform to the terminology used throughout this article.

In subsection (f)(1) of this section, the former phrase “[a]fter appointment” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, which provides for a prohibition against an inspector or any member of the inspector’s immediate family having a “personal” interest in a license, license holder, or premises licensed under this article, the meaning of “personal” is unclear.

The Alcoholic Beverages Article Review Committee also notes, for consideration by the General Assembly, that in subsection (f)(1) of this section, the phrase “while in the performance of duty” is unclear.

Defined terms: “Board” § 24–101

“County” § 24–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

#### **24–205. APPLICATION OF PROVISIONS.**

**SECTIONS 24–201 THROUGH 24–203 OF THIS SUBTITLE APPLY IN THE COUNTY UNTIL THE BOARD OF COUNTY COMMISSIONERS PASSES THE RESOLUTION FOR WHICH PROVISION IS MADE BY CHAPTER 236 OF THE ACTS OF THE GENERAL ASSEMBLY OF 1991.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(p).

Defined term: “County” § 24–101

#### **24–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Kent County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 24–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **24–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Former Art. 2B, § 15–210, as it applied the subtitle governing liquor control boards to Kent County is deleted as obsolete in light of Chapter 236, Acts of 1991, which repealed the Kent County Liquor Control Board and the County dispensary system.

Defined term: “County” § 24–101

#### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

##### **24–401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**
- (10) § 2–213 (“ADDITIONAL FEES”);**
- (11) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**

(12) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 24-403 OF THIS SUBTITLE; AND

(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 24-404 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 24-101  
“Manufacturer’s license” § 1-101

**24-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(11).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**24–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in Kent County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including Kent County, the introductory language of (g)(1).

Defined terms: “County” § 24–101  
“License” § 1–101

**24–404. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS D LICENSE AS WELL AS A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT.**

**(B) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO–BREWERY LICENSE ARE THE SAME AS THOSE FOR A CLASS D LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–208(b)(2)(xv) and (3)(i) and, as it related to Kent County, (ii) and (f)(1)(iii).

In subsection (b) of this section, the former phrase “[e]xcept as provided in paragraph (2) of this subsection” is deleted as unnecessary because former paragraph (2) did not apply to Kent County.

Defined terms: “Beer” § 1–101  
“On–sale” § 1–101  
“Restaurant” § 1–101  
“Wine” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**24–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 24–101  
“Wholesaler’s license” § 1–101

**24–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 24–503 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

**24–503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**24–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**



**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(p) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**24-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(p) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101  
 “Hotel” § 1-101  
 “Restaurant” § 1-101

**24-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(p).

Defined terms: “Beer” § 1-101  
 “County” § 24-101

**24-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(p) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **24-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 4-204(b) and (c) and 4-201(a)(12), (c)(1), and (e)(1)(vi) and (2).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 3 winery license" is substituted for the former reference to a "Class 3 manufacturer's license, who makes wine from agricultural products grown in Maryland" for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license".

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to wine "produced at the winery" is added for clarity and to conform to other similar provisions of this article.

Also in subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the word "shall" is substituted for the former word "may" to clarify that the use of a sealed package or container is a requirement.

Also in subsection (c)(2) of this section, the reference to "sold" is substituted for the former reference to "delivered" to conform to the terminology used throughout this article.

Also in subsection (c)(2) of this section, the reference to the “licensed premises” is substituted for the former reference to the “premises where sold” for clarity and to conform to the terminology used throughout this article.

In subsection (d) of this section, the former reference that the annual license fee “shall be paid to the Board before any license is issued” is deleted as unnecessary.

Former Art. 2B, § 4–204(a), which stated that the provisions of former § 4–204 applied to Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 24–101

“Wine” § 1–101

#### **SUBTITLE 8. BEER AND WINE LICENSES.**

#### **24–801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(p) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

Also in subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

## **24–802. CLASS B BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT APPROVED BY THE BOARD THAT:**

**(I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM;**

**(II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC; AND**

**(III) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD TOTALING AT LEAST 60% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(c) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(a)(1) and (p)(2) and (3) and 6–201(p)(2)(ii) and (iii).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the reference to the authority of the Board to “issue” the license is substituted for the former reference to the authority of a restaurant to “apply to” the Board for the license to conform to the terminology used throughout this article and in light of the fact that a restaurant does not apply for a license.

In subsection (b)(2) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5–201(p)(1), which stated that former Art. 2B, § 5–201(p) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

- Defined terms: “Beer” § 1–101
- “Board” § 24–101
- “Hotel” § 1–101
- “Restaurant” § 1–101
- “Wine” § 1–101

**24–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(p).

- Defined terms: “Beer” § 1–101
- “County” § 24–101

“Wine” § 1-101

**24-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(p).

Defined terms: “Beer” § 1-101

“County” § 24-101

“Wine” § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**24-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**



**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(p) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the phrase “in any quantity” is deleted as unnecessary.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” for clarity.

Also in subsection (b)(2) of this section, the phrase “beer, wine, or liquor” is substituted for the former phrase “alcoholic beverages” for accuracy.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**24–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT THAT:**

**(I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM;**

**(II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC; AND**

**(III) IS APPROVED BY THE BOARD.**

**(2) WHEN OPERATING UNDER THE LICENSE, A HOLDER'S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD SHALL BE AT LEAST 60% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

**(C) SUNDAY SALES.**

**ON SUNDAY, THE LICENSE HOLDER MAY SELL:**

**(1) BEER, WINE, AND LIQUOR FOR CONSUMPTION ON-PREMISES IF:**

**(I) THE CUSTOMER IS SEATED AT A TABLE AND NOT AT A BAR OR ON A BAR STOOL;**

**(II) THE ALCOHOLIC BEVERAGE IS A SUPPLEMENT TO THE CUSTOMER'S MEAL; AND**

**(III) THE TOTAL PRICE OF THE ALCOHOLIC BEVERAGES DOES NOT EXCEED THE TOTAL PRICE OF THE MEAL; AND**

**(2) ONLY BEER AND WINE FOR OFF-PREMISES CONSUMPTION.****(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(p)(2).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c)(2) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Kent County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

Former Art. 2B, § 6-201(p)(1)(i), which stated that former Art. 2B, § 6-201(p)(1) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-201(p)(1)(ii), which defined "Board", is deleted as redundant of the defined term "Board" in § 24-101 of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the question of whether the license holder may sell beer, wine, and liquor for on- and off-premises consumption on Monday through Saturday is not answered in statutory law.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 24-101

"Wine" § 1-101

**24-903. CLASS C LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS;**

**(2) MEETS IN A CLUBHOUSE THAT IS USED EXCLUSIVELY FOR ITS MEMBERS AND GUESTS; AND**

**(3) (I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT LEAST 100 MEMBERS PAYING DUES AS REQUIRED IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR**

**(II) IF THE CLUB IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND IS AFFILIATED WITH A NATIONAL ORGANIZATION, HAS AT LEAST 50 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE FULL YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.****THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (p)(2) and (3).

In the introductory language of subsection (b)(1) of this section, the former reference to a “bona fide” nonprofit organization or club is deleted as surplusage. Similarly, in subsection (b)(1)(iii)1 and 2 of this section, the former references to “bona fide” members are deleted.

Also in the introductory language of subsection (b)(1) of this section, the former reference to a club “composed solely of members” is deleted as surplusage.

In subsection (c) of this section, the phrase “for on- or off-premises consumption”, which revises the provision specifically applicable to Kent County – former Art. 2B, § 6–301(p)(3)(iv) – supersedes the provision of former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license shall be issued “for consumption on the premises only”. The revision follows § 1–202 of this article, which states that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or qualification applicable to a special area, the exception or qualification prevails.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former references to “alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Former Art. 2B, § 6–301(p)(1), which stated that former Art. 2B, § 6–301(p) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 24–101

“Club” § 1–101

“Wine” § 1–101

**24–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) SUNDAY SALES.**

**ON SUNDAY, A LICENSE HOLDER MAY SELL ONLY BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

**(D) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(a)(1) and (p)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Kent County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

Former Art. 2B, § 6-401(p)(1), which stated that former Art. 2B, § 6-401(p) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**24-1001. BED AND BREAKFAST LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (BED AND BREAKFAST) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE CLASS B (BED AND BREAKFAST) LICENSE FOR THE USE OF A BED AND BREAKFAST THAT:**

**(1) IS LICENSED BY THE COUNTY TO OPERATE AS A BED AND BREAKFAST; AND**

**(2) EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, HAS NOT MORE THAN THREE ROOMS THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO A GUEST FOR ON-PREMISES CONSUMPTION IF:**

**(1) THE NAME AND ADDRESS OF THE GUEST APPEARS ON THE REGISTRY THAT THE BED AND BREAKFAST MAINTAINS; AND**

**(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE BED AND BREAKFAST.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 24-2004 OF THIS TITLE.**

**(E) PROHIBITED SALE.**

**THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO IS REGISTERED AS A GUEST AT THE BED AND BREAKFAST ONLY TO OBTAIN BEER, WINE, AND LIQUOR.**

**(F) END OF OPERATIONS.**

**IF THE BED AND BREAKFAST ENDS OPERATIONS AS A BED AND BREAKFAST,  
THE LICENSE IS VOID.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(p)(3)(i) and (ii)1 through 4 and 6.

Throughout this section, the references to “bed and breakfast” are substituted for the former references to an “establishment” to conform to the terminology used throughout this article.

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this subtitle.

In subsection (b)(2) of this section, the former reference to a “period of” time is deleted as surplusage.

In subsection (c) of this section, the first sentence of the former definition of “guest”, used only once in the former law, is revised as a substantive provision in accordance with the stylistic preference in revised articles to avoid “one–shot” definitions.

In subsection (d) of this section, the reference to the hours and days of sale that are set out “under § 24–2004 of this title” is added for clarity.

In subsection (e) of this section, part of the former defined term “guest” stating that a guest “does not include a person who is registered solely for the purpose of obtaining alcoholic beverages” is revised as a substantive provision stating that the license “does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor” for clarity.

Former Art. 2B, § 6–201(p)(3)(ii)5, which authorized the Board to adopt additional regulations consistent with former Art. 2B, § 6–201(p), is deleted as redundant of the general provision authorizing the Board to adopt regulations in § 24–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 24–101

“County” § 24–101

“Restaurant” § 1–101

“Wine” § 1–101

**24-1002. COUNTRY INN LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B (COUNTRY INN) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE CLASS B (COUNTRY INN) BEER, WINE, AND LIQUOR LICENSE FOR THE USE OF A COUNTRY INN THAT:**

**(1) IS LICENSED BY THE COUNTY TO OPERATE AS A COUNTRY INN;**

**(2) EXCLUDING THE RESIDENT MANAGEMENT QUARTERS, HAS NOT MORE THAN 10 ROOMS THAT THE PUBLIC FOR CONSIDERATION MAY USE FOR SLEEPING ACCOMMODATIONS FOR A SPECIFIED TIME; AND**

**(3) HAS A KITCHEN FACILITY FOR THE GUESTS THAT IS SEPARATE FROM THE KITCHEN FACILITY FOR THE RESIDENT MANAGEMENT QUARTERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO A GUEST IF:**

**(1) THE NAME AND ADDRESS OF THE GUEST APPEAR ON THE REGISTRY THAT THE COUNTRY INN MAINTAINS; AND**

**(2) THE GUEST IS AN OCCUPANT OF A SLEEPING ROOM IN THE COUNTRY INN.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 24-2004 OF THIS TITLE.**

**(E) PROHIBITED SALE.**



**THE LICENSE DOES NOT AUTHORIZE THE SALE OF BEER, WINE, AND LIQUOR TO AN INDIVIDUAL WHO IS REGISTERED AS A GUEST AT THE COUNTRY INN ONLY TO OBTAIN BEER, WINE, AND LIQUOR.**

**(F) END OF OPERATIONS.**

**IF THE COUNTRY INN CEASES TO BE OPERATED AS A COUNTRY INN, THE LICENSE IS VOID.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(p)(3)(i) and (iii)1 through 4 and 6.

Throughout this section, references to a “country inn” are substituted for the former references to an “establishment” to conform to the terminology used throughout this article.

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (b)(2) of this section, the former reference to a “period of” time is deleted as surplusage.

In subsection (c) of this section, the first sentence of the former definition of “guest”, used only once in the former law, is revised as a substantive provision for brevity.

In subsection (d) of this section, the reference to the hours and days of sale that are set out “under § 24–2004 of this title” is added for clarity.

In subsection (e) of this section, part of the former defined term “guest” stating that a guest “does not include a person who is registered solely for the purpose of obtaining alcoholic beverages” is revised as a substantive provision stating that the license “does not authorize the sale of beer, wine, and liquor to an individual who is registered as a guest at the country inn only to obtain beer, wine, and liquor” for clarity.

Former Art. 2B, § 6–201(p)(3)(iii)5, which authorized the Board to adopt additional regulations consistent with former Art. 2B, § 6–201(p), is deleted as redundant of the general provision authorizing the Board to adopt regulations in § 24–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 24–101

“County” § 24–101

“Restaurant” § 1–101

“Wine” § 1–101

**24–1003. WINE SHOP AND LOUNGE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B WINE SHOP AND LOUNGE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO:**

**(1) SELL WINE FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION; AND**

**(2) SELL OR SERVE:**

**(I) BREAD AND OTHER BAKED GOODS;**

**(II) CHILI;**

**(III) CHOCOLATE;**

**(IV) CRACKERS;**

**(V) CURED MEAT;**

**(VI) FRUITS (WHOLE AND CUT);**

**(VII) SALADS AND VEGETABLES (WHOLE AND CUT);**

**(VIII) HARD AND SOFT CHEESE (WHOLE AND CUT);**

**(IX) ICE CREAM;**

**(X) JAM;**

**(XII) VINEGAR;**

**(XIII) PIZZA;**

**(XIV) PREPACKAGED SANDWICHES AND OTHER PREPACKAGED FOODS READY TO BE EATEN;**

**(XV) SOUP; AND**

**(XVI) CONDIMENTS.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL WINE:**

**(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(3) ON SUNDAY, FROM 9 A.M. TO MIDNIGHT, FOR OFF-PREMISES CONSUMPTION ONLY.**

**(D) NO PERCENTAGE OF AVERAGE DAILY RECEIPTS FROM FOOD REQUIRED.**

**THE LICENSE HOLDER IS NOT SUBJECT TO ANY REQUIREMENT REGARDING THE PERCENTAGE OF AVERAGE DAILY RECEIPTS DERIVED FROM THE SALE OF FOOD.**

**(E) NO AGE LIMITATIONS.**

**AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY ENTER THE LICENSED PREMISES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 4-301(b) through (f) and 11-515(c)(1), (2), and (3)(ii).

Former Art. 2B, § 4-301(a), which stated that former Art. 2B, § 4-301 applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Wine" § 1-101

**24-1004. THEATER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A THEATER BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT FOR THE USE OF A THEATER THAT:**

**(1) IS HOUSED IN A BUILDING;**

**(2) HAS A CAPACITY TO HOLD AT LEAST 150 PERMANENTLY INSTALLED SEATS; AND**

**(3) REGULARLY PRESENTS LIVE ENTERTAINMENT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) FOR 2 HOURS BEFORE THE ENTERTAINMENT BEGINS;**

**(2) DURING THE ENTERTAINMENT; AND**

**(3) FOR 1 HOUR AFTER THE ENTERTAINMENT ENDS.**

**(E) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–215(b) through (f).

In the introductory language of subsection (b) of this section, the reference to a license being issued “to an applicant” for a theater is added for clarity.

In subsection (c) of this section, the former reference that the authorization applies “[n]otwithstanding any other provision of this article” is deleted as surplusage.

Also in subsection (c) of this section, the reference that “[t]he license authorizes the license holder to” is substituted for the former reference to “a holder may” for consistency with language used throughout this revised article.

In subsection (e) of this section, the former phrase “to a location other than the location of original issuance” is deleted as surplusage.

Former Art. 2B, § 8–215(a), which defined “Board” as the Kent County Board of License Commissioners, is deleted as unnecessary in light of the definition of “Board” in § 24–101 of this revised title.

Defined terms: “Beer” § 1–101

“Board” § 24–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **24–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
AND

**(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 24-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**24-1102. WINE LICENSE PRIVILEGE.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A WINE LICENSE PRIVILEGE.**

**(B) AUTHORIZED HOLDER.**

**TO QUALIFY FOR THE PRIVILEGE, AN APPLICANT SHALL BE A HOLDER OF A CLASS B (ON-SALE) BEER AND WINE LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE FOR USE ON A PREMISES THAT QUALIFIES AS A RESTAURANT UNDER § 24-902 OF THIS TITLE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE PRIVILEGE AUTHORIZES THE HOLDER TO SELL WINE BY THE BOTTLE FOR OFF-PREMISES CONSUMPTION WITHOUT THE COST OF THE WINE COUNTING AS A PART OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS REQUIRED TO MEET THE MINIMUM 60% FOOD SALES REQUIREMENT UNDER § 24-902 OF THIS TITLE.**

**(2) THE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT IS PART OF THE EXISTING CLASS B (ON-SALE) BEER AND WINE LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE OF THE HOLDER OF THE PRIVILEGE.**

**(D) FEE.**

**THE ANNUAL FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(p)(4).

In subsection (a) of this section, the former reference to a "Maryland" wine license privilege is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 24-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**24-1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE IS ISSUED; OR**

**(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Kent County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 6-705(b) through (g) and 9-102(n).

In subsections (b)(1), (c)(1)(i), and (f) of this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of not more than 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (c)(1)(i) of this section, the reference to "beer and wine" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(1)(ii) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the reference to "the holder's Class B license" is substituted for the former reference to "a Class B restaurant or hotel (on-sale) beer, wine and liquor license or a Class B restaurant or hotel (on-sale) beer and light wine license" for brevity.



Also in subsection (c)(2) of this section, the former reference to the hours and days authorized “under this section” is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer’s license is added for clarity.

Also in subsection (f) of this section, the reference to the premises for the “Class B” license is substituted for the former reference to the premises for the “existing” license for clarity.

Also in subsection (f) of this section, the former references to an “existing” Class B license are deleted as surplusage.

Former Art. 2B, § 6–705(a), which stated that former Art. 2B, § 6–705 applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “Board” § 24–101  
 “Hotel” § 1–101  
 “On–sale” § 1–101  
 “Restaurant” § 1–101  
 “Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

##### **24–1301. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–1202 (“PER DIEM LICENSES”);**
- (2) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

(4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 24-1307 OF THIS SUBTITLE;

(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 24-1307 OF THIS SUBTITLE; AND

(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 24-1308 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 24-101

24-1302. RESERVED.

24-1303. RESERVED.

## PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.

24-1304. BEER OR WINE TASTING LICENSE.

(A) ESTABLISHED.

THERE IS A BEER OR WINE TASTING (BWT) LICENSE.

(B) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE A BEER OR WINE TASTING LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE LICENSE OR A CLASS A BEER, WINE, AND LIQUOR LICENSE.

(C) SCOPE OF AUTHORIZATION.

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION FOR TASTING OF:**

**(I) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY VOLUME; OR**

**(II) BEER.**

**(2) THE SELECTION OF BEER OR WINE OFFERED AT A TASTING IS NOT LIMITED TO BEER OR WINE PRODUCED IN THE STATE.**

**(3) THE HOLDER OF A LICENSE MAY OFFER FOR SALE BEER ALLOWED FOR TASTING IF:**

**(I) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE SEALED BY THE HOLDER OF THE BWT LICENSE; AND**

**(II) UNSOLD BEER IS RETURNED TO THE PROVIDER.**

**(D) LIMIT ON SERVINGS.**

**A HOLDER OF A LICENSE MAY ALLOW CONSUMPTION BY AN INDIVIDUAL IN 1 DAY IN THE QUANTITY OF:**

**(1) NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING AND NOT MORE THAN 4 OUNCES FROM ALL OFFERINGS OF WINE; OR**

**(2) NOT MORE THAN 2 OUNCES OF BEER FROM EACH OFFERING AND NOT MORE THAN 6 OUNCES FROM ALL OFFERINGS OF BEER.**

**(E) COMBINED TASTINGS PROHIBITED.**

**A LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND A BEER TASTING ON THE SAME DAY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 8-408.3(b) through (h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (c)(1) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer or wine is added for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the references to “each offering” and all “offerings” are substituted for the former references to a “given brand” and all “brands” for consistency with terminology used throughout this article.

Former Art. 2B, § 8–408.3(a), which stated that former Art. 2B, § 8–408.3 applied only in Kent County, is deleted as unnecessary in light of the organization of this article.

Defined terms: “Beer” § 1–101

“Board” § 24–101

“Wine” § 1–101

**24–1305. RESERVED.**

**24–1306. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**24–1307. PER DIEM LICENSES.**

**A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, AND A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE MAY BE ISSUED, FOR A PERIOD NOT EXCEEDING 3 DAYS, TO A:**

**(1) RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, OR CHARITABLE ORGANIZATION, ASSOCIATION, CLUB, OR SOCIETY; OR**

**(2) HOSPITAL SUPPORTING ORGANIZATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 7–101(q).

The former reference to a “bona fide” religious, fraternal, civic, veterans’, hospital, or charitable club is deleted as surplusage.

The reference to a hospital “supporting” organization is added for clarity, reflecting the terminology used in the Internal Revenue Code.

**24-1308. FEES.**

**THE LICENSE FEES ARE:**

- (1) **\$5 PER DAY FOR A CLASS C PER DIEM BEER LICENSE;**
  - (2) **\$15 PER DAY FOR A CLASS C PER DIEM BEER AND WINE LICENSE;**
- AND
- (3) **\$25 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 7-101(q).

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**24-1401. APPLICATION OF GENERAL PROVISIONS.**

- (A) **WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) **§ 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) **§ 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) **§ 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) **§ 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) **§ 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) **§ 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) **§ 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**

(8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);

(9) § 4-111 (“PAYMENT OF LICENSE FEES”); AND

(10) § 4-112 (“DISPOSITION OF LICENSE FEES”).

(B) EXCEPTIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 24-1408 OF THIS SUBTITLE; AND

(2) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”), WHICH IS SUPERSEDED BY § 24-1409 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 24-1402 THROUGH 24-1406 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(p), which stated that former Art. 2B, § 10-204(a), now revised at § 4-112 of this article, applied in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “County” § 24-101

**24-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vi)2A and, as it related to Kent County, 1.

Defined terms: “Board” § 24-101

“Central Repository” § 1-101

“License” § 1–101

**24–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL:**

**(1) KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO THE MEMBERS OF THE BOARD AND THEIR DESIGNEES; AND**

**(2) ADOPT REGULATIONS TO FURTHER PRESERVE THE CONFIDENTIALITY OF CRIMINAL HISTORY RECORDS OBTAINED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)6.

The reference to “history record information” is substituted for the former reference to “records” to conform to the terminology in CP § 10–201.

Defined term: “Board” § 24–101

**24–1404. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)5.

Defined term: “License” § 1–101

**24–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(i)2 and (vi)1, as they related to Kent County.

The reference to “criminal history record information” is substituted for the former reference to “records obtained under subparagraph[s] ... (vi) ... of this paragraph” to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “its necessary use” for clarity.

Defined term: “Board” § 24–101

**24–1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(vi)3.

The reference to the Board's ability to set “and charge” a fee is added to expressly state what was only implied in the former law.

The reference to the “applicant's” fingerprints is added for clarity.

Defined terms: “Board” § 24–101  
“State” § 1–101

**24–1407. TERMS OF LICENSES.**

**(A) 6– OR 12–MONTH TERM.**

**(1) A LICENSE SHALL BE ISSUED FOR 6 OR 12 MONTHS.**

**(2) THE TERM OF A LICENSE BEGINS ON MAY 1.**

**(B) VOID LICENSE.**

**IF A LICENSE IS NOT CLAIMED BY THE APPLICANT WITHIN 30 DAYS AFTER ISSUE OR RENEWAL, THE LICENSE IS VOID.**



**(C) FEE FOR 6-MONTH LICENSE.**

**WHEN A 6-MONTH LICENSE IS ISSUED, ONLY ONE-HALF OF THE ANNUAL FEE SHALL BE CHARGED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-207(c).

In subsection (a) of this section, the former reference to six or twelve month "periods" is deleted as surplusage.

In subsection (b) of this section, the former language stating that a license "shall be claimed by the applicant within 30 days after renewal or issue" is deleted as implicit in the language stating that if a license is not claimed 30 days after issue or renewal, the license is void.

Also in subsection (b) of this section, the former reference to "null and" void is deleted as surplusage.

In subsection (c) of this section, the former language stating that "[n]othing in this [s]ection may be construed to prevent a holder of a six month license from applying for a renewal of that license pursuant to the procedure set forth in [Subtitle 18] of this title" is deleted as an unnecessary statement of statutory construction.

Defined term: "License" § 1-101

**24-1408. REFUND OF LICENSE FEES.****(A) CALCULATION OF REFUND.**

**IF A LICENSE HOLDER VOLUNTARILY SURRENDERS THE LICENSE BEFORE ITS EXPIRATION DATE, THE BOARD SHALL GRANT A REFUND:**

**(1) BASED ON THE NUMBER OF WHOLE MONTHS REMAINING BEFORE THE LICENSE EXPIRATION DATE; AND**

**(2) CALCULATED AS 1/12 OF 95% OF THE LICENSE FEE PAID FOR EACH WHOLE MONTH REMAINING BEFORE THE LICENSE EXPIRATION DATE.**

**(B) DEADLINE FOR PAYMENT OF REFUND.**

**A REFUND SHALL BE PAID NOT LATER THAN 3 WEEKS AFTER THE LICENSE IS SURRENDERED TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(g)(1).

In subsection (b) of this section, the reference to “not later than” 3 weeks after the license is surrendered is added for clarity.

Defined terms: “Board” § 24–101

“License” § 1–101

“License holder” § 1–101

#### **24–1409. PRO RATA FEE.**

**IF A LICENSE IS ISSUED FOR LESS THAN THE FULL RENEWAL PERIOD, THE FEE SHALL BE PRORATED BASED ON THE NUMBER OF WHOLE MONTHS REMAINING IN THAT RENEWAL PERIOD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(g)(2).

Defined term: “License” § 1–101

### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **24–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (5) § 4–208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (6) § 4–209 (“HEARING”);**
- (7) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

- (8) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (9) § 4-212 (“LICENSE NOT PROPERTY”); AND
- (10) § 4-213 (“REPLACEMENT LICENSES”).

**(B) EXCEPTION.**

**SECTION 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 24-1503 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 24-1502 OF THIS SUBTITLE; AND**

**(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 24-1502 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 24-101

“License” § 1-101

“Local licensing board” § 1-101

**24-1502. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

#### **24–1503. WAITING PERIOD AFTER DENIALS.**

##### **(A) IN GENERAL.**

##### **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION:**

**(1) IF A LICENSE APPLICATION IS DENIED, THE BOARD MAY NOT ISSUE A LICENSE FOR THE SAME LOCATION FOR 1 YEAR AFTER THE DENIAL; AND**

**(2) IF A SUBSEQUENT APPLICATION FOR THE SAME LOCATION IS DENIED, THE BOARD MAY NOT ISSUE A LICENSE FOR THAT LOCATION FOR 2 YEARS AFTER THE SECOND DENIAL.**

##### **(B) EXCEPTIONS.**

##### **THIS SECTION DOES NOT APPLY TO A LICENSE APPLICATION THAT IS DENIED:**

**(1) BECAUSE OF A LEGAL DEFECT OR OMISSION;**

**(2) SOLELY BECAUSE THE BOARD DETERMINED EXPRESSLY THAT THE APPLICANT IS NOT A PROPER PERSON TO WHOM THE LICENSED APPLIED FOR SHOULD BE ISSUED; OR**

**(3) FOR LICENSE TRANSFERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–208(j).

The references to the “location” are substituted for the former references to the “premises” for consistency with terminology used throughout this article.

In subsection (a) of this section, the former references to “the date of” the refusal are deleted as surplusage.

In subsection (b)(2) of this section, the reference to the “Board” is added to clarify that the Board determines whether an applicant is an improper person to be issued a license.

Also in subsection (b)(2) of this section, the former reference to the “prior” applicant is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the reference in subsection (b)(2) of this section to a determination whether the applicant was “not a proper person” to be issued the license is unclear as to whether the applicant was not fit, *i.e.* having committed an immoral act, or the applicant did not meet technical requirements. The General Assembly may want to clarify the requirements necessary for a determination that an applicant is “not a proper person”.

Defined terms: “Board” § 24–101  
“License” § 1–101  
“Person” § 1–101

#### **24–1504. ADDITIONAL BARS AND SERVING COUNTERS.**

##### **(A) IN GENERAL.**

**THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE HOLDER.**

##### **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

**THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

##### **(C) ADDITIONAL LICENSE NOT REQUIRED.**

**AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–9)(2).

In subsections (a) and (b) of this section, the references to the defined term “Board” are substituted for the former broad references to “alcoholic beverages licensing authority” and “licensing authority” because only the Board can act as a licensing authority under this title.

In subsection (a) of this section, the reference to the main building “of the premises served by the license holder” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as surplusage.

In subsections (b) and (c) of this section, the references to “an additional bar or service counter” are added for clarity.

In subsection (c) of this section, the former phrase “, if the authorization is granted,” is deleted as surplusage.

Former Art. 2B, § 9–102(b–9)(1)(ii), which stated that former Art. 2B, § 9–102(b–9) applied in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 24–101

“License” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

**24–1601. RESERVED.**

**24–1602. RESERVED.**

### **PART II. MULTIPLE LICENSING PLANS.**

**24–1603. RESERVED.**

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**24–1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(p).

The reference to the application of this section “without exception or variation” is added to conform to the terminology used in similar provisions throughout this article.

Defined terms: “County” § 24–101  
“License” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**24–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 24–101  
“License” § 1–101

**24–1802. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–103(b)(13)(vi)2C.

Defined term: “License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**24–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 24-1902 OF THIS SUBTITLE; AND**
- (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 24-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 24-101

“License” § 1-101

“License holder” § 1-101

**24-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO THE HOLDER OF:**

- (1) A CLASS A (OFF-SALE) LICENSE;**
- (2) A CLASS B (ON-SALE) LICENSE; OR**



**(3) A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

**(2) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED TO:**

**(I) STOCK ALCOHOLIC BEVERAGES IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED;**

**(II) SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER ON THE LICENSED PREMISES OTHER THAN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED; AND**

**(III) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(c)(1), (2), and, as it related to Kent County, (3).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding any other provision of law" is deleted as surplusage.

In subsection (b)(2) of this section, the references to a "premises for which a Class A license is issued" are substituted for former references to a "Class A establishment" for clarity.

In subsection (b)(2)(ii) of this section, the reference to a "server" is substituted for the former reference to a "waiter or waitress" for brevity.

Former Art. 2B, § 12-302(b)(9), which stated that former Art. 2B, § 12-302(c) applied in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

“Beer” § 1-101  
 “Off-sale” § 1-101  
 “On-sale” § 1-101  
 “Wine” § 1-101

**24-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(i)3, (iii), and (iv)4 and, as it related to Kent County, 1.

In subsection (a) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (a)(1)(ii) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (a)(1)(ii) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former reference to a “bona fide” personal or business reason is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 24–101

“License holder” § 1–101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **24–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Kent County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

## **24–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

#### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM 9 A.M. TO MIDNIGHT.**

**(C) CLASS C BEER LICENSE.**

**RESERVED.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–515(c)(1), (2), and (3)(i), (ii), and (iv).

In the introductory language of subsections (a), (b)(1), and (d)(1) of this section, the references to the authority of a license holder to “sell beer” are substituted for the former references to “[a]ny class of retail on- or off-sale alcoholic beverages license issued by the Board of License Commissioners ... to sell alcoholic beverages” for brevity and specificity.

Former Art. 2B, §§ 11–301(d)(3) and 11–403(b)(2)(iv), which stated that the hours of sale in Kent County are as provided in former Art. 2B, § 11–515, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–515(a), which stated that former Art. 2B, § 11–515 applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–515(b), which stated that former Art. 2B, § 11–515 did not apply to any special or temporary license issued under former Art. 2B, § 7–101, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Beer” § 1–101

**24–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;**  
**AND**

**(III) ON SUNDAY, FROM 9 A.M. TO MIDNIGHT ONLY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(g), 11-515(c)(1), (2), and (3)(i) and (ii), and, as it related to the Class B license, 11-403(a)(1)(ii).

In the introductory language of subsections (a) and (b)(1) of this section, the references to the authority of a license holder to "sell beer and wine" are substituted for the former references to "[a]ny class of retail on- or off-sale alcoholic beverages license issued by the Board of License Commissioners ... to sell alcoholic beverages" for brevity and specificity.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**24-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

- (1) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;**
- (2) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**
- (3) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

- (I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**
- (II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM 9 A.M. TO MIDNIGHT IF:**

(I) THE CUSTOMER IS SEATED AT A TABLE AND NOT AT A BAR OR ON A BAR STOOL;

(II) THE ALCOHOLIC BEVERAGE IS A SUPPLEMENT TO THE CUSTOMER'S MEAL; AND

(III) THE TOTAL PRICE OF THE ALCOHOLIC BEVERAGE DOES NOT EXCEED THE TOTAL PRICE OF THE MEAL.

(3) THE LICENSE HOLDER MAY SELL ONLY BEER AND WINE FOR OFF-PREMISES CONSUMPTION.

(4) A HOLDER OF A SPECIAL SUNDAY (ON-SALE) BEER, WINE, AND LIQUOR PRIVILEGE MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM NOON TO MIDNIGHT AT A RESTAURANT THAT DOES NOT MEET THE REQUIREMENTS OF PARAGRAPH (2) OF THIS SUBSECTION IF THE RESTAURANT:

(I) IS FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM;

(II) HAS SUFFICIENT FACILITIES FOR PREPARING AND SERVING MEALS TO THE PUBLIC; AND

(III) IS APPROVED BY THE BOARD.

(5) THE ANNUAL FEE FOR THE PRIVILEGE IS \$100, WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS B (ON-SALE) BEER, WINE, AND LIQUOR RESTAURANT LICENSE.

(6) THE PRIVILEGE IS PART OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE AND NOT A SEPARATE CLASS OF LICENSE.

(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;



(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;  
AND

(III) ON SUNDAY, FROM 11 A.M. TO MIDNIGHT.

(2) (I) THE BOARD MAY ISSUE A SPECIAL SUNDAY BEER, WINE, AND LIQUOR LICENSE TO A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE.

(II) NOT MORE THAN FIVE SPECIAL SUNDAY LICENSES MAY BE ISSUED TO A SINGLE HOLDER IN THE CLASS C LICENSE YEAR.

(III) THE SPECIAL SUNDAY LICENSE AUTHORIZES THE HOLDER TO SERVE BEER, WINE, AND LIQUOR FROM 7 A.M. TO MIDNIGHT ON SUNDAY FOR ON-PREMISES CONSUMPTION.

(3) THE LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES AT A BAR OR COUNTER ON SUNDAY.

(4) THE LICENSE FEE IS \$15.

(5) THE PROHIBITION UNDER § 4-204 OF THIS ARTICLE AGAINST THE ISSUANCE OF TWO LICENSES FOR THE SAME PREMISES DOES NOT APPLY TO THE LICENSE.

(6) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.

(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:

(I) ON MONDAY THROUGH FRIDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) ON SATURDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY;  
AND

(III) ON SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) ON SUNDAY, THE LICENSE HOLDER MAY SELL FOR OFF-PREMISES CONSUMPTION ONLY BEER AND WINE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-515.1, 11-515(c), 6-201(p)(2)(ii) and (v), and, as it related to the Class C license, 11-403(a)(1)(ii).

In the introductory language of subsection (a), (b)(1), (c), and (d) of this section, the references to the authority of a license holder to “sell beer, wine, and liquor” are substituted for the former references to “[a]ny class of retail on- or off-sale alcoholic beverages license issued by the Board of License Commissioners ... to sell alcoholic beverages” for brevity and specificity.

In subsection (b)(2) of this section, the references to the requirements of a restaurant are substituted for the former reference to a “premises that qualify as a restaurant under § 6-201(p) of this article” for clarity.

In the introductory language of subsection (b)(4) of this section, the reference to a restaurant “that does not meet the requirements of paragraph (2) of this subsection” is substituted for the former phrase “without being subject to the meal and seating restrictions provided under § 6-201(p) of this article” for clarity.

In subsection (b)(6) of this section, the former phrase “if it is granted” is deleted as surplusage.

Former Art. 2B, §§ 11-303(a)(2)(vi) and (c)(3) and 11-304(p), which stated that the hours of sale in Kent County are as provided in former Art. 2B, § 11-515, are deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Board” § 24-101

“License” § 1-101

## **24-2005. HOURS OF SALE ON JANUARY 1.**

### **A LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FROM MIDNIGHT TO 4 A.M. ON JANUARY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(p)(2), as it related to the sale of alcoholic beverages.

The former references to a license “issued under this article” is deleted in light of the defined term “license”.

The former references prohibiting a license holder from selling alcoholic beverages “under any class of license” are deleted as surplusage.

The former reference to the sale of alcoholic beverages “between the hours of 7 p.m. and 12 midnight, on December 31 in any year when December 31 falls on a Sunday” is deleted as obsolete in light of hours of sale provided for Sundays under former Art. 2B, §§ 11–515 and 11–515.1, revised under §§ 24–2002 through 24–2004 of this subtitle. Similarly, former Art. 2B, § 11–402(p)(2), which made it unlawful to sell alcoholic beverages between 4 a.m. and 2 p.m. on January 1 when January 1 falls on a Sunday, is deleted as obsolete.

Former Art. 2B, § 11–402(p)(1), which stated that former Art. 2B, § 11–402(p) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

## **24–2006. CONSUMPTION ON JANUARY 1.**

### **AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES ON ANY LICENSED PREMISES FROM MIDNIGHT TO 4 A.M. ON JANUARY 1.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(p)(2), as it related to the consumption of alcoholic beverages.

The references to a “licensed premises” are substituted for the former references to a premises “licensed under this article” for brevity.

The former reference to the consumption of alcoholic beverages “between the hours of 7 p.m. and 12 midnight, on December 31 in any year when December 31 falls on a Sunday” is deleted as obsolete in light of hours of sale provided for Sundays under former Art. 2B, §§ 11–515 and 11–515.1, revised under §§ 24–2002 through 24–2004 of this subtitle. Similarly, former Art. 2B, § 11–402(p)(2), which made it unlawful to consume alcoholic beverages between 4 a.m. and 2 p.m. on January 1 when January 1 falls on a Sunday, is deleted as obsolete.

Defined term: “Alcoholic beverage” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **24–2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(12), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 24–101  
 “License” § 1–101

**24–2102. SUSPENSION PENALTY.**

**(A) ALLOWABLE TERM OF SUSPENSION.**

**THE BOARD MAY SUSPEND A LICENSE FOR A VIOLATION OF THIS ARTICLE FOR NOT LESS THAN 15 OR MORE THAN 90 DAYS.**

**(B) PETITION FOR REVIEW.**

**A PETITION FOR JUDICIAL REVIEW DOES NOT STAY THE ORDER OF THE BOARD SUSPENDING A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–403(a)(2)(iii) and 15–112(p)(2).

In subsection (a) of this section, the former phrase “[n]othing contained in this section shall prevent the immediate suspension” of a license is deleted as included in the reference to the power of the Board to suspend a license.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding §§ 10–401 and 10–403 of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the reference to a “petition for judicial review” is substituted for the former reference to an “appeal” to conform to the terminology used throughout this article.

Former Art. 2B, § 15–112(p)(1), which stated that former Art. 2B, § 15–112(p) applied in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 24–101  
“License” § 1–101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**24–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 24–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**24–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 24–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**24–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 24–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**24–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION A FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-107.1(a), (c), and (d).

In the introductory language of subsection (a) of this section, the references to "serve" are substituted for the former references to "dispense" for clarity.

In subsection (a) of this section, the references to a place of "adult entertainment" are substituted for the former references to a place of public entertainment that "allows on its premises any form of attire or sexual display prohibited under § 10-405 of this article" for clarity.

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to a "business" establishment is deleted as surplusage.

Former Art. 2B, § 20–107.1(b), which stated that former Art. 2B, § 20–107.1 applied only in Kent 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 (a) of this section, a place of adult entertainment is not allowed to serve or provide setups, including drinking containers and ice, or other component parts of mixed drinks. This broad prohibition would include such items as ice cubes and ginger ale.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**24–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 24–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **24–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

#### **(1) § 6–202 (“INSPECTIONS”);**



(2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);

(3) § 6-205 (“PEACE OFFICERS”);

(4) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);

(5) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(6) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND

(7) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”).

(B) EXCEPTION.

SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-204 (“POWER TO SUMMON WITNESSES”), IN ADDITION TO § 24-2602 OF THIS SUBTITLE; AND

(2) § 6-211 (“FINES AND FORFEITURES”), SUBJECT TO § 24-2603 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19-103(b)(1).

Defined terms: “Alcoholic beverage” § 1-101

“County” § 24-101

“State” § 1-101

**24-2602. SERVICE OF SUMMONS.**

**IN ADDITION TO THE SHERIFF WHO MAY SERVE A SUMMONS UNDER § 6-204 OF THIS ARTICLE, AN INSPECTOR THAT THE BOARD EMPLOYS MAY SERVE A SUMMONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(b)(2)(i)7.

Defined term: "Board" § 24-101

**24-2603. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED IN § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Kent County.

Defined term: "County" § 24-101

**SUBTITLE 27. PROHIBITED ACTS.**

**24-2701. 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) § 6-308 ("ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER");**
- (4) § 6-309 ("ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS");**
- (5) § 6-310 ("PROVIDING FREE FOOD");**

- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”); AND
- (2) § 6-322 (“POSSESSION OF OPEN CONTAINER”).

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 24–2702 OF THIS SUBTITLE; AND**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 24–2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to prohibited acts.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19–201(b), as it related to Kent County.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 24–101

“License holder” § 1–101

“Retail dealer” § 1–101

**24–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6–304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(vii), which stated that former Art. 2B, § 12-108(f)(2) applied in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 24-101  
"License holder" § 1-101  
"State" § 1-101

**24-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 24-101

"License holder" § 1-101

"State" § 1-101

**24-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) "KNOWINGLY" DEFINED.**

**IN THIS SECTION, "KNOWINGLY" MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL'S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–110(a) and, as it related to Kent County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “mentally retarded” in the Code with “intellectual disability”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court”

are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder's employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6-402 of this article.

Defined terms: "Alcoholic beverage" § 1-101

"License holder" § 1-101

**24-2705. INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**(A) PROHIBITED.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

**(1) ENTER THE LICENSED PREMISES; OR**

**(2) KNOWINGLY MAKE A FALSE STATEMENT CONCERNING THE INDIVIDUAL'S AGE TO GAIN ENTRANCE TO THE ESTABLISHMENT.**

**(B) PENALTY.**

**AN INDIVIDUAL WHO VIOLATES SUBSECTION (A)(2) OF THIS SECTION:**

**(1) SHALL BE ISSUED A CITATION UNDER § 10-119 OF THE CRIMINAL LAW ARTICLE BY A POLICE OFFICER OR ALCOHOLIC BEVERAGES INSPECTOR; AND**

**(2) IS SUBJECT TO THE PENALTIES PROVIDED IN § 10-119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(p)(5) and (6).

In subsection (a)(1) of this section, the former reference to the licensed premises "of an establishment which has a license issued pursuant to this section" is deleted as surplusage.



Defined term: “Alcoholic beverage” § 1–101

**24–2706. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON PREMISES.**

**(A) PROHIBITED.**

**(1) A LICENSE HOLDER OR AN AGENT OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ABOUT THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**

**(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT LOITER OR BE A NUISANCE ON THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–303(b) and, as it related to Kent County, (a).

In subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

Also in subsection (a) of this section, the references to an “individual under the age of 21 years” are substituted for the former references to a “person not designated in § 1–102(a)(6) of this article” for clarity and consistency with other similar provisions of this article.

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).

Defined terms: “Beer” § 1–101  
 “License holder” § 1–101  
 “Person” § 1–101

**SUBTITLE 28. PENALTIES.**

**24-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 24-101

**24-2802. HEARING AND PENALTY FOR VIOLATION.**

**(A) BOARD HEARING.**

**(1) THE BOARD SHALL HEAR A CASE WITHIN 30 DAYS AFTER THE VIOLATION IS REPORTED BY AN INSPECTOR OR LAW ENFORCEMENT OFFICER.**

**(2) THE BOARD SHALL MAKE A DETERMINATION OF THE CASE WITHIN 15 DAYS AFTER THE CONCLUSION OF THE HEARING.**

**(B) PENALTY.**

**(1) UNLESS ANOTHER PENALTY IS PROVIDED, FOR A VIOLATION OF THIS ARTICLE, THE BOARD MAY IMPOSE:**

**(I) FOR THE FIRST OFFENSE:**

- 1. A FINE NOT EXCEEDING \$1,000;**
- 2. SUSPENSION OF THE LICENSE; AND**
- 3. CLOSURE OF THE PLACE OF BUSINESS NOT EXCEEDING 15 DAYS;**

**(II) FOR THE SECOND OFFENSE:**

- 1. A FINE NOT EXCEEDING \$2,000;**
- 2. SUSPENSION OF THE LICENSE; AND**

**3. CLOSURE OF THE PLACE OF BUSINESS NOT EXCEEDING 30 DAYS;**

**(III) FOR A THIRD OR SUBSEQUENT OFFENSE THAT IS DIFFERENT FROM EITHER OF THE TWO PREVIOUS OFFENSES:**

**1. A FINE NOT EXCEEDING \$2,500;**

**2. SUSPENSION OF THE LICENSE; AND**

**3. CLOSURE OF THE PLACE OF BUSINESS NOT EXCEEDING 90 DAYS; AND**

**(IV) FOR A THIRD OFFENSE THAT IS THE SAME AS EITHER OF THE TWO PREVIOUS OFFENSES:**

**1. REVOCATION OF THE LICENSE;**

**2. PROHIBITION OF LICENSURE OF THE VIOLATOR; AND**

**3. PROHIBITION OF LICENSURE OF THE PREMISES FOR A PERIOD NOT EXCEEDING 1 YEAR AFTER THE REVOCATION.**

**(2) THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) DO NOT LIMIT, BUT ARE IN ADDITION TO, OTHER SPECIFIC OR GENERAL PENALTIES FOR THE SAME VIOLATION UNDER THIS ARTICLE; AND**

**(II) ARE INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.**

**(C) PETITION FOR JUDICIAL REVIEW.**

**A PETITION SEEKING JUDICIAL REVIEW MAY NOT STAY AN ORDER OF THE BOARD TO SUSPEND A LICENSE OR CLOSE A PLACE OF BUSINESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(p)(2) through (5).

In subsection (b)(1)(iii) of this section, the reference to a third or subsequent offense "that is different from either of the two previous offenses" is added for clarity.

In subsection (b)(1)(iv)1 of this section, the former reference to the revocation “of the license” is deleted as surplusage.

In subsection (c) of this section, the reference to a “petition seeking judicial review” is substituted for the former reference to an “appeal from the Board’s decision” for brevity.

Former Art. 2B, § 16–507(p)(1), which stated that the provisions of former Art. 2B, § 16–507(p) applied only in Kent County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 24–101  
 “License” § 1–101

### **24–2803. EXPUNGEMENT OF RECORD OF VIOLATION.**

**THE BOARD SHALL EXPUNGE THE RECORD OF A VIOLATION OF THIS ARTICLE OR A REGULATION ADOPTED UNDER THIS ARTICLE 7 YEARS AFTER THE DATE THE VIOLATION OCCURRED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–508(b).

Former Art. 2B, § 16–508(a), which stated that former Art. 2B, § 16–508 applied only in Kent County, is deleted as unnecessary in light of the reorganization of this revised article.

Defined term: “Board” § 24–101

## **TITLE 25. MONTGOMERY COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **25–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR MONTGOMERY COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Montgomery County”.

**(C) COUNTY.**

**“COUNTY” MEANS MONTGOMERY COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Montgomery County”.

**25-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN MONTGOMERY COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**25-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each

local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 25–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(q), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, including naturally fermented and fortified wines, is deleted because the definition is not used in this title.

#### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

##### **25–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR MONTGOMERY COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Montgomery County exists.

##### **25–202. MEMBERSHIP.**

###### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE COUNTY EXECUTIVE SHALL APPOINT FIVE MEMBERS TO THE BOARD, SUBJECT TO CONFIRMATION BY THE COUNTY COUNCIL.**

###### **(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE A REGISTERED VOTER OF THE COUNTY.**

**(2) NOT MORE THAN THREE MEMBERS OF THE BOARD MAY BE MEMBERS OF THE SAME POLITICAL PARTY.**

**(C) RESTRICTIONS.**

**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(IV) HOLD ANY OTHER PUBLIC OFFICE, INCLUDING FEDERAL, STATE, OR LOCAL OFFICE; OR**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**2. A LICENSE HOLDER.**

**(3) (I) SUBJECT TO THE MONTGOMERY COUNTY PUBLIC ETHICS LAW AND SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER OF THE BOARD MAY BE AN EMPLOYEE OF THE FEDERAL, STATE, OR LOCAL GOVERNMENT.**

**(II) A MEMBER OF THE BOARD MAY NOT BE AN EMPLOYEE OF THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(E) VACANCIES.**

**A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) REMOVAL.**

**WITH THE APPROVAL OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–104(c)(1), (2), (3), and (6), 15–112(q)(3) and, as it related to members of the Board, (4)(i), and the second sentence of 15–110(b).

In subsection (c)(2) and (3) of this section, the references to a “member” of the Board are substituted for the former references to a “commissioner” of the Board to conform to the terminology used throughout this title.

In subsection (c)(2)(v) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsection (c)(2)(v)1 of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in subsection (c)(2)(v)1 of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In subsection (c)(2)(v)2 of this section, the reference to a “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article” to conform to the terminology used throughout this article.

In subsection (d)(2) of this section, the former reference to the requirement that one of the terms of office expiring in 1983 be for 3 years and then for 4 years thereafter is deleted in light of the reference that the terms of the members of the Board be staggered as required on July 1, 2016. This



substitution is not intended to alter the term of any member of the Board of License Commissioners for Montgomery County.

Subsection (e) of this section is standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. *See Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

In subsection (f) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (f) of this section, the former reference to a member “of the Board of License Commissioners” is deleted as surplusage.

Former Art. 2B, § 15–101(q), which provided a cross–reference to provisions applicable to Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

## **25–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL ELECT A CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–104(c)(4).

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 25–101

## **25–204. QUORUM; COMPENSATION; STAFF.**

### **(A) QUORUM.**

**THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING BUSINESS.**

**(B) COMPENSATION.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$10,000 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$9,000 ANNUALLY.**

**(C) STAFF.**

**(1) THE BOARD MAY:**

**(I) EMPLOY:**

**1. A SECRETARY;**

**2. INSPECTORS; AND**

**3. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(II) SET THE COMPENSATION OF THE EMPLOYEES.**

**(2) THE OFFICE OF THE COUNTY ATTORNEY AND OTHER COUNTY DEPARTMENTS SHALL BE MADE AVAILABLE TO THE BOARD.**

**(3) A COUNTY EMPLOYEE MADE AVAILABLE TO THE BOARD UNDER PARAGRAPH (2) OF THIS SUBSECTION MAY NOT SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**(I) A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR**

**(II) A LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-109(q), 15-112(a)(2) and (q)(2) and, as it related to County employees, (4)(i), and the first sentence of 15-104(c)(5).

In subsection (b)(1) 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 (c)(1)(i)3 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

In the introductory language of subsection (c)(3) of this section, the reference to a County employee “made available to the Board under paragraph (2) of this subsection” is added for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsection (c)(3)(i) of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in subsection (c)(3)(i) of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In subsection (c)(3)(ii) of this section, the reference to a “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article” to conform to the terminology used throughout this article.

The second sentence of former Art. 2B, § 15–104(c)(5), which stated that at least three members who are present at the voting session must concur in the approval, denial, revocation, suspension, or reclassification of a license, is deleted as unnecessary in light of subsection (a) of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License holder” § 1–101

“Person” § 1–101

## **25–205. INSPECTORS; CIVIL CITATIONS.**

**AN INSPECTOR MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 25–2602 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language added for clarity and informational purposes.

## **25–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Montgomery County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 25–101

### **SUBTITLE 3. DEPARTMENT OF LIQUOR CONTROL.**

#### **25–301. DEFINITIONS.**

##### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

##### **(B) DEPARTMENT.**

**“DEPARTMENT” MEANS THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the County Department of Liquor Control.

Defined term: “County” § 25–101

##### **(C) DIRECTOR.**

**“DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the Director of the Department of Liquor Control.

Defined term: "Department" § 25-301

**(D) DISPENSARY.**

**"DISPENSARY" MEANS A STORE ESTABLISHED AND MAINTAINED BY THE DEPARTMENT FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to a County liquor dispensary.

Defined terms: "Alcoholic beverage" § 1-101  
"Department" § 25-301

**25-302. ESTABLISHED.**

**THERE IS A DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY GOVERNMENT, WHICH FUNCTIONS AS A LIQUOR CONTROL BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-201(a)(2)(i), except as it related to the Department being under the supervision of the chief administrative officer, and, as it related to Montgomery County, 15-210.

The phrase "which functions as a liquor control board" is substituted for the former phrase "which shall have the powers of a liquor control board as defined in § 15-205 of this subtitle" for brevity.

The former phrase "hereby constituted and established" is deleted as surplusage.

The former reference to the Department being "effective July 1, 1951" is deleted as obsolete.

Former Art. 2B, § 15-201(a)(2)(ii), which stated that "'liquor control board' or 'board' shall be construed to apply to the Department of Liquor Control in Montgomery County whenever such construction would be reasonable" is deleted as unnecessary in light of the defined term "Department".

Defined term: "County" § 25-101

**25-303. DIRECTOR.**

**(A) ESTABLISHED.**

**THERE IS A DIRECTOR OF THE DEPARTMENT, WHO SHALL BE THE CHIEF ADMINISTRATIVE OFFICER OF AND EXERCISE GENERAL SUPERVISION OVER THE DEPARTMENT.**

**(B) APPOINTMENT.**

**THE COUNTY EXECUTIVE SHALL APPOINT THE DIRECTOR WITH THE CONSENT OF THE COUNTY COUNCIL.**

**(C) QUALIFICATIONS.**

**THE COUNTY EXECUTIVE SHALL DETERMINE THE QUALIFICATIONS OF THE DIRECTOR.**

**(D) TENURE.**

**THE DIRECTOR:**

**(1) SERVES AT THE PLEASURE OF THE COUNTY EXECUTIVE; AND**

**(2) SHALL DEVOTE FULL TIME TO THE DUTIES OF THE DEPARTMENT.**

**(E) SALARY.**

**THE COUNTY EXECUTIVE SHALL SET THE SALARY OF THE DIRECTOR WITH THE APPROVAL OF THE COUNTY COUNCIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-201(b)(1)(iii), (h)(4), (i)(4), the first and second sentences of (c)(7), the third sentence of (f), and, as it related to the Director of the Montgomery County Department of Liquor Control, (a)(2)(i).

In subsection (b) of this section, the reference to the appointment of the Director with the "consent" of the Montgomery County Council is substituted for the former reference to the appointment with the "approval" of the County Council for clarity and consistency with other provisions of this revised article requiring consent of an appointment by a legislative body.

In subsection (d)(2) of this section, the reference requiring the Director to devote "full" time to Department duties is substituted for the former reference requiring the Director to devote "all his" time to Department duties for clarity

and because SG, § 2–1238 requires the use of terms that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–201(d)(2), which provided for members of the now defunct Liquor Control Board to continue in office until July 1, 1951, is deleted as obsolete.

Defined terms: “County” § 25–101

“Department” § 25–301

“Director” § 25–301

## **25–304. STAFF.**

### **(A) IN GENERAL.**

**(1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE DIRECTOR MAY APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(2) EXCEPT FOR THE DIRECTOR, EACH DEPARTMENT EMPLOYEE SHALL BE APPOINTED AND EMPLOYED IN ACCORDANCE WITH REGULATIONS OF THE MERIT SYSTEM PROTECTION BOARD.**

### **(B) LEGAL COUNSEL.**

**THE OFFICE OF THE COUNTY ATTORNEY SHALL PROVIDE LEGAL SERVICES TO THE DEPARTMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–205(a)(1)(i), the third and fourth sentences of (a)(1)(ii), and the first clause of (k)(1).

In subsection (a)(1) of this section, the phrase “[w]ith the approval of the County Executive, the Director” may appoint employees is substituted for the former reference to the “liquor control board ... hav[ing] full power and authority” to appoint employees in light of former Art. 2B, § 15–201(a)(2)(ii), which stated that “liquor control board” shall be construed to mean the Department of Liquor Control, when that construction would be reasonable, and in light of the first clause of former Art. 2B, § 15–205(k)(1), which stated that, with the approval of the County Executive, the Director has powers “in addition to the powers already enumerated in this section [Art. 2B, § 15–205]”.

Also in subsection (a)(1) of this section, the reference to employees who are necessary to “operate” a dispensary system is substituted for the former reference to employees necessary to “conduct” a dispensary system for clarity.

Also in subsection (a)(1) of this section, the reference to the “dispensary system” is substituted for the former reference to “such county liquor dispensary or branch dispensaries” for brevity.

Also in subsection (a)(1) of this section, the former phrase “[s]ubject to § 16–407.1 of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (a)(1) of this section, the former reference authorizing the Director to require employee bonding “as the [Director] may in each case determine” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to a Department employee being appointed and “employed” is substituted for the former reference to an employee being appointed and “hold[ing] their positions” for brevity.

Also in subsection (a)(2) of this section, the reference to the regulations “of the Merit System Protection Board” is substituted for the former reference to “the” regulations for clarity.

The first and second sentences of former Art. 2B, § 15–205(a)(1)(ii), which abolished the positions of General Manager and Treasurer of the Liquor Control Board as of July 1, 1951, and stated that all other existing employees of the Board are entitled to continue to be employed subject to certain conditions, are deleted as obsolete.

Defined terms: “County” § 25–101

“Department” § 25–301

“Director” § 25–301

“Dispensary” § 25–301

## **25–305. RESTRICTIONS ON FINANCIAL INTERESTS.**

### **(A) COUNTY COUNCIL MEMBERS AND COUNTY EXECUTIVE.**

**A MEMBER OF THE COUNTY COUNCIL OR THE COUNTY EXECUTIVE MAY NOT HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE SALE, MANUFACTURE, BLENDING, BREWING, DISTILLING, RECTIFYING, OR WHOLESALING OF ANY ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THIS ARTICLE.**

### **(B) DEPARTMENTAL EMPLOYEES.**



**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN EMPLOYEE OF THE DEPARTMENT MAY NOT:**

**(1) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE SALE, MANUFACTURE, BLENDING, BREWING, DISTILLING, RECTIFYING, OR WHOLESALING OF ANY ALCOHOLIC BEVERAGE PURCHASED OR SOLD UNDER THIS ARTICLE;**

**(2) HAVE AN INTEREST IN A LICENSE;**

**(3) DIRECTLY OR INDIRECTLY SOLICIT OR RECEIVE ANY FEE, COMMISSION, GRATUITY, EMOLUMENT, REMUNERATION, REWARD, PRESENT, OR ALCOHOLIC BEVERAGE SAMPLE, AND ANY OTHER CONSIDERATION FROM:**

**(I) A PERSON WHO SELLS, MANUFACTURES, BLENDS, BREWS, DISTILLS, RECTIFIES, WHOLESALES, OR DISTRIBUTES ALCOHOLIC BEVERAGES; OR**

**(II) A LICENSE HOLDER; OR**

**(4) DERIVE ANY PROFIT OR REMUNERATION FROM THE PURCHASE OR SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY PAID BY THE COUNTY FOR THE DISCHARGE OF THE EMPLOYEE'S DUTIES.**

**(C) EXCEPTION — DUAL EMPLOYMENT.**

**SUBJECT TO THE COUNTY PUBLIC ETHICS LAW, THE DEPARTMENT MAY ALLOW A DEPARTMENTAL EMPLOYEE TO BE EMPLOYED BY A LICENSE HOLDER IF THE EMPLOYMENT DIRECTLY RELATES TO THE PERFORMING ARTS.**

**(D) FEE AND GIFTS PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PERSON LISTED IN PARAGRAPH (2) OF THIS SUBSECTION MAY NOT DIRECTLY OR INDIRECTLY OFFER, PAY, OR GIVE A FEE, REWARD, PRESENT, COMMISSION, GIFT, OR SAMPLE OF ALCOHOLIC BEVERAGES TO AN EMPLOYEE OF THE DEPARTMENT, A MEMBER OF THE COUNTY COUNCIL, OR THE COUNTY EXECUTIVE.**

**(2) THIS SUBSECTION APPLIES TO:**

**(I) A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER; OR**

**(II) A PERSON OR AN AGENT OR EMPLOYEE OF A PERSON ENGAGED IN THE MANUFACTURE, SALE, BLENDING, BREWING, DISTILLING, RECTIFYING, WHOLESALING, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

**(E) ALCOHOLIC BEVERAGES SAMPLING ALLOWED.**

**(1) THIS SECTION DOES NOT PROHIBIT A MANUFACTURER, BREWER, WHOLESALER, OR DEALER THAT SELLS OR ATTEMPTS TO SELL ALCOHOLIC BEVERAGES TO THE DEPARTMENT FROM PROVIDING SAMPLES OF ALCOHOLIC BEVERAGES TO THE DEPARTMENT.**

**(2) A PERSON THAT PROVIDES SAMPLES OF ALCOHOLIC BEVERAGES TO THE DEPARTMENT SHALL OBTAIN A RECEIPT, SIGNED BY THE DIRECTOR, STATING IN DETAIL THE AMOUNT AND A DESCRIPTION OF THE SAMPLES.**

**(3) WHEN RECEIVED, SAMPLES OF ALCOHOLIC BEVERAGES PROVIDED UNDER THIS SUBSECTION SHALL BE INVENTORIED AND SOLD IN THE SAME MANNER AS OTHER BEVERAGES THAT THE DEPARTMENT PURCHASES.**

**(F) PENALTY.**

**A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 12 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-208(b).

In subsection (b)(3)(i) of this section, the former reference prohibiting solicitation or receipt of consideration from a "partnership, firm or corporation, agents, servants or employees" is deleted as included in the reference prohibiting solicitation or receipt of consideration from a "person". Similarly, in subsection (e)(2) of this section, the former reference to "firm or corporation" is deleted in light of the defined term "person". Similarly, in subsection (f) of this section, the former reference to "firm, association, corporation or licensee" is deleted.

In subsection (b)(4) of this section, the former reference to an employee's "wages" is deleted as included in the reference to an employee's "salary".

Also in subsection (b)(4) of this section, the former reference to duties "as herein prescribed or authorized" is deleted as surplusage.

In subsection (c) of this section, the reference to the authority of the Department to “allow” a Departmental employee also to be an employee of a license holder is substituted for the former reference to the authority of the Department to “grant exceptions to the restrictions of this subsection relating to dual employment” for brevity and clarity.

In subsection (d)(1) of this section, the former references to “emolument” and “remuneration” are deleted in light of the references to “fee” and “commission”.

Also in subsection (d)(1) of this section, the former reference to “gratuity” is deleted in light of the reference to “gift”.

In subsection (d)(2)(ii) of this section, the former reference to “firm, association or corporation” is deleted as included in the defined term “person”.

Also in subsection (d)(2)(ii) of this section, the former reference to “servant” is deleted as included in the reference to “employee”.

In subsection (e)(1) of this section, the reference that this section does not “prohibit” the provision of samples is substituted for the former reference that this section does not “prevent” the provision of samples for clarity and consistency within this subtitle.

Also in subsection (e)(1) of this section, the reference to “providing” samples is substituted for the former reference to “giving and delivering” samples for clarity and brevity. Similarly, in subsection (e)(2) of this section, the reference to “provide[s]” is substituted for the former reference to “deliver[s]”.

Also in subsection (e)(1) of this section, the reference to a person “that sells or attempts to sell” alcoholic beverages is substituted for the former reference to a person “now selling or in the future attempting to sell or selling” alcoholic beverages for brevity.

In subsection (e)(2) of this section, the former reference to an “official” receipt is deleted as surplusage.

In subsection (f) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly what was only implied in the former law. In this State, any crime that is 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 (1960), and *Williams v. State*, 4 Md. App. 342, 347 (1968).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (a) of this section a member of the County Council or the County Executive may not have any financial interest,

directly or indirectly, in the sale, manufacture, blending, brewing, distilling, rectifying, or wholesaling of any alcoholic beverage purchased or sold under this article. The General Assembly may wish to transfer these provisions to Title 5, Subtitle 8 of the General Provisions Article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 25-101

"Department" § 25-301

"Director" § 25-301

"License" § 1-101

"License holder" § 1-101

"Person" § 1-101

"Wholesaler" § 1-101

### **25-306. ADVISORY BOARD.**

#### **(A) ESTABLISHED.**

**THERE IS AN ADVISORY BOARD IN THE DEPARTMENT.**

#### **(B) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE ADVISORY BOARD CONSISTS OF THE FOLLOWING EIGHT MEMBERS:**

**(1) THE DIRECTOR;**

**(2) THE DIRECTOR OF THE COUNTY DEPARTMENT OF POLICE;**

**(3) THE CHAIR OF THE BOARD OF LICENSE COMMISSIONERS; AND**

**(4) FIVE MEMBERS WHO ARE COUNTY RESIDENTS APPOINTED BY THE COUNTY EXECUTIVE WITH THE CONSENT OF THE COUNTY COUNCIL.**

#### **(C) QUALIFICATIONS.**

**OF THE MEMBERS OF THE ADVISORY BOARD APPOINTED UNDER SUBSECTION (B)(4) OF THIS SECTION:**

**(1) ONLY ONE SHALL BE A HOLDER OF A CLASS B OR A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE COUNTY; AND**

**(2) ONLY ONE SHALL BE A HOLDER OF A LICENSE OF ANY OTHER CLASS IN THE COUNTY.**

**(D) TENURE.**

**(1) THIS SUBSECTION APPLIES TO MEMBERS OF THE ADVISORY BOARD APPOINTED UNDER SUBSECTION (B)(4) OF THIS SECTION.**

**(2) THE TERM OF A MEMBER IS 4 YEARS.**

**(3) A MEMBER APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM.**

**(4) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS ON JULY 1, 2016.**

**(E) REMOVAL.**

**WITH THE CONSENT OF THE COUNTY COUNCIL, THE COUNTY EXECUTIVE MAY REMOVE A MEMBER WHOM THE COUNTY EXECUTIVE APPOINTED TO THE ADVISORY BOARD.**

**(F) DUTIES.**

**THE ADVISORY BOARD SHALL REPORT AT LEAST QUARTERLY TO THE COUNTY EXECUTIVE ON RECOMMENDATIONS FOR THE IMPROVEMENT OF:**

**(1) THE ALCOHOLIC BEVERAGES CONTROL AND ENFORCEMENT ACTIVITIES OF THE COUNTY; AND**

**(2) THE OPERATIONS OF THE DISPENSARY AND DISTRIBUTION SYSTEMS FROM THE STANDPOINT OF EFFICIENCY, SERVICE PROVIDED, AND CONVENIENCE TO THE PUBLIC.**

**(G) COMPENSATION.**

**A MEMBER OF THE ADVISORY BOARD:**

**(1) MAY NOT RECEIVE COMPENSATION; BUT**

**(2) IS ENTITLED TO NECESSARY EXPENSES IN CONNECTION WITH THE PERFORMANCE OF THE DUTIES OF THE ADVISORY BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third through eighth sentences of former Art. 2B, § 15–201(c)(7).

In subsection (a) of this section, the reference to an Advisory Board “in the Department” is added for clarity.

In subsection (b) of this section, the former reference designating specified members of the Advisory Board as “ex officio” members is deleted as unnecessary.

In subsection (b)(2) of this section, the reference to the “Director of the County Department of Police” is substituted for the former reference to the “superintendent of police” in light of § 2–43 of the Montgomery County Code, which states that “[a]ny reference in this Code ... or other document to ‘superintendent of police’ means ‘Director of [County] Police’”.

In subsection (c)(1) of this section, the former references to “bona fide” license holders are deleted as unnecessary.

In subsection (d)(1) of this section, the reference to the application of this subsection “to members of the Advisory Board appointed under subsection (b)(4) of this section” is substituted for the former reference to the members who were “appointed” for clarity.

In subsection (d)(4) of this section, the reference to the terms of office being “staggered as required by the terms provided for members on July 1, 2016” is substituted for the former obsolete reference to the terms of office for the initial appointed members of the Advisory Board who began their terms on June 1, 1976. This substitution is not intended to alter the term of any appointed member of the Advisory Board.

In the introductory language of subsection (f) of this section, the former reference to reporting “periodically” is deleted as implicit in the reference to reporting “at least quarterly”.

In subsection (f)(2) of this section, the reference to service “provided” is added for clarity.

In subsection (g)(2) of this section, the reference to expenses in connection with “the performance of” Advisory Board duties is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 25–101

“Department” § 25–301

“Director” § 25–301  
“Dispensary” § 25–301  
“License” § 1–101  
“Wine” § 1–101

**25–307. MONOPOLY CONTROL.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS F LICENSE.**

**(B) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) THROUGH (8) OF THIS SUBSECTION:**

**(I) THE DEPARTMENT HAS A MONOPOLY ON THE WHOLESALE DISTRIBUTION OF BEER, WINE, AND LIQUOR AND RETAIL DISTRIBUTION OF OFF-SALE LIQUOR IN THE COUNTY, SUBJECT TO § 1–309 OF THIS ARTICLE; AND**

**(II) A PERSON MAY SELL ONLY ALCOHOLIC BEVERAGES THAT ARE PURCHASED FROM THE DEPARTMENT.**

**(2) THE HOLDERS OF THE FOLLOWING WHOLESALER’S LICENSES MAY SELL OR DELIVER ALCOHOLIC BEVERAGES FOR RESALE TO A DISPENSARY:**

**(I) A CLASS 1 BEER, WINE, AND LIQUOR LICENSE;**

**(II) A CLASS 2 WINE AND LIQUOR LICENSE;**

**(III) A CLASS 3 BEER AND WINE LICENSE;**

**(IV) A CLASS 4 BEER LICENSE; OR**

**(V) A CLASS 5 WINE LICENSE.**

**(3) THE HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE OR NONRESIDENT WINERY PERMIT MAY SELL OR DELIVER WINE DIRECTLY TO A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY.**

**(4) THE HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE OR NONRESIDENT BREWERY PERMIT MAY SELL OR DELIVER ITS OWN BEER TO A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY.**

**(5) A HOLDER OF A DIRECT WINE SHIPPER’S PERMIT MAY SHIP WINE DIRECTLY TO A CONSUMER IN THE COUNTY.**

**(6) A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY MAY PURCHASE WINE DIRECTLY FROM A HOLDER OF A CLASS 6 LIMITED WINE WHOLESALER’S LICENSE OR OF A NONRESIDENT WINERY PERMIT.**

**(7) A DISPENSARY, RESTAURANT, OR OTHER RETAIL DEALER IN THE COUNTY MAY PURCHASE BEER DIRECTLY FROM A HOLDER OF A CLASS 7 LIMITED BEER WHOLESALER’S LICENSE OR OF A NONRESIDENT BREWERY PERMIT.**

**(8) A HOLDER OF A CHARITY WINE AUCTION PERMIT IN THE COUNTY MAY RECEIVE AND SELL WINE OBTAINED FROM ANY SOURCE LISTED UNDER § 2-137 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-204(a) and (b).

In subsection (b)(1)(i) of this section, the defined term “Department” is substituted for the former reference to “the liquor control board in each county” for clarity. Consequently, the second sentence of former Art. 2B, § 15-201(a), which stated that the words “liquor control board” apply to the Department whenever such construction would be reasonable, is deleted.

In subsection (b)(1)(ii) of this section, the former reference to a “firm, or corporation” is deleted as included in the defined term “person”.

In subsection (b)(2) of this section, the former exception from the Department’s monopoly control authority that applied to holders of certain wholesaler’s licenses in the County is revised as an affirmative grant of authority to sell or deliver alcoholic beverages for resale to a dispensary for clarity.

Former Art. 2B, § 2-101(i)(6), which stated that in the County the alcoholic beverage purchasing power shall be as described in former Art. 2B, §§ 15-204(b) and 15-205(k), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Consumer” § 1-101

“County” § 25-101

“Department” § 25-301

“Dispensary” § 25-301

“Person” § 1-101



“Restaurant” § 1–101  
 “Retail dealer” § 1–101  
 “Wholesaler’s license” § 1–101  
 “Wine” § 1–101

**25–308. DELIVERY OF BEER TO PER DIEM LICENSE HOLDER.**

**(A) DELIVERY ON EFFECTIVE DATE OF LICENSE.**

**THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH A HOLDER OF A PER DIEM LICENSE 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the defined term “Department” is substituted for the former reference to “in each county of the State and in Baltimore City, the holder of a wholesale license” because the Department acts as the exclusive wholesaler in the County.

Also in subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the phrase “[t]he agreement entered into under subsection (a) of this section shall include” is substituted for the former phrase “[t]he parties shall agree upon” for clarity.

Defined terms: “Beer” § 1–101  
 “Department” § 25–301

**25-309. OTHER POWERS.****(A) IN GENERAL.**

**WITH THE APPROVAL OF THE COUNTY EXECUTIVE AND SUBJECT TO § 1-309 OF THIS ARTICLE, THE DIRECTOR MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER'S LICENSE OR MANUFACTURER'S LICENSE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5-102 OF THE TAX - GENERAL ARTICLE IS PAID;**

**(2) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER'S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL, AND RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

**(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

**(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE DEPARTMENT'S JUDGMENT, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**

**(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**

**(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

**(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED; AND**

**(8) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

**(B) ACQUISITION OF PROPERTY.**

**(1) WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE DIRECTOR, BY RENTAL, LEASE, PURCHASE, OR OTHERWISE, MAY ACQUIRE:**

**(I) REAL OR PERSONAL PROPERTY DETERMINED BY THE DIRECTOR TO BE NECESSARY TO OPERATE DISPENSARIES, STORES, OR WAREHOUSES; AND**

**(II) ALCOHOLIC BEVERAGES FROM ANY SOURCE FOR RESALE.**

**(2) EXCEPT FOR PURCHASES OF MERCHANDISE FOR RESALE, THE DEPARTMENT SHALL MAKE ALL PURCHASES THROUGH THE COUNTY OFFICE OF PROCUREMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(b), (c), (d), (f), (g), (h), (e)(1), and (k)(1), and, as it related to the powers of the Montgomery County Department of Liquor Control, 15–201(a)(2)(i).

In the introductory language of subsection (a) of this section, the reference to the “Director” is substituted for the former reference to a “liquor control board” in light of former Art. 2B, § 15–201(a)(2)(i), which stated that the Department has the powers of a liquor control board, and former Art. 2B, § 15–205(k)(1), which stated that the Director has powers “in addition to the powers already enumerated in this section”. The “section” referred to in the former law is now revised as subsection (a) of this section.

Also in the introductory language of subsection (a) of this section, the reference stating that the Director “may” perform certain functions is substituted for the former reference stating that the Director “shall have full power and authority” to perform these functions for clarity and brevity.

In subsection (a)(1) of this section, the former reference authorizing the purchase of “any sparkling or fortified wine” is deleted as included in the reference authorizing the purchase of “alcoholic beverages”.

In subsection (a)(2) of this section, the reference to the resale of alcoholic beverages “that the Department is authorized to sell” is added to state expressly what was only implied in the former law.

Also in subsection (a)(2) of this section, the former reference to the sale of alcoholic beverages “as hereinafter provided” is deleted as unnecessary. Similarly, in subsection (a)(3) of this section, the former reference to the sale of alcoholic beverages “as above provided” is deleted as unnecessary.

In subsection (a)(3) of this section, the reference to “dispensaries” is substituted for the former reference to “stores” in the county for consistency within this subtitle.

Also in subsection (a)(3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensary”.

In subsection (a)(5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in subsection (a)(5) of this section, the former reference to the authority of the Director to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Director to “restrict” the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Director to restrict alcoholic beverages sales.

In subsection (a)(6) of this section, the references to the authority of the Director to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Director to “make” a contract or regulation for clarity and to conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in subsection (a)(6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in subsection (a)(6) of this section, the former reference to “the powers conferred upon [the Director] by” this article is deleted as unnecessary.

In subsection (a)(7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In subsection (a)(8) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in subsection (a)(8) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in subsection (a)(8) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

In subsection (b)(2) of this section, the reference to “the County Office of Procurement” is substituted for the former obsolete reference to “the county purchasing office” for accuracy. *See* § 2–30 of the Montgomery County Code.

Former Art. 2B, § 15–205(k)(2), which, effective July 1, 1951, vested in the County the title to all real and personal property used by or in the name of the Liquor Control Board, including money in banks, credits, accounts receivable, trucks, automobiles, equipment, stock in trade, leases, franchises, contracts, and the title to the liquor dispensary building located in Silver Spring, Maryland, and stated that any outstanding contracts or obligations of the Liquor Control Board were not impaired by this vesting, is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“County” § 25–101

“Department” § 25–301

“Director” § 25–301

“Dispensary” § 25–301

“License holder” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler’s license” § 1–101

## **25–310. DISPENSARIES.**

### **(A) ESTABLISHMENT.**

**WITH THE APPROVAL OF THE COUNTY EXECUTIVE, THE DIRECTOR MAY ESTABLISH A DISPENSARY AT ONE OR MORE LOCATIONS THAT THE DIRECTOR DETERMINES.**

### **(B) SALE OF INVENTORY.**

#### **(1) THE DEPARTMENT MAY SELL ITS INVENTORY THROUGH:**

**(I) DISPENSARIES SELLING AT WHOLESALE AND RETAIL; AND**

**(II) SUBJECT TO SUBSECTION (C) OF THIS SECTION, RETAIL OUTLETS OPERATED BY INDIVIDUALS WITH WHOM THE DEPARTMENT CONTRACTS.**

**(2) NOTWITHSTANDING ANY OTHER LAW, THE DIRECTOR MAY SELL AT WHOLESALE OR RETAIL ALCOHOLIC BEVERAGES IN WHOLE CASES OR IN INDIVIDUAL BOTTLES THROUGH DISPENSARIES TO A LICENSE HOLDER IN THE COUNTY.**

**(3) THE DEPARTMENT MAY NOT SELL ALCOHOLIC BEVERAGES AT DIFFERENT PRICES TO DIFFERENT LICENSE HOLDERS OR CLASSES OF LICENSE HOLDERS.**

**(C) OPERATION OF DISPENSARY OR OUTLET BY CONTRACTOR.**

**(1) THE DIRECTOR MAY NOT CONTRACT WITH A PERSON TO OPERATE:**

**(I) A DISPENSARY; OR**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A RETAIL OUTLET FOR THE SALE OF BEER, WINE, AND LIQUOR.**

**(2) THE DIRECTOR MAY ENTER INTO A CONTRACT WITH A PERSON TO OPERATE A RETAIL OUTLET FOR THE SALE OF BEER, WINE, AND LIQUOR IF:**

**(I) THE BOARD OF LICENSE COMMISSIONERS DETERMINES THAT THE PERSON IS FIT TO OPERATE THE RETAIL OUTLET; AND**

**(II) THE DIRECTOR HAD A CONTRACT WITH A PERSON TO OPERATE THE RETAIL OUTLET ON JANUARY 1, 1997.**

**(D) AUTHORIZED SALE ITEMS.**

**A DISPENSARY OR A RETAIL OUTLET OPERATED UNDER CONTRACT WITH THE DIRECTOR:**

**(1) MAY SELL ONLY:**

**(I) FOR OFF-PREMISES CONSUMPTION, NONCHILLED BEER, WINE, AND LIQUOR;**

**(II) ICE;**

**(III) BOTTLED WATER; AND**

**(IV) ITEMS COMMONLY ASSOCIATED WITH THE SERVING OR CONSUMPTION OF ALCOHOLIC BEVERAGES, INCLUDING BOTTLE OPENERS, CORKSCREWS, DRINK MIXES, AND LIME JUICE; AND**

**(2) MAY NOT SELL SNACK FOODS OR SOFT DRINKS.**

**(E) HOURS AND DAYS OF SALE.**

**THE DEPARTMENT MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO A RETAIL LICENSE HOLDER FROM 6 A.M. TO MIDNIGHT ON EVERY DAY EXCEPT SUNDAY.**

**(F) ENFORCEMENT FOR UNLAWFUL SALES TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**A MANAGER OF A DISPENSARY, AN INDIVIDUAL WHO CONTRACTS TO OPERATE A RETAIL OUTLET AS AUTHORIZED UNDER SUBSECTION (C) OF THIS SECTION, OR AN EMPLOYEE OF A DISPENSARY OR RETAIL OUTLET WHO COMMITS A PROHIBITED ACT RELATED TO THE SALE OR PROVIDING OF ALCOHOLIC BEVERAGES TO INDIVIDUALS UNDER THE AGE OF 21 YEARS UNDER THIS ARTICLE OR THE CRIMINAL LAW ARTICLE IS SUBJECT TO:**

**(1) ANY PENALTY AUTHORIZED BY LAW, INCLUDING A CIVIL CITATION ISSUED UNDER § 10-119 OF THE CRIMINAL LAW ARTICLE; AND**

**(2) A FINE AND SUSPENSION OR REVOCATION OF EMPLOYMENT BY THE BOARD IN THE SAME MANNER AS A LICENSE HOLDER OR EMPLOYEE OF A LICENSE HOLDER WOULD BE SUBJECT TO A FINE AND SUSPENSION OR REVOCATION OF THE LICENSE FOR THE VIOLATION.**

**(G) 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, §§ 2-301(g)(2), (3), and (4), 9-102(e), 11-102(e), and 15-203(a)(1) and (2) and (d)(2) through (6).

In subsection (d)(1)(i) of this section, the former references authorizing the sale of "sparkling or fortified wine and any other alcoholic beverages containing more than 14 percent of alcohol by volume" and "any alcoholic beverages" in County dispensaries are deleted as included in the reference authorizing the sale of "nonchilled beer, wine, and liquor".

In the introductory language of subsection (f) of this section, the reference to the commission of “a prohibited act” related to the sale of alcoholic beverages to underage individuals is added for clarity.

Also in the introductory language of subsection (f) of this section, the reference to prohibited acts related to “providing” alcoholic beverages is added for consistency with § 6–304 of this article and Title 10, Subtitle 1, Part II of the Criminal Law Article.

Also in the introductory language of subsection (f) of this section, the reference to “individuals under the age of 21 years” is substituted for the former reference to “minors” for accuracy and consistency with the Criminal Law Article.

Also in the introductory language of subsection (f) of this section, the reference to “[a] manager of a dispensary, an individual who contracts to operate a retail outlet as authorized under subsection (c) of this section, or an employee of a dispensary or retail outlet” is substituted for the former reference establishing the legal fiction that specific persons are to be considered to be alcoholic beverages license holders or employees of license holders for specific purposes for clarity.

Also in the introductory language of subsection (f) of this section, the former reference stating that the “purposes” of the former provisions were to “enforc[e] the provisions of this article relating to the sale of alcoholic beverages to minors and Title 10, Subtitle 1, Part II of the Criminal Law Article” is deleted as unnecessary.

Also in the introductory language of subsection (f) of this section, the former cross-reference to “Title 10, Subtitle 1, Part II” of the Criminal Law Article is deleted as surplusage.

In subsection (f)(1) of this section, the former redundant cross-reference to “§ 16–408 of this article”, relating to civil citations, is deleted as unnecessary.

Former Art. 2B, § 2–301(g)(1), which stated that former Art. 2B, § 2–301(g) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article. Similarly, former Art. 2B, § 15–203(d)(1), which stated that former Art. 2B, § 15–203(d) applied only in Montgomery County, is deleted.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 25–101

“Department” § 25–301

“Director” § 25–301



“Dispensary” § 25–301  
“License” § 1–101  
“License holder” § 1–101  
“Person” § 1–101  
“Wine” § 1–101

**25–311. DISTRIBUTION OF PROCEEDS.**

**(A) DEPOSIT OF REVENUE.**

**REVENUE DERIVED FROM THE SALE OF ALCOHOLIC BEVERAGES SHALL BE:**

**(1) DEPOSITED IN A BANK LOCATED IN THE COUNTY IN THE NAME OF MONTGOMERY COUNTY, MARYLAND; AND**

**(2) DISBURSED BY THE DIRECTOR OF FINANCE IN THE SAME MANNER AS OTHER COUNTY FUNDS.**

**(B) LIQUOR CONTROL FUND.**

**(1) THERE IS A LIQUOR CONTROL FUND IN THE COUNTY.**

**(2) THE PROCEEDS DERIVED FROM THE SALE OF ALCOHOLIC BEVERAGES SHALL BE CREDITED INTO THE LIQUOR CONTROL FUND TO MAINTAIN AN ADEQUATE BALANCE OF WORKING CAPITAL, AS DETERMINED BY THE DIRECTOR AND THE DIRECTOR OF FINANCE AND SUBJECT TO THE APPROVAL OF THE COUNTY EXECUTIVE, FOR THE CONTINUED OPERATION OF THE DISPENSARY SYSTEM.**

**(3) AFTER PROVIDING ADEQUATE WORKING CAPITAL FOR THE LIQUOR CONTROL FUND, THE NET PROCEEDS SHALL BE DEPOSITED TO THE GENERAL FUND OF THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–207(e).

In the introductory language of subsection (a) of this section, the reference to “[r]evenue” derived from the sale of alcoholic beverages is substituted for the former references to “[a]ll moneys” and “such money” derived from the sale of alcoholic beverages for clarity.

In subsection (b)(2) of this section, the former reference to “net” proceeds is deleted as surplusage.

Also in subsection (b)(2) of this section, the reference requiring proceeds to be “credited” into the Liquor Control Fund is substituted for the former reference that the net proceeds be “applied” for the purposes of the Fund for clarity and consistency within this section.

Also in subsection (b)(2) of this section, the former requirement that Department revenue first be applied to repayment of interest and principal on debt instruments issued by the Department is deleted as erroneous and obsolete. Neither the Department nor the County on its behalf has ever had the authority to issue debt instruments. Also, according to the Department, all debt instruments issued before the creation of the Department in 1951 have long since been retired.

Former Art. 2B, § 15–207(a), which stated that “[p]rofits and reserves shall be accounted for as follows”, is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“Director” § 25–301

“Dispensary” § 25–301

## **25–312. IMMUNITY.**

**THE DEPARTMENT SHALL HAVE THE IMMUNITY FROM LIABILITY ESTABLISHED UNDER § 5–504 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–209.

Defined term: “Department” § 25–301

## **25–313. RECORDS AND REPORTS.**

**THE DEPARTMENT OF FINANCE SHALL:**

**(1) KEEP ACCURATE RECORDS OF ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

**(2) PREPARE AND FORWARD TO THE COUNTY EXECUTIVE AND COUNTY COUNCIL AN ANNUAL REPORT FOR THE PREVIOUS FISCAL YEAR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(d).

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

**25–314. STALE MALT BEVERAGES.**

**(A) AGREEMENT TO REPLACE MALT BEVERAGES AUTHORIZED.**

**A SUPPLIER MAY ENTER INTO AN AGREEMENT WITH A WHOLESALER OR AN AUTHORIZED REPRESENTATIVE OF A WHOLESALER TO REPLACE, DIRECTLY OR INDIRECTLY, STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES:**

- (1) ON A CASE FOR CASE BASIS;**
- (2) AT THE SUPPLIER’S EXPENSE; AND**
- (3) UNDER A PLAN THAT THE COMPTROLLER APPROVES.**

**(B) UNILATERAL REPLACEMENT PLAN.**

**(1) IF A WHOLESALER REFUSES TO REPLACE STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES UNDER THE PLAN DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION, THE SUPPLIER MAY UNILATERALLY SUBMIT A REPLACEMENT PLAN TO THE COMPTROLLER FOR APPROVAL.**

**(2) THE REPLACEMENT PLAN THAT THE SUPPLIER UNILATERALLY SUBMITS TO THE COMPTROLLER MAY INCLUDE THE DESIGNATION OF AN AUTHORIZED REPRESENTATIVE OR WHOLESALER OUTSIDE THE TERRITORY OF THE WHOLESALER WHO REFUSES TO PARTICIPATE IN THE PLAN.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–102(c)(2) through (4).

In the introductory language of subsection (a) and in subsection (b)(2) of this section, the former phrase “[n]otwithstanding any other provision of this section” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(3) of this section, the former reference to a plan “submitted to” the Comptroller is deleted as included in the reference to a plan that the Comptroller “approves”.

Former Art. 2B, § 12–102(c)(1), which stated that former Art. 2B, § 12–102(c) applied only to those counties whose liquor control boards establish

and maintain county liquor dispensaries, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Comptroller” § 1–101  
 “Wholesaler” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 15–202(d), which stated that certain provisions that allowed a board of county commissioners to advance money to the liquor control board of the same county did not apply to Montgomery County, provided that any previous obligations incurred by the Liquor Control Board of Montgomery County were not affected, is deleted as obsolete. The Liquor Control Board of Montgomery County ended operations in 1951, and none of the Board’s debt is outstanding.

#### SUBTITLE 4. MANUFACTURER’S LICENSES.

##### 25–401. APPLICATION OF GENERAL PROVISIONS.

###### (A) WITHOUT EXCEPTION OR VARIATION.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);
- (4) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (5) § 2–207 (“CLASS 5 BREWERY LICENSE”);
- (6) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);
- (7) § 2–211 (“RESIDENCY REQUIREMENT”);
- (8) § 2–212 (“ADDITIONAL LICENSES”);
- (9) § 2–213 (“ADDITIONAL FEES”);
- (10) § 2–214 (“SALE OR DELIVERY RESTRICTED”);

(11) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(12) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(13) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND

(2) § 2-215 (“BEER SALE ON CREDIT TO RETAILER DEALER PROHIBITED”).

**(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2-205 (“CLASS 3 WINERY LICENSE”), SUBJECT TO § 25-403 OF THIS SUBTITLE;

(2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 25-404 OF THIS SUBTITLE; AND

(3) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 25-405 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from the introductory language of former Art. 2B, § 12–112(a), as it limited to specific jurisdictions, not including Montgomery County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2–215 of Division I of this article. No substantive change is intended.

Defined terms: “County” § 25–101  
 “Manufacturer’s license” § 1–101

**25–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’S LICENSE MAY SELL OR DELIVER ALCOHOLIC BEVERAGES TO THE DEPARTMENT OF LIQUOR CONTROL 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, § 11–101(c).

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

**25–403. CLASS 3 WINERY LICENSE.**

**THE BOARD MAY ISSUE A CLASS D BEER AND WINE LICENSE TO A HOLDER OF A CLASS 3 WINERY LICENSE THAT PRODUCES NOT MORE THAN 20,000 GALLONS IN A YEAR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–204(b).

The reference to a Class 3 “winery” license is substituted for the former reference to a Class 3 “manufacturer’s” license for clarity.

Defined terms: “Beer” § 1–101  
 “Board” § 25–101  
 “Wine” § 1–101

**25–404. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2-208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) OTHER OFF-SALE OF MALT BEVERAGE.**

**A HOLDER OF THE LICENSE SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF LIQUOR CONTROL FOR THE SALE AND RESALE OF MALT BEVERAGES BREWED UNDER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(h), (a)(4), as it related to the availability of a Class 6 pub-brewery license in Montgomery County, and, as it authorized off-sale privileges of beer in refillable containers only in specific jurisdictions, not including Montgomery County, the introductory language of (g)(1).

In subsection (c) of this section, the former reference to the Department of Liquor Control "for Montgomery County" is deleted as unnecessary.

Defined terms: "County" § 25-101  
"License" § 1-101

**25-405. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY (ON- AND OFF-SALE) LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY;**

**(2) A CLASS I BEER AND WINE LICENSE; OR**

**(3) A CLASS H BEER AND WINE LICENSE.**

**(C) WRITTEN AGREEMENT WITH DEPARTMENT OF LIQUOR CONTROL REQUIRED.**

**A HOLDER OF THE LICENSE SHALL ENTER INTO A WRITTEN AGREEMENT WITH THE DEPARTMENT OF LIQUOR CONTROL FOR THE SALE AND RESALE OF MALT BEVERAGES BREWED UNDER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xvi), (3)(i), and (4), and (g).

Defined terms: "Beer" § 1-101

"County" § 25-101

"License" § 1-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

#### **SUBTITLE 5. WHOLESALER'S LICENSES.**

#### **25-501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");**
- (2) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");**
- (3) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");**
- (4) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER'S VEHICLE");**
- (5) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");**
- (6) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");**
- (7) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");**
- (8) § 2-313 ("SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT");**



(9) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(10) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(11) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY SUBJECT TO § 25-502 OF THIS SUBTITLE:

(1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);

(2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);

(3) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);

(4) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”); AND

(5) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”).

REVISOR’S NOTE: Subsections (a) and (c) of this section are 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 to specific jurisdictions, not including Montgomery County, the application of the general prohibition against beer sale on credit to retail dealers revised in § 2-314 of this article. No substantive change is intended.

Defined terms: “County” § 25-101

“Wholesaler’s license” § 1-101

**25-502. RESTRICTION ON SALES.**

**A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR, CLASS 2 WINE AND LIQUOR, CLASS 3 BEER AND WINE, CLASS 4 BEER, OR CLASS 5 WINE WHOLESALER'S LICENSE MAY NOT SELL OR DELIVER ANY ALCOHOLIC BEVERAGE IN THE COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

REVISOR'S NOTE: This section is new language revised without substantive change from the second clause of former Art. 2B, § 15-204(b)(1), as it related to a holder of a wholesaler's license of any class.

The former reference to a "liquor" dispensary is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 25-101

"Wholesaler's license" § 1-101

**25-503. HOURS AND DAYS OF SALE OR DELIVERY.**

**ALCOHOLIC BEVERAGES MAY BE SOLD OR DELIVERED FROM 6 A.M. TO MIDNIGHT, ON EVERY DAY EXCEPT SUNDAY:**

**(1) BY A HOLDER OF A BEER, WINE, AND LIQUOR, WINE AND LIQUOR, BEER AND WINE, BEER, OR WINE WHOLESALER'S LICENSE TO A COUNTY DISPENSARY; AND**

**(2) BY A HOLDER OF A LIMITED WINE WHOLESALER'S LICENSE TO A HOLDER OF A RETAIL LICENSE OR A COUNTY DISPENSARY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(a).

In item (1) of this section, the reference to a "beer, wine, and liquor, wine and liquor, beer and wine, beer, or wine wholesaler's license" is substituted for the former reference to "holders of wholesalers' licenses" and the reference to a "County dispensary" is substituted for the former reference to "retail license holders" for accuracy. Under § 25-502 of this subtitle, a holder of a wholesaler's license is restricted to selling or delivering alcoholic beverages to a County dispensary.

In item (2) of this section, the reference to a "holder of a limited wine wholesaler's license" is substituted for the former reference to "holders of wholesalers' licenses" because only a holder of a limited wine wholesaler's

license may sell or deliver alcoholic beverages to a retail license holder in the County.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 25-101

**SUBTITLE 6. BEER LICENSES.**

**25-601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION WITH, OR ON THE PREMISES OF:**

**(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

**(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

**(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(q) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to a “door, archway, [or] opening” is deleted as included in the reference to a “passageway”.

In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1-101

“Consumer” § 1-101

“Restaurant” § 1-101

## **25-602. CLASS B BEER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION WITH, OR ON THE PREMISES OF:**

**(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

**(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(q) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

In subsection (b)(2)(ii) of this section, the former reference to a "door, archway, [or] opening" is deleted as included in the reference to a "passageway".

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

**25-603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(q) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Club” § 1–101

#### **25–604. CLASS D BEER LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

##### **(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION WITH, OR ON THE PREMISES OF:**

**(I) A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

**(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE OR A RESTAURANT LOCATED IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

##### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(q) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (b)(2)(ii) of this section, the former reference to a “door, archway, [or] opening” is deleted as included in the reference to a “passageway”.

Defined terms: “Beer” § 1-101  
 “Restaurant” § 1-101

**25-605. CLASS H BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPHS (2) THROUGH (4) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR, FOR USE IN CONJUNCTION WITH, OR ON THE PREMISES OF:**

**(I) A RESTAURANT LOCATED IN A DRUGSTORE; OR**

**(II) A PREMISES THAT HAS A PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A DRUGSTORE.**

**(3) A LICENSE MAY BE ISSUED FOR A BOWLING ALLEY IF THE BOWLING ALLEY HAS AT LEAST 24 LANES AND IS EQUIPPED WITH AUTOMATIC PIN SETTERS.**

**(4) A LICENSE MAY BE ISSUED FOR A PUBLIC GOLF COURSE UNDER § 25-1101 OF THIS TITLE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

**(D) CLASS H LICENSE — TAKOMA PARK.**

**(1) THERE IS ONE CLASS H LICENSE THAT SHALL BE ISSUED TO A PERSON WHO, ON JUNE 30, 1997, HELD A CLASS B BEER LICENSE AND OPERATED A LICENSED PREMISES THAT WAS LOCATED IN THAT PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY.**

**(2) THE CLASS H LICENSE HOLDER MAY EXERCISE ALL OF THE PRIVILEGES THAT THE LICENSE HOLDER WAS AUTHORIZED TO EXERCISE ON JUNE 30, 1997.**

**(3) THE ANNUAL LICENSE FEE IS \$400.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–202(d) through (g) and (c)(1) and 9–102.2(a)(1)(i) and (2)(i).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to selling beer “[d]uring the hours and days established for this license” is deleted as unnecessary.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (b)(2)(ii) of this section, the former reference to a “door, archway, [or] opening” is deleted as included in the reference to a “passageway”.

In subsection (b)(3) of this section, the references to a bowling “alley” are substituted for the former references to a bowling “establishment” for consistency with terminology used throughout this subtitle.

In subsection (b)(4) of this section, the reference to “a public golf course under § 25–1101 of this title” is substituted for the former phrase “[s]ubject to § 9–102.2 of this article” for clarity.

In subsection (d) of this section, the references to a “Class H” license are substituted for the former obsolete references to a “Class H–TP” license to



conform to the nomenclature enacted in Chapter 85 of the Acts of 2015, which repealed the authority of the Board to issue most “TP” licenses.

Also in subsection (d) of this section, the former provision that “[a] Class H–TP licensee may not be charged for such a license until May 1, 1998” is deleted as obsolete.

In subsection (d)(1) of this section, the former reference to “both” holding a license and operating a premises is deleted as surplusage.

Subsection (d)(2) is added to state expressly what was only implicit in the former law, that the holder of a Class H license may continue to exercise all of the privileges of the former Class B beer license held by the holder on June 30, 1997.

Former Art. 2B, § 3–202(a), which stated that former Art. 2B, § 3–202 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3–202(b), which defined “Board” to mean the Board of License Commissioners, is deleted because that defined term is not used in this revision.

Former Art. 2B, § 3–202(c)(2), which stated that the license fee shall be paid before the license is issued, is deleted because it merely states the common practice of the Board.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Person” § 1–101

“Restaurant” § 1–101

## **SUBTITLE 7. WINE LICENSES.**

### **25–701. CLASS A WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

#### **(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE NOT MORE THAN 20,000 GALLONS OF WINE PRODUCED AT THE WINERY EACH YEAR.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(13), (b)(2), (c)(1), and (d)(1) and (2).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license" to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.

In subsection (c)(2) of this section, the reference to "sold" is substituted for the former reference to "delivered" to conform to the terminology used throughout this article.

Defined terms: "County" § 25-101

"Wine" § 1-101

**SUBTITLE 8. BEER AND WINE LICENSES.****25-801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) RESTRICTIONS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE MAY NOT BE ISSUED TO OR USED IN CONJUNCTION WITH:**

**(I) AN ESTABLISHMENT THAT IS A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE, OR A RESTAURANT IN THE ESTABLISHMENT; OR**

**(II) A PLACE WITH A DOOR, AN ARCHWAY, AN OPENING, OR ANY OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO AN ESTABLISHMENT LISTED UNDER ITEM (I) OF THIS PARAGRAPH.**

**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE RENEWAL OF THE LICENSE FOR USE BY A SUPERMARKET THAT INCLUDES A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(q) and (a)(1).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

In the introductory language of subsection (c)(1) of this section, the former phrase “upon the premises of” is deleted as included in the phrase “issued to or used in conjunction with”.

In subsection (c)(2) of this section, the reference to “by a supermarket” is substituted for the former reference to “on the premises of a supermarket” for brevity.

Also in subsection (c)(2) of this section, the former requirement that a supermarket “[h]old a license under § 9–102(a–1) of this article” is deleted as unnecessary in light of the reference to “the renewal of the license” and as misleading because licenses were not issued under former Art. 2B, § 9–102(a–1).

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

## **25–802. CLASS B BEER AND WINE LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) RESTRICTIONS.**

**THE LICENSE MAY NOT BE ISSUED TO OR USED IN CONJUNCTION WITH:**

**(1) AN ESTABLISHMENT THAT IS A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE, OR A RESTAURANT IN THE ESTABLISHMENT; OR**

**(2) A PLACE WITH A DOOR, AN ARCHWAY, AN OPENING, OR ANY OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO AN ESTABLISHMENT LISTED UNDER ITEM (1) OF THIS SUBSECTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (q)(2) and (9).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

In the introductory language of subsection (c) of this section, the former phrase "upon the premises of" is deleted as included in the phrase "issued to or used in conjunction with".

Former Art. 2B, § 5-201(q)(1), which stated that former Art. 2B, § 5-201(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**25-803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$120.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(q) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Wine" § 1-101

**25-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (q)(2)(i).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Former Art. 2B, § 5-401(q)(1), which stated that former Art. 2B, § 5-401(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**25-805. CLASS H BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS H BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-202(g) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 5–202(a)(4), which stated that former Art. 2B, § 5–202 applied in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

#### **25–901. CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD SHALL ISSUE THE LICENSE TO A PERSON WHO ON JUNE 30, 1997:**

**(I) HELD A CLASS A BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) OPERATED A BUSINESS FOR WHICH A CLASS A LICENSE WAS ISSUED ON THE LICENSED PREMISES THAT IS IN THE PART OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY.**

**(2) (I) UNLESS REVOKED OR NOT RENEWED FOR GOOD CAUSE, THE LICENSE SHALL CONTINUE AND BE RENEWED, SUBJECT TO PAYMENT OF THE ANNUAL LICENSE FEE.**

**(II) THE LICENSE IS NOT TRANSFERABLE TO ANY OTHER LOCATION, BUT THE LICENSE MAY BE TRANSFERRED TO ANOTHER PERSON AT ANY TIME, SUBJECT TO THE RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER ALCOHOLIC LICENSES IN THE COUNTY.**

##### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**



**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS, INCLUDING THE HOURS OF SALE, TO CARRY OUT THIS SECTION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$910.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(a)(1) and (3), (q)(2) through (6), and (r).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the references to “beer, wine, or liquor” and “beer, wine, and liquor” are substituted for the former references to “all alcoholic beverages” and “alcoholic beverages” for accuracy.

In subsection (c)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (c)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “beer, wine, or liquor” is substituted for the former references to “alcoholic beverages” for clarity.

Also in subsection (c)(2) of this section, the word “sell” is substituted for the former word “deliver” for clarity.

In subsection (f) of this section, the reference to the annual license fee of “\$910” is substituted for the former reference to a fee being “the same as for a license issued pursuant to subsection (r) of this section” for clarity.

Also in subsection (f) of this section, the former language prohibiting holders of a Class A–TP license from being charged for the license until May 1, 1998, is deleted as obsolete.

Former Art. 2B, § 6–101(q)(1), which stated that former Art. 2B, § 6–101(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Person” § 1–101

“Wine” § 1–101

## **25–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OR OPERATOR OF A RESTAURANT OR HOTEL IF:**

**(1) THE RESTAURANT IS LOCATED IN THE 2ND, 3RD, 4TH, 6TH, 7TH, 8TH, 9TH, 10TH, OR 13TH ELECTION DISTRICT;**

**(2) THE RESTAURANT OR HOTEL IS NOT LOCATED IN POOLESVILLE OR KENSINGTON;**

**(3) BEFORE THE ISSUANCE OF THE LICENSE, THE OWNER OR OPERATOR ATTESTS IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD**

**SALES IN THE RESTAURANT OR HOTEL WILL BE AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES; AND**

**(4) BEFORE EACH RENEWAL OF THE LICENSE, THE OWNER OR OPERATOR ATTESTS IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT OR HOTEL FOR THE 12 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO:**

**(1) PROVIDE FOR:**

**(I) PERIODIC INSPECTION OF THE PREMISES; AND**

**(II) AUDITS TO DETERMINE THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF BEER, WINE, AND LIQUOR; AND**

**(2) DURING THE INITIAL LICENSE YEAR, REQUIRE:**

**(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES; AND**

**(II) THE LICENSE HOLDER TO SUBMIT TO THE BOARD MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF BEER, WINE, AND LIQUOR FOR THE PRECEDING MONTH.**

**(E) ENFORCEMENT.**

**(1) THE BOARD MAY REVOKE A LICENSE IF THE LICENSE HOLDER FAILS TO MAINTAIN THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES REQUIRED UNDER THIS SECTION:**

(I) DURING THE INITIAL LICENSE YEAR, FOR 3 CONSECUTIVE MONTHS; OR

(II) AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR YEAR.

(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE LICENSE HOLDER HAS MET THE REQUIREMENTS OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.

(F) FEE.

**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (q)(2).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to the "restaurant or hotel" is substituted for the former reference to the "licensee" for clarity.

In subsection (b)(4) of this section, the reference to the "12 months" is substituted for the former reference to the "12-month period" for brevity.

In subsection (c) of this section, the former language that a Class B beer, wine and liquor license under this subsection "authorizes its holder to keep for sale and sell all alcoholic beverages ... for consumption on the premises only" is deleted as redundant of subsection (d) of this section.

In the introductory language of subsection (c) of this section, the former phrase "the following conditions are satisfied" is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to a "church" is deleted as included in the reference to "any place of worship".

In subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former references to "alcoholic beverages" for clarity.

In subsection (d)(2) of this section, the former reference to the initial license year "of any licensee" is deleted as surplusage.

In subsection (e)(1) of this section, the reference to “the ratio of gross receipts from the sale of food to gross receipts from the sale of alcoholic beverages required under this section” is substituted for the former reference to “the sales ratio requirement provided in this paragraph” for clarity.

In subsection (e)(1)(i) of this section, the former phrase “a period of” 3 months is deleted as surplusage.

Former Art. 2B, § 6–201(q)(1)(i), which stated that former Art. 2B, § 6–201(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(q)(1)(ii)2, which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 25–101 of this title.

Former Art. 2B, § 6–201(q)(1)(ii)3, which defined “[d]ining area” to mean the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area, is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **25–903. CLASS BD–BWL LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS BD–BWL LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

**(1) BEER AND WINE FOR ON– OR OFF–PREMISES CONSUMPTION; AND**

**(2) LIQUOR FOR ON–PREMISES CONSUMPTION.**

### **(C) PREREQUISITE — INITIAL ISSUANCE OF LICENSE.**

**AS A PREREQUISITE FOR THE INITIAL ISSUANCE OF THE LICENSE, THE OWNER OF THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:**

**(1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND**

**(2) FROM 10 A.M. TO 9 P.M. ON SUNDAY.**

**(D) PREREQUISITE — RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR EACH RENEWAL OF THE LICENSE, THE OWNER OF THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:**

**(1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND**

**(2) FROM 10 A.M. TO 9 P.M. ON SUNDAY.**

**(E) INSPECTIONS AND AUDITS.**

**(1) THE BOARD BY REGULATION SHALL PROVIDE FOR PERIODIC INSPECTION OF THE PREMISES AND FOR AUDITS TO DETERMINE THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) REGULATIONS ADOPTED BY THE BOARD SHALL INCLUDE A REQUIREMENT OF:**

**(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES DURING THE INITIAL LICENSE YEAR OF ANY LICENSE HOLDER; AND**

**(II) THE SUBMISSION BY THE LICENSE HOLDER TO THE BOARD, DURING THE INITIAL LICENSE YEAR, OF MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE IMMEDIATELY PRECEDING MONTH.**

**(F) GROUNDS FOR LICENSE REVOCATION.**

**IF A LICENSE HOLDER DURING THE INITIAL LICENSE YEAR FAILS TO MAINTAIN THE SALES RATIO REQUIREMENT PROVIDED IN THIS SECTION FOR 3 CONSECUTIVE MONTHS OR, AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR YEAR, THE BOARD MAY REVOKE THE LICENSE.**

**(G) SUPPORTING DATA.**

**THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA THAT THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE REQUIREMENTS OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.**

**(H) OTHER LICENSE HOLDINGS.**

**A HOLDER OF A CLASS BD–BWL LICENSE:**

**(1) MAY ALSO HOLD A CLASS 7 MICRO–BREWERY LICENSE ISSUED FOR A LOCATION IN THE COUNTY; BUT**

**(2) MAY NOT HOLD MORE THAN ONE CLASS BD–BWL LICENSE.**

**(I) HOURS AND DAYS OF SALE.**

**ON 7 DAYS OF THE WEEK, THE HOURS OF SALE ARE:**

**(1) FOR ON–PREMISES CONSUMPTION, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(J) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(q)(7).

In the introductory language of subsections (c) and (d) of this section, the references to the owner “of the establishment” are added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Wine” § 1–101

**25–904. CLASS B–BWL (H–M) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BWL (H–M) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL OR MOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR IN ACCORDANCE WITH § 25–902 OF THIS SUBTITLE, EXCEPT THAT REGISTERED GUESTS MAY BE SERVED IN THEIR ROOMS.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 25–2005(E) OF THIS TITLE.**

**(E) FEE.**



**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR’S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6–201(a)(3)(i) and (q)(3).

Subsection (d) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license.

In subsection (b) of this section, the requirements listed in former Art. 2B, § 6–201(a)(3) are substituted for the former reference to “the minimum requirements set forth in subsection (a)(3) of this section” for clarity.

In subsection (c) of this section, the former requirement that a sales ratio be applicable only to one license if there is more than one licensed establishment within a hotel or motel is deleted as obsolete.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“Hotel” § 1–101

“Wine” § 1–101

**25–905. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

**25–906. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN OWNER OF AN ESTABLISHMENT IF:**

**(1) BEFORE THE ISSUANCE OF THE LICENSE, THE OWNER ATTESTS IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST**

**EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:**

**(I) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND**

**(II) FROM 10 A.M. TO 9 P.M. ON SUNDAY; AND**

**(2) BEFORE EACH RENEWAL OF THE LICENSE, THE OWNER ATTESTS IN A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES FOR THE 12 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:**

**(I) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND**

**(II) FROM 10 A.M. TO 9 P.M. ON SUNDAY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS:**

**(1) TO PROVIDE FOR:**

**(I) PERIODIC INSPECTION OF THE PREMISES; AND**

**(II) AUDITS TO DETERMINE THE RATIOS OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND**

**(2) DURING THE INITIAL LICENSE YEAR, TO REQUIRE:**

**(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES; AND**

**(II) THE LICENSE HOLDER TO SUBMIT TO THE BOARD MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE PRECEDING MONTH.**

**(E) ENFORCEMENT.**

**(1) THE BOARD MAY REVOKE THE LICENSE IF THE LICENSE HOLDER FAILS TO MAINTAIN THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES REQUIRED UNDER THIS SECTION:**

**(I) DURING THE INITIAL LICENSE YEAR, FOR 3 CONSECUTIVE MONTHS; OR**

**(II) AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR YEAR.**

**(2) THE BOARD MAY REQUIRE THE LICENSE HOLDER TO PROVIDE SUPPORTING DATA AS THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE LICENSE HOLDER HAS MET THE REQUIREMENTS OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(q)(2) through (4).

Subsection (a) of this section is standard language used throughout this article to establish a license.

In the introductory language of subsection (b) of this section, the phrase "of an establishment" is added for clarity.

In subsection (b)(2) of this section, the reference to the "12 months" is substituted for the former reference to the "12-month period" for brevity.

In subsection (d)(2) of this section, the former reference to the initial license year "of any licensee" is deleted as surplusage.

Former Art. 2B, § 6–401(q)(1), which stated that former Art. 2B, § 6–401(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **25–1001. ART GALLERY LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS AN ART GALLERY BEER AND WINE LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE AN ART GALLERY BEER AND WINE LICENSE TO A NONPROFIT OR FOR–PROFIT RETAIL BUSINESS ENGAGED IN THE DISPLAY AND SALE OF ORIGINAL ARTWORK BY AN INDIVIDUAL ARTIST OR A GROUP OF ARTISTS.**

**(2) THE BOARD MAY NOT ISSUE THE LICENSE TO A BUSINESS THAT DISPLAYS AND SELLS COMMERCIALY PREPARED OR MASS–PRODUCED ARTISTIC PRODUCTS.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR SERVE BEER AND WINE AT RETAIL FOR ON–PREMISES CONSUMPTION.**

#### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL OR SERVE BEER AND WINE WHEN SNACKS ARE SERVED DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN MIDNIGHT.**

#### **(E) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

#### **(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language revised without substantive change from former Art. 2B, § 8–216.4(b) through (d).

In subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the reference to “serve” is added to conform to the terminology used throughout this article.

In subsection (e) of this section, the former reference to transferred “from the location for which the license was originally issued” is deleted as surplusage.

Former Art. 2B, § 8–216.4(a), which stated that former Art. 2B, § 8–216.4 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“Wine” § 1–101

**25–1002. BEAUTY SALON LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEAUTY SALON BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEAUTY SALON PERMIT ISSUED UNDER § 5–501 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE NOT MORE THAN 5 OUNCES OF BEER OR WINE BY THE GLASS FOR ON–PREMISES CONSUMPTION BY A BEAUTY SALON CUSTOMER:**

**(1) WHEN THE CUSTOMER IS PROVIDED A COSMETOLOGY SERVICE UNDER § 5-101(L) OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR**

**(2) WHILE THE CUSTOMER IS ATTENDING A FUNDRAISING EVENT AT THE BEAUTY SALON FOR WHICH THE COUNTY DEPARTMENT OF PERMITTING SERVICES HAS ISSUED A PERMIT.**

**(D) LICENSE TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(E) HOURS OF SALE.**

**THE LICENSE HOLDER MAY PROVIDE BEER AND WINE DURING NORMAL BUSINESS HOURS BUT NOT LATER THAN 9 P.M.**

**(F) ALCOHOL AWARENESS TRAINING REQUIREMENTS.**

**AN ESTABLISHMENT FOR WHICH THE LICENSE IS ISSUED IS SUBJECT TO THE ALCOHOL AWARENESS TRAINING REQUIREMENTS UNDER § 4-505 OF THIS ARTICLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216.5(b) through (g).

Former Art. 2B, § 8-216.5(a), which stated that former Art. 2B, § 8-216.5 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"Wine" § 1-101

**25-1003. CLUBHOUSE/LODGE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-BWL (CLUBHOUSE/LODGE) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE TO THE EXECUTIVE DIRECTOR OF THE MONTGOMERY COUNTY REVENUE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR, FOR USE BY A MULTIUSE FACILITY THAT ACCOMMODATES A GOLF COURSE, A RESTAURANT, A CLUBHOUSE, A TASTING BAR, AND THE CATERING OF EVENTS ANYWHERE ON THE PROPERTY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:**

- (1) SELL BEER AND WINE FOR OFF–PREMISES CONSUMPTION;**
- (2) SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION; AND**
- (3) OFFER SAMPLES OF ALCOHOLIC BEVERAGES AT NO CHARGE OR FOR A FEE.**

**(D) APPLICATION OF RESTRICTIONS.**

**THE RESTRICTIONS CONTAINED IN § 25–902(B) OF THIS TITLE DO NOT APPLY TO THE ISSUANCE OF A CLASS B–BWL (CLUBHOUSE/LODGE) LICENSE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(q)(6).

In subsection (a) of this section, the former reference to a Class B license “known as” is deleted as surplusage.

In subsection (e) of this section, the former reference to “for a Class B–BWL (clubhouse/lodge) license” is deleted for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101  
“Board” § 25–101

“Wine” § 1–101

**25–1004. COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY THAT OWNS OR LEASES A PERFORMING ARTS FACILITY THAT:**

**(I) IS USED FOR ART CLASSES, BANQUETS, COMMUNITY–RELATED ACTIVITIES, EXHIBITS, LIVE PERFORMANCES, SHOWS, THEATER PRODUCTIONS, VISUAL ART SHOWS, AND WEDDINGS; AND**

**(II) HAS:**

- 1. A MINIMUM CAPACITY OF 200 INDIVIDUALS; AND**
- 2. A MAXIMUM CAPACITY OF 1,499 INDIVIDUALS.**

**(2) THE BOARD MAY NOT ISSUE MORE THAN THREE LICENSES TO A NONPROFIT PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY THAT OWNS OR LEASES PERFORMING ARTS FACILITIES IN SEPARATE LOCATIONS.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED PREMISES FOR ON–PREMISES CONSUMPTION.**

**(2) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE COMMUNITY PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.**

**(3) THE LICENSE HOLDER SHALL ENSURE THAT FOOD IS PROVIDED DURING THE HOURS BEER, WINE, AND LIQUOR ARE SOLD, SERVED, POSSESSED, OR CONSUMED.**



**(D) RESTRICTIONS ON CATERERS.**

**(1) THE HOLDER OF A CLASS B–BWLHR LICENSE WITH CATERING AUTHORITY, A LOCAL CATERER’S LICENSE, OR A STATE CATERER’S LICENSE MAY BRING ALCOHOLIC BEVERAGES AND FOOD ON THE LICENSED PREMISES UNDER THE TERMS OF A CONTRACT WITH A HOLDER OF A BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**(2) A VIOLATION OF THIS TITLE THAT OCCURS WHEN A CATERER BRINGS ALCOHOLIC BEVERAGES ON LICENSED PREMISES AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS THE RESPONSIBILITY OF THE CATERER AND IS NOT THE RESPONSIBILITY OF THE LICENSE HOLDER.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 10 A.M. ON ANY DAY OF THE WEEK TO 2 A.M. THE FOLLOWING DAY.**

**(F) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$750.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(q)(5).

In subsection (b)(1) of this section, the references to “individuals” is substituted for the former, broader reference to “persons” because the provision refers only to human beings.

In subsection (c) of this section, the former language “[i]n this paragraph, ‘community performing arts facility’ means a facility that” is deleted as surplusage.

In subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (e) of this section, the reference to the authority to “sell beer, wine, and liquor” is substituted for the former reference to the authority to “exercise the privileges under the license” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“Wine” § 1–101

**25–1005. CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CONTINUING CARE RETIREMENT COMMUNITY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(1) IS COMPOSED OF RESIDENTS OF A CONTINUING CARE RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE;**

**(2) HAS AT LEAST 50 MEMBERS; AND**

**(3) HAS ANNUAL DUES THAT AVERAGE AT LEAST \$5 PER MEMBER.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, BEER, WINE, AND LIQUOR:**

**(1) PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY;**

**(2) FOR ON–PREMISES CONSUMPTION; AND**

**(3) TO A MEMBER OR A GUEST ACCOMPANIED BY A MEMBER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 25–2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(q)(8).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Montgomery County.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (b)(2) of this section, the former reference to "bona fide" members is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in the introductory language of subsection (c) of this section, the former phrases "at retail" and "at the place described in the license" are deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"County" § 25-101

"Wine" § 1-101

**25-1006. CORPORATE TRAINING CENTER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B (CORPORATE TRAINING CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT A CORPORATE HEADQUARTERS SUPPORT FACILITY.**

**(2) FOR THE BOARD TO ISSUE THE LICENSE, THE CORPORATE HEADQUARTERS SUPPORT FACILITY SHALL SERVE ONLY THE WORKFORCE TRAINING AND EDUCATION NEEDS OF EMPLOYEES, CUSTOMERS, AND VISITORS TO THE CORPORATE HEADQUARTERS OF A CORPORATION THAT EMPLOYS AT LEAST 500 EMPLOYEES IN THE COUNTY.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 25-2005 OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,500.**

REVISOR'S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 8-216.2(c) through (f).

Subsection (c) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Montgomery County.

In subsection (b)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages under this section" for clarity.

Former Art. 2B, § 8-216.2(a), which defined "Board" to mean the Board of License Commissioners, is deleted as redundant of the definition of "Board" in § 25-101 of this title.

Former Art. 2B, § 8-216.2(b), which stated that former Art. 2B, § 8-216.2 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 25-101

"County" § 25-101

"Wine" § 1-101

**25-1007. COUNTRY CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A COUNTRY CLUB LICENSE.**

**(B) SIGNING OF LICENSE APPLICATION.**

**THE APPLICATION SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE CLUB WHO IS A RESIDENT, REGISTERED VOTER, OR TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB:**

**(1) THAT HAS AT LEAST 100 MEMBERS;**

**(2) WHOSE MEMBERS PAY AN ANNUAL TOTAL AMOUNT OF DUES THAT AVERAGES AT LEAST \$50 PER MEMBER; AND**

**(3) THAT MAINTAINS AT THE TIME OF THE LICENSE APPLICATION A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR ON-PREMISES CONSUMPTION BY:**

**(1) A COUNTRY CLUB MEMBER;**

**(2) A MEMBER OF THE IMMEDIATE FAMILY OF A COUNTRY CLUB MEMBER;**

**(3) AN INDIVIDUAL RESIDING TEMPORARILY IN THE CLUBHOUSE OF THE COUNTRY CLUB; OR**

**(4) A GUEST OF A COUNTRY CLUB MEMBER, INCLUDING AN INDIVIDUAL WHO ATTENDS A RECOGNIZED NATIONAL OR REGIONAL ATHLETIC EVENT HELD ON THE PREMISES OF THE LICENSE HOLDER IF:**

**(I) THE LICENSE HOLDER HAS APPLIED TO THE BOARD TO SELL ALCOHOLIC BEVERAGES TO INDIVIDUALS ATTENDING THE EVENT;**

**(II) THE APPLICATION HAS BEEN MADE AT LEAST 60 DAYS BEFORE THE DATE THAT THE EVENT IS TO TAKE PLACE; AND**

**(III) THE BOARD HAS APPROVED THE APPLICATION.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 25-2005 OF THIS TITLE.**

**(F) RESTRICTION ON COUNTRY CLUB EMPLOYEES.**

**AN EMPLOYEE OF A COUNTRY CLUB FOR WHICH A LICENSE HAS BEEN ISSUED MAY NOT HAVE A GUEST AT THE COUNTRY CLUB TO CONSUME ALCOHOLIC BEVERAGES DURING THE EMPLOYEE'S NORMAL WORKING HOURS.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: Subsections (a) through (d), (f), and (g) of this section are new language derived without substantive change from former Art. 2B, § 6-301(q)(2) and (3).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Montgomery County.

In subsection (c) of this section, the former reference to "any customer" is deleted as unnecessary in light of the individuals specified in subsection (d)(1) through (4) of this section.

In the introductory language of subsection (c) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (c)(1) of this section, the former phrase "of whatever class" is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to "bona fide" members is deleted as surplusage. Similarly, in subsection (d)(4) of this section, the former reference to a "bona fide" guest is deleted.

In subsection (c)(3) of this section, the former statement that exempted licensed premises that held a certain license on January 1, 1964, from a

requirement to maintain a golf course is deleted as obsolete. According to the Montgomery County Department of Liquor Control, there is no longer any licensed premises that qualifies for the exemption.

In the introductory language of subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in the introductory language of subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in the introductory language of subsection (d) of this section, the former phrases “at retail” and “at the place described in the license” are deleted as surplusage.

In subsection (d)(3) and (4) of this section, the references to an “individual” are substituted for the former references to “person[s]” because this subsection only applies to human beings.

In subsection (d)(4) of this section, the former reference to “any person 21 years of age or over with respect to the sale of all alcoholic beverages” is deleted as redundant of the prohibition stated in § 1–401 of this article regarding the sale of alcoholic beverages to those under 21 years old.

In the introductory language of subsection (d)(4) of this section, the former reference to “guests” is deleted in light of the reference to “guest” and § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

Also in the introductory language of subsection (d)(4) of this section, the former phrase “but is not limited to” is deleted as implicit in the reference to “including”.

In subsection (d)(4)(iii) of this section, the phrase “approved the application” is substituted for the former phrase “granted the permission requested in the application” for brevity.

In subsection (f) of this section, the reference to a country club “for which a 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:**

**(i) ALLOW THE CONSUMPTION OF WINE BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN A WINE TASTING COURSE OFFERED BY THE LICENSE HOLDER; AND**



**(II) ALLOW THE CONSUMPTION OF BEER AND WINE BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN A CULINARY OR CONFECTIONARY COURSE OFFERED BY THE LICENSE HOLDER.**

**(2) AN INDIVIDUAL MAY CONSUME BEER OR WINE UNDER THE LICENSE ON THE LICENSED PREMISES.**

**(D) HOURS AND DAYS THAT LICENSE IS IN EFFECT.**

**A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES SPECIFIED IN SUBSECTION (B) OF THIS SECTION:**

**(1) FROM MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY;**

**(2) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(3) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(E) PROVIDING FOOD REQUIRED.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE SERVED.**

**(F) HOLDING DIFFERENT LICENSE PROHIBITED.**

**A LICENSE HOLDER MAY NOT SIMULTANEOUSLY HOLD A DIFFERENT TYPE OF LICENSE ISSUED UNDER THIS ARTICLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216.3(c) through (g).

In subsection (a) of this section, the reference to a "beer and wine" license is added for clarity.

In subsection (c)(2) of this section, the former reference to consumption "only" on the licensed premises is deleted as unnecessary, because the law does not authorize consumption off the licensed premises.

In subsection (f) of this section, the reference to a “different type of” license is substituted for the former reference to “any other” license in light of § 25–1616 of this title, which authorizes the Board to issue not more than three culinary school licenses on behalf of a single culinary school for separate locations.

Former Art. 2B, § 8–216.3(a), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 25–101 of this title.

Former Art. 2B, § 8–216.3(b), which stated that former Art. 2B, § 8–216.3 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Wine” § 1–101

## **25–1009. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A FRATERNAL/SORORAL/SERVICE ORGANIZATION BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

**(1) IS COMPOSED ONLY OF INDUCTED MEMBERS;**

**(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL; AND**

**(4) OWNS AND OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-301(q)(6) and, as it related to the fraternal/sororal/service organization license, 11-516(b)(3).

In subsection (a) of this section, the reference to a "beer, wine, and liquor" license is added for clarity.

In subsection (b) of this section, the former references to a "bona fide" nonprofit and nationwide fraternal, sororal, or service organization and a "bona fide" membership are deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (b)(1) of this section, the former reference to members who are "duly" elected is deleted as surplusage.

Also in subsection (b)(1) of this section, the reference to "inducted" members is substituted for the former reference to being members "duly elected and initiated in accordance with the rites and customs of that fraternal, sororal, or service organization" for brevity.

In subsection (b)(2) of this section, the former phrase "in existence" is deleted as included in the reference to "operating".

In subsection (b)(3) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because this subsection applies only to human beings.

In subsection (b)(4) of this section, the former phrase “for no other purpose” is deleted in light of the phrase “principally for the use of”.

Also in subsection (b)(4) of this section, the former reference to a clubhouse that is “not directly or indirectly owned or operated as a public business” is deleted as surplusage.

In subsection (c) of this section, the reference to “beer, wine, or liquor” is substituted for the former reference to “any alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at retail” is deleted as surplusage.

Also in subsection (c) of this section, the former statement that “[t]he licensee is subject to all of the provisions of this article relating to beer, wine and liquor licenses, Class C, in force in Montgomery County” is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (c) of this section, the former language that a license holder is subject to specified provisions “except the provisions requiring the maintenance of a championship golf course” is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Wine” § 1–101

## **25–1010. LARGE PERFORMING ARTS FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–BWL (LARGE PERFORMING ARTS FACILITY) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, OR OTHER ENTITY THAT LEASES A PERFORMING ARTS FACILITY THAT:**

**(1) IS USED FOR ARTISTIC, CORPORATE, AND COMMUNITY RELATED ACTIVITIES; AND**

**(2) HAS:**

**(I) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING REAL PROPERTY, OF \$1,000,000;**

**(II) A MINIMUM CAPACITY OF 1,500 INDIVIDUALS;**

**(III) A FOOD SERVICE FACILITY PERMIT; AND**

**(IV) 40 SEATS IN A FOOD SERVICE AREA.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, AND LIQUOR AT:**

**(I) A HIGH SCHOOL GRADUATION HELD ON THE LICENSED PREMISES; OR**

**(II) A COMMUNITY MEETING HELD WITHOUT FOOD SERVICE ON THE LICENSED PREMISES.**

**(3) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FROM 10 A.M. ON ANY DAY OF THE WEEK TO 2 A.M. THE FOLLOWING DAY.**

**(E) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.****(F) FEE.****THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(q)(4).

In subsection (a) of this section, the reference to a “large” performing arts facility is added to distinguish the license from other types of performing arts facility licenses.

In the introductory language of subsection (b) of this section, the former reference to the authority of the Board to issue the license to “apply only to” a performing arts facility is deleted as unnecessary in light of the reference to the authority of the Board to issue the license “for use by” an entity that leases a performing arts facility.

Also in the introductory language of subsection (b) of this section, the former reference to a performing arts facility “to host artistic, corporate, and community related activities” is deleted as redundant of the reference in subsection (b)(1) of this section to a facility “used for artistic, corporate, and community related activities”.

In subsection (b)(2)(ii) of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because the provision refers only to human beings.

In subsection (c)(2) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“Wine” § 1–101

**25–1011. PUBLIC GOLF COURSE LICENSES.****(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "AUTHORITY" MEANS THE MONTGOMERY COUNTY REVENUE AUTHORITY.**

**(3) "COMMISSION" MEANS THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(B) ESTABLISHED.**

**(1) THERE IS A CLASS H BEER (ON-SALE) LICENSE, A CLASS H BEER AND WINE (ON-SALE) LICENSE, AND A CLASS B-BWL (CLUBHOUSE/LODGE)(BEER AND WINE OFF-SALE; BEER, WINE, AND LIQUOR ON-SALE) LICENSE ISSUED FOR THE LIMITED USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE AUTHORITY.**

**(2) THERE IS A CLASS H BEER (ON-SALE) LICENSE AND A CLASS H BEER AND WINE (ON-SALE) LICENSE ISSUED FOR THE LIMITED USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE COMMISSION.**

**(C) AUTHORIZED HOLDER.**

**(1) THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS DEPARTMENT OF THE COMMISSION MAY HOLD ONE OR MORE LICENSES ISSUED FOR THE USE OF PUBLIC GOLF COURSES THAT ARE IN THE COUNTY UNDER THE JURISDICTION OF THE COMMISSION.**

**(2) (I) THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR MAY HOLD ONE OR MORE LICENSES ISSUED FOR THE USE OF PUBLIC GOLF COURSES UNDER THE JURISDICTION OF THE AUTHORITY.**

**(II) A LICENSE ISSUED UNDER THIS PARAGRAPH SHALL BE SIGNED BY THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR.**

**(D) HOURS AND DAYS OF SALE.**

**(1) THE HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS H BEER LICENSE UNDER § 25-2003 OF THIS TITLE.**

**(2) THE HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS**

AS SET OUT FOR A CLASS H BEER AND WINE LICENSE UNDER § 25–2005 OF THIS TITLE.

**(3) THE HOLDER OF A CLASS B–BWL BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B–BWL BEER, WINE, AND LIQUOR LICENSE UNDER § 25–2005 OF THIS SUBTITLE.**

**(E) ALCOHOL AWARENESS PROGRAM.**

**(1) AS A CONDITION TO HOLDING A LICENSE UNDER THIS SECTION, THE DIRECTOR OR DEPUTY DIRECTOR OF THE COUNTY PARKS DEPARTMENT OF THE COMMISSION OR THE EXECUTIVE DIRECTOR OF THE AUTHORITY OR THE DESIGNEE OF THE EXECUTIVE DIRECTOR SHALL DESIGNATE AN INDIVIDUAL WITH RESPECT TO EACH GOLF COURSE TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM APPROVED UNDER § 4–505 OF THIS ARTICLE.**

**(2) THE INDIVIDUAL DESIGNATED TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

**(I) REPRESENT THE CONCESSIONAIRE; AND**

**(II) BE INVOLVED WITH THE MANAGEMENT OF THE SALE OF BEER OR WINE BY THE CONCESSIONAIRE AT THE GOLF COURSE.**

REVISOR’S NOTE: Subsection (a) of this section is new language added to provide convenient definitions in this section for “Authority” and “Commission”.

Subsections (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 9–102.2.

Subsection (d) of this section is new language added to provide cross–references to the hours and days of sale provisions that apply to a Class H beer license, a Class H beer and wine license, and a Class B–BWL beer, wine, and liquor license in Montgomery County.

In subsections (b) and (e)(2)(ii) of this section, the references to “wine” are substituted for the former references to “light wine” to avoid confusion. In Montgomery County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level for light wine. Consequently, wine sold in the County encompasses all wine – both fortified wine as well as wine traditionally considered to be light wine.



Subsection (b) of this section is revised in standard language used throughout this title to establish a license.

Defined terms: “Beer” § 1–101  
“County” § 25–101  
“License” § 1–101  
“On–sale” § 1–101  
“Wine” § 1–101

**25–1012. TAKOMA PARK VETERANS’ LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (TAKOMA PARK VETERANS’) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) IS IN THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY;**

**(2) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(3) HAD A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(4) HAS A BONA FIDE MEMBERSHIP OF AT LEAST 100 INDIVIDUALS AND DUES OF NOT LESS THAN \$5 PER YEAR PER INDIVIDUAL;**

**(5) OPERATES ONLY FOR THE USE OF ITS OWN MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS;**

**(6) POSSESSED A CLUB LICENSE ORIGINALLY ISSUED BY THE PRINCE GEORGE’S COUNTY BOARD OF LICENSE COMMISSIONERS WHEN THE CLUB WAS IN THE PORTION OF THE CITY OF TAKOMA PARK THAT WAS FORMERLY PART OF PRINCE GEORGE’S COUNTY; AND**

**(7) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR NO OTHER PURPOSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 25-2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-301(q)(7)(i), (iii), and the first sentence of (ii) and, as it related to Montgomery County, (a)(1).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Montgomery County.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" nonprofit organization or club is deleted as surplusage.

In subsection (b)(4) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (c) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at retail at any club, at the place described in the license," is deleted as surplusage.

The second sentence of former Art. 2B, § 6-301(q)(7)(ii), which provided a prohibition on charging for the license before May 1, 1998, is deleted as obsolete.

Defined terms: “Beer” § 1-101

“Board” § 25-101

“Club” § 1-101

“Wine” § 1-101

**25-1013. THEATER LICENSE.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “MOVIE THEATER” MEANS A BUILDING DESIGNED OR USED PRIMARILY TO EXHIBIT MOTION PICTURES TO THE PUBLIC.**

**(3) (I) “PERFORMING ARTS THEATER” MEANS AN AREA, A BUILDING, OR A STRUCTURE DESIGNED AND USED FOR PLAYS, ACTS, DRAMAS, OR HISTRIONICS BY ACTORS OR ACTRESSES PERFORMING ON A STAGE.**

**(II) “PERFORMING ARTS THEATER” DOES NOT INCLUDE:**

**1. A PLACE WHERE MOTION PICTURES ARE EXHIBITED OR SHOWN; OR**

**2. A BUILDING OR AMPHITHEATER THAT IS PART OF A SPORTS COMPLEX REGULARLY USED BY MINORS.**

**(B) ESTABLISHED.**

**THERE IS A THEATER LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE ON THE PREMISES OF:**

**(1) A PERFORMING ARTS THEATER; OR**

**(2) A MOVIE THEATER OPERATED BY A NONPROFIT ORGANIZATION.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL FOR ON-PREMISES CONSUMPTION WHEN SNACKS ARE SERVED.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND WINE:**

**(1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;**

**(2) DURING AN INTERMISSION; AND**

**(3) DURING A CAST PARTY AND RECEPTION BEFORE AND AFTER A PERFORMANCE.**

**(F) LOCATION TRANSFER PROHIBITED.**

**THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216.1(a), (b)(1), (3), and (4), and (c) through (f).

In subsection (a)(2) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to a "bona fide" nonprofit organization is deleted as surplusage.

In subsection (d) of this section, the former phrase "[n]otwithstanding any other provision of this article to the contrary" is deleted as unnecessary in light of the organization of this revised article.

In subsection (f) of this section, the former phrase "from the location of original issuance" is deleted as surplusage.

Former Art. 2B, § 8-216.1(b)(2), which defined "Board" to mean the Montgomery County Board of License Commissioners, is deleted as redundant of the definition of "Board" in § 25-101 of this revised title.

Defined term: "Board" § 25-101

**25-1014. VETERANS' ORGANIZATION OR CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A VETERANS' ORGANIZATION OR CLUB LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IF THE LOCAL UNIT:**

**(1) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION AND WAS OPERATING IN THE COUNTY BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;**

**(2) HAS A MEMBERSHIP OF AT LEAST 200 INDIVIDUALS AND DUES OF AT LEAST \$5 PER INDIVIDUAL; AND**

**(3) OWNS OR OPERATES A CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL BEER, WINE, OR LIQUOR TO ITS MEMBERS OR GUESTS ACCOMPANIED BY MEMBERS FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO 1 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(q)(5) and, as it related to the veterans' organization or club license, 11–516(b)(3).

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity and consistency with similar licenses.

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

Also in the introductory language of subsection (b) of this section, the former references to a "bona fide" nonprofit organization or club and a "bona fide" membership are deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "in existence" is deleted as included in the reference to "operating".

In subsection (b)(2) of this section, the references to "individuals" and "individual" are substituted for the former references to "persons" and "person" because this subsection applies only to human beings.

In subsection (b)(3) of this section, the reference to a clubhouse that is "principally" for the use of its members and their guests when accompanied by members is substituted for the former references to a clubhouse owned and operated "solely" for a specified use and a clubhouse used "for no other purpose" for brevity.

Also in subsection (b)(3) of this section, the former reference to a clubhouse that is "not directly or indirectly owned or operated as a public business" is deleted as surplusage.

In subsection (c) of this section, the reference to "beer, wine, or liquor" is substituted for the former reference to "any alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at retail" is deleted as surplusage.

Defined terms: "Beer" § 1–101

"Board" § 25–101

"Wine" § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**25-1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”), IN ADDITION TO § 25-1102 OF THIS SUBTITLE;**

**(2) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”), SUBJECT TO § 25-1103 OF THIS SUBTITLE; AND**

**(3) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”), SUBJECT TO § 25-1104 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
“County” § 25-101  
“License” § 1-101  
“License holder” § 1-101  
“Wine” § 1-101

**25-1102. RESTAURANTS, CLUBS, AND HOTELS WITH CLASS H LICENSE.**

**SECTION 4-1102 OF THIS ARTICLE ALSO APPLIES TO AN INDIVIDUAL IN A RESTAURANT, CLUB, OR HOTEL FOR WHICH A CLASS H LICENSE ALLOWING THE SALE OF WINE IS ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(10)(i)3.

Defined terms: “Club” § 1-101  
“Restaurant” § 1-101

“Wine” § 1-101

**25-1103. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B BEER AND WINE LICENSE, A CLASS D BEER AND WINE LICENSE, OR A CLASS BD-BWL LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT BEGIN AND END AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE.**

**(D) RENEWAL.**

**THE PERMIT MAY BE RENEWED EACH YEAR WITH THE RENEWAL OF THE UNDERLYING LICENSE.**

**(E) FEE.**

**THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-201(q)(3) and (6) and 5-401(q)(2)(ii) and (v).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

Also in subsection (a) of this section, the former phrases “issued by the Board of License Commissioners” are deleted as surplusage.

In subsection (c) of this section, the reference to the hours of sale that begin and end “at the same time as those for the underlying license” is substituted for the former references to the “term of and hours of sale” that “are as specified for the permit holder’s ... license” to conform to the terminology used throughout this article.



In subsection (d) of this section, the former word “concurrently” is deleted as surplusage.

Also in subsection (d) of this section, the reference to the “underlying” license is substituted for the former references to “a Class B beer and light wine license”, “a Class BD–BWL license”, and “a Class D beer and light wine license” to conform to the terminology used throughout this section.

Former Art. 2B, §§ 5–201(q)(4), (5), and (7) and 5–401(q)(2)(iii), (iv), and (vi) are deleted as unnecessary because they merely repeated or referenced provisions that appear in § 4–1104 of this article.

Former Art. 2B, §§ 5–201(q)(8) and 5–401(q)(2)(vii), which authorized the Board to adopt regulations to implement the provisions of this section relating to the issuance of a refillable container permit, are deleted as unnecessary because the Board has the power to adopt regulations under § 25–206 of this title.

Defined terms: “Board” § 25–101

“License” § 1–101

## **25–1104. REFILLABLE CONTAINER PERMIT — WINE.**

### **(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE TO A HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR OFF–PREMISES CONSUMPTION.**

### **(B) FEE.**

**THE BOARD SHALL ISSUE THE PERMIT AT NO COST TO THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216.6(c) and (e).

In subsection (a) of this section, the reference to “a refillable container permit for wine” is substituted for the former reference to “the permit” for clarity.

Former Art. 2B, § 8–103(a)(2)(iii), which stated that former Art. 2B, § 8–103, consisting of refillable container provisions, applied to Montgomery County, and former Art. 2B, 8–216.6(a), which stated that former Art. 2B, § 8–216.6 applied only in Montgomery County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–216.6(b), which stated that there is a refillable container permit in Montgomery County, is deleted as unnecessary in light of § 4–1104 of this article.

Former Art. 2B, § 8–216.6(d) is deleted as unnecessary because it merely repeats provisions concerning refillable container standards that appear in § 4–1104 of this article.

Defined terms: “Board” § 25–101

“License” § 1–101

“Wine” § 1–101

**25–1105. ORGANIZATION SUPPLY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS AN ORGANIZATION SUPPLY LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A CORPORATION, A CLUB, OR ANY OTHER ORGANIZATION THAT:**

**(1) IS A COUNTRY CLUB UNDER § 25–1007 OF THIS TITLE OR AN ELEEMOSYNARY ORGANIZATION;**

**(2) IS A LOCAL POST, CHAPTER, LODGE, COUNCIL, OR BRANCH OF A NATIONAL ORGANIZATION THAT HAS MORE THAN 300,000 MEMBERS; AND**

**(3) HAS MORE THAN 200 DUES–PAYING MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE ALLOWS THE ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES BY A MEMBER OR THE MEMBER’S GUEST IF THE ALCOHOLIC BEVERAGES ARE SUPPLIED BY THE MEMBER.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$300.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(q)(4).

In subsection (b)(1) of this section, the reference to an eleemosynary “organization” is added for clarity.

Defined terms: “Alcoholic beverage” § 1-101

“Club” § 1-101

“License” § 1-101

**SUBTITLE 12. CATERER’S LICENSES.**

**25-1201. LOCAL CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**(1) THERE IS A LOCAL CATERER’S LICENSE.**

**(2) THE LICENSE IS A SEPARATE ALCOHOLIC BEVERAGES LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A PERSON THAT:**

**(I) DOES NOT ALREADY HOLD A LICENSE ISSUED BY THE BOARD;**

**(II) HAS FACILITIES TO PREPARE AND DELIVER FOOD TO THE SITE OF A CATERED EVENT; AND**

**(III) MEETS ALL OTHER REQUIREMENTS OF THIS ARTICLE.**

**(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION FACILITIES FOR A CATERED EVENT.**

**(3) AN APPLICANT FOR OR HOLDER OF THE LICENSE IS NOT REQUIRED TO HAVE A BANQUET HALL.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES OF THE FOOD PREPARATION FACILITIES; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(D) RESTRICTIONS.**

**THE LICENSE HOLDER MAY NOT:**

- (1) HOLD AN EVENT THAT THE LICENSE HOLDER SPONSORS; OR**
- (2) PROVIDE ONLY ALCOHOLIC BEVERAGES AT AN EVENT.**

**(E) DUTIES.**

**THE LICENSE HOLDER SHALL:**

**(1) CONTRACT FOR AND PROVIDE FOOD FOR CONSUMPTION AT A CATERED EVENT;**

**(2) MEET THE SAME RATIO OF GROSS RECEIPTS BETWEEN FOOD AND ALCOHOLIC BEVERAGE SALES AS A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE; AND**

**(3) PURCHASE ALL ALCOHOLIC BEVERAGES FROM THE DEPARTMENT OF LIQUOR CONTROL.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-706.1(b) through (j).

In subsection (b)(1)(ii) of this section, the reference to an "event" is substituted for the former reference to an "affair" to conform to the terminology used throughout this subtitle.

In subsection (b)(2) of this section, the phrase "for a catered event" is added for clarity.

In subsection (c)(1) of this section, the reference to the "premises of the food preparation facilities" is substituted for the former reference to an "off-sale

even[t]” for clarity, reflecting the Board’s interpretation of the term “off-sale”.

In subsection (d)(1) of this section, the reference to events “that the license holder sponsors” is substituted for the former reference to events that are “self-sponsored” for clarity.

In subsection (e)(1) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

Former Art. 2B, § 6–706.1(a), which stated that former Art. 2B, § 6–706.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–706.1(k), which stated that the holder of a local caterer’s license who violates the requirements of this section is subject to former Title 16, Subtitle 5, is deleted as unnecessary. Under § 6–402 of this article, all persons who violate a provision of this article for which no penalty is provided, other than the suspension or revocation of a license or permit, are subject to imprisonment not exceeding 2 years or a fine not exceeding \$1,000 or both.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“License” § 1–101

“Person” § 1–101

“Wine” § 1–101

## **25–1202. CATERING EXTENSION.**

### **(A) ESTABLISHED.**

**THERE IS A CATERING EXTENSION.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY GRANT A CATERING EXTENSION TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**

**THE CATERING EXTENSION AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE CATERING EXTENSION ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE HOLDER OF A CATERING EXTENSION SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CATERING EXTENSION FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a catering extension exists in Montgomery County.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6-706(b) through (f).

Throughout this section, the references to a "catering extension" are substituted for the former references to a "caterer's license" to avoid confusion with the local caterer's license issued under § 25-1201 of this subtitle and to conform to the terminology used in practice in Montgomery County.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (e) of this section, the reference to premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Also in subsection (e) of this section, the former reference to an "existing" Class B license is deleted as surplusage.

Former Art. 2B, § 6–706(a), which stated that former Art. 2B, § 6–706 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“Hotel” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

##### **25–1301. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);**

**(4) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(5) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(6) § 4–1208 (“HOURS AND DAYS OF SALE”); AND**

**(7) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

###### **(B) EXCEPTION.**

**SECTION 4–1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 25–1311 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: "County" § 25-101

**25-1302. RESERVED.**

**25-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**25-1304. BEER FESTIVAL LICENSE.**

**(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "FESTIVAL" MEANS THE MONTGOMERY COUNTY BEER FESTIVAL.**

**(3) "FESTIVAL ORGANIZATION" MEANS A NONPROFIT ORGANIZATION THAT IS CHOSEN BY THE COUNTY IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION TO ORGANIZE A FESTIVAL.**

**(B) ESTABLISHED.**

**(1) THERE IS A MONTGOMERY COUNTY BEER FESTIVAL LICENSE.**

**(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON NOT MORE THAN 4 WEEKENDS EACH YEAR.**

**(C) SELECTION OF FESTIVAL ORGANIZATION.**

**IN SELECTING A NONPROFIT ORGANIZATION TO BE A FESTIVAL ORGANIZATION, THE COUNTY SHALL ENSURE THAT THE NONPROFIT ORGANIZATION HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE-SCALE PUBLIC EVENTS.**

**(D) AUTHORIZED HOLDER.**



**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A STATE CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

**(E) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL BEER.**

**(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY BEER AT THE FESTIVAL UNLESS THE PERSON:**

**(I) HOLDS A BEER FESTIVAL LICENSE; AND**

**(II) HAS CONTRACTED WITH THE FESTIVAL ORGANIZATION TO DISPLAY AND SELL BEER AT THE FESTIVAL.**

**(F) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL:**

**(I) FOR ON-PREMISES CONSUMPTION; AND**

**(II) FOR OFF-PREMISES CONSUMPTION IN SEALED CONTAINERS; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(G) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**A FESTIVAL ORGANIZATION SHALL:**

**(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

**(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION IS ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER.**

**(H) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

**A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE TO SELL AND DISPLAY BEER AT THE FESTIVAL.**

**(I) HOLDING ANOTHER LICENSE ALLOWED.**

**A PERSON MAY HOLD A BEER FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.**

**(J) FEE.**

**(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

**(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

**(K) PENALTIES.**

**(1) THE BOARD MAY DENY A BEER FESTIVAL LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A BEER FESTIVAL LICENSE, IF THE APPLICANT OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.**

**(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN APPLICANT OR A LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

**(L) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-809(b) through (h) and (a)(1), (3), and (4).

Throughout this section, the former references to a "special" license are deleted as surplusage.

Subsection (b)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsections (d) and (h) of this section, the references to a “retail license issued in the County” are substituted for the former references to a “current Montgomery County retail alcoholic beverages license” for brevity.

In subsection (g)(2) of this section, the reference to a location “regardless of whether the location is already licensed” is substituted for the former reference to a location “that may be a licensed or an unlicensed premises” for clarity.

Also in subsection (g)(2) of this section, the former phrase “for the festival” is deleted as surplusage.

Also in subsection (g)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsections (i) and (j)(2) of this section, the former phrases “[n]otwithstanding any other provision of law” are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–809(a)(2), which defined “Board” as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 25–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“County” § 25–101

“Person” § 1–101

## **25–1305. WINE FESTIVAL LICENSE.**

### **(A) DEFINITIONS.**

**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “FESTIVAL” MEANS THE MONTGOMERY COUNTY WINE FESTIVAL.**

**(3) “FESTIVAL ORGANIZATION” MEANS A NONPROFIT ORGANIZATION**

**THAT:**

**(I) IS CHOSEN BY THE COUNTY TO ORGANIZE THE FESTIVAL;**

**AND**

**(II) HAS EXTENSIVE EXPERIENCE IN ORGANIZING AND MANAGING LARGE–SCALE PUBLIC EVENTS.**

**(B) ESTABLISHED.**

**(1) THERE IS A MONTGOMERY COUNTY WINE FESTIVAL LICENSE.**

**(2) UNDER THE SUPERVISION OF THE COUNTY DEPARTMENT OF LIQUOR CONTROL, THE FESTIVAL ORGANIZATION MAY CONDUCT THE FESTIVAL ON NOT MORE THAN 4 WEEKENDS EACH YEAR.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(2) A PERSON MAY NOT SELL, OFFER FOR SALE, OR DISPLAY WINE AT THE FESTIVAL UNLESS THE PERSON:**

**(I) HOLDS A WINE FESTIVAL LICENSE; AND**

**(II) HAS CONTRACTED WITH A FESTIVAL ORGANIZATION TO DISPLAY AND SELL WINE AT THE FESTIVAL.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**A FESTIVAL ORGANIZATION SHALL:**

**(1) CHOOSE THE WEEKENDS FOR THE FESTIVAL;**

**(2) CHOOSE A LOCATION REGARDLESS OF WHETHER THE LOCATION IS ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF THE COUNTY.**

**(G) CONTRACTS WITH FESTIVAL LICENSE HOLDER.**

**A FESTIVAL ORGANIZATION MAY CONTRACT WITH A HOLDER OF A RETAIL LICENSE ISSUED IN THE COUNTY, A CLASS 3 WINERY LICENSE, OR A CLASS 4 LIMITED WINERY LICENSE TO SELL AND DISPLAY WINE AT THE FESTIVAL.**

**(H) HOLDING ANOTHER LICENSE ALLOWED.**

**A PERSON MAY HOLD A WINE FESTIVAL LICENSE IN ADDITION TO ANOTHER LICENSE.**

**(I) FEE.**

**(1) THE LICENSE FEE IS \$30 FOR EACH DAY OF THE FESTIVAL.**

**(2) LICENSE FEES COLLECTED UNDER THIS SUBSECTION SHALL BE DEPOSITED INTO THE GENERAL FUND OF THE COUNTY.**

**(J) PENALTIES.**

**(1) THE BOARD MAY DENY A WINE FESTIVAL LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A WINE FESTIVAL LICENSE IF THE APPLICANT OR LICENSE HOLDER VIOLATES A PROVISION OF THIS ARTICLE OR THE REGULATIONS OF THE BOARD.**

**(2) INSTEAD OF OR IN ADDITION TO DENYING, SUSPENDING, OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE ON AN APPLICANT OR LICENSE HOLDER A FINE NOT EXCEEDING \$20,000.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-310.1(c) through (h) and (a)(1), (3), and (4).

Throughout this section, the former references to a “special” license are deleted as surplusage.

Subsection (b)(1) of this section is revised in standard language used throughout this article to establish a license.

In subsections (c) and (g) of this section, the references to a “retail license issued in the County” are substituted for the former references to a “Montgomery County retail alcoholic beverage license” for brevity.

In subsection (d)(1) of this section, the former requirement that wine must be “price filed in accordance with regulations adopted by the State Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to a location “regardless of whether the location is already licensed” is substituted for the former reference to a location “that is a licensed or an unlicensed premises” for clarity.

Also in subsection (f)(2) of this section, the former phrase “for the festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsections (h) and (i)(2) of this section, the former phrases “[n]otwithstanding any other provision of law,” are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–310.1(a)(2), which defined “Board” as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 25–101 of this title.

Former Art. 2B, § 8–310.1(b), which stated that former Art. 2B, § 8–310.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 25–101

“County” § 25–101

“State” § 1–101

“Wine” § 1–101

## **25–1306. BEER AND WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

### **THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OF BEER OR WINE.**

**(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE LICENSE TO HOLD TASTINGS OF WINE ONLY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.**

**(D) APPLICATION PROCESS.**

**(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE BOARD SUPPLIES.**

**(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.**

**(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.**

**(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(5) A RENEWAL OF THE BWT LICENSE MAY BE MADE WHEN THE CLASS A LICENSE OF THE LICENSE HOLDER IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR TASTING IN A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE FROM EACH OFFERING OF WINE;**

- (2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;**
- (3) 3 OUNCES FROM EACH OFFERING OF BEER; AND**
- (4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**

**(G) MARKED BOTTLE FOR TASTING.**

**ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–408.4(c) through (f).

Throughout this section, the former references to “sampling” and “samplings” are deleted as redundant of the references to “tasting” and “tastings”.

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 authorizing “the holder to allow” tasting of beer and wine is added for clarity and consistency with the terminology used throughout this article.

Also in subsection (c) of this section, the reference to “beer or wine” is substituted for the former reference to “alcoholic beverages” to reflect the scope of this section.

In subsection (f)(1) and (3) of this section, the references to “each offering” are substituted for the former references to “a single brand” for clarity. Similarly, in subsection (f)(2) and (4) of this section, the references to all “offerings” are substituted for the former references to all “brands”.

Former Art. 2B, § 8–408.4(a), which stated that former Art. 2B, § 8–408.4 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–408.4(b), which defined “Board” as meaning the Montgomery County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 25–101 of this title.



Former Art. 2B, § 8–408.4(g), which stated that this section is not restricted by former Art. 2B, § 9–102 or § 12–107(b), is deleted as unnecessary in light of § 1–202 of this article.

Defined terms: “Beer” § 1–101

“Board” § 25–101

“Wine” § 1–101

**25–1307. TOWN OF KENSINGTON BEER AND WINE TASTING.**

**(A) ESTABLISHED.**

**(1) THERE IS A BEER AND WINE TASTING (BWT) LICENSE IN THE TOWN OF KENSINGTON.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN THREE BEER AND WINE TASTING LICENSES IN THE TOWN OF KENSINGTON.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A LICENSE ISSUED UNDER § 25–1604(C) OF THIS TITLE TO HOLD TASTINGS OF BEER OR WINE.**

**(2) A LICENSE HOLDER OF A CLASS A WINE LICENSE MAY USE THE LICENSE TO HOLD TASTINGS OF WINE ONLY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW TASTING OF BEER OR WINE ON THE PREMISES OF THE LICENSE HOLDER ONLY.**

**(D) APPLICATION PROCESS.**

**(1) A LICENSE APPLICATION SHALL BE MADE ON A FORM THAT THE BOARD SUPPLIES.**

**(2) THE BOARD MAY NOT REQUIRE THE PUBLICATION OF A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.**

**(3) THE LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.**

**(4) IF AN INITIAL LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(5) A RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A LICENSE OF THE LICENSE HOLDER IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY ALLOW THE CONSUMPTION BY AN INDIVIDUAL FOR TASTING IN A QUANTITY OF NOT MORE THAN:**

- (1) 1 OUNCE FROM EACH OFFERING OF WINE;**
- (2) 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY;**
- (3) 3 OUNCES FROM EACH OFFERING OF BEER; AND**
- (4) 12 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**

**(G) MARKED BOTTLE FOR TASTING.**

**ONCE OPENED, A BOTTLE USED FOR BEER OR WINE TASTING SHALL BE MARKED THAT IT IS TO BE USED FOR THAT PURPOSE ONLY.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(a)(2)(v)1B, 5, and 6.

Subsection (a)(1) 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 authorizing "the holder to allow" tasting is added for clarity and consistency with terminology used throughout this article.

The provisions of former Art. 2B, § 8-408.4, which are cross-referenced in former Art. 2B, § 8-216(2)(v)6, are added as revised in § 25-1306 of this subtitle for clarity.

Defined terms: “Beer” § 1–101  
“Board” § 25–101

**25–1308. RESERVED.**

**25–1309. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**25–1310. COMMUNITY SWIMMING POOL CLUB.**

**THE BOARD MAY ISSUE A CLASS C PER DIEM BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A COMMUNITY SWIMMING POOL CLUB.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(10)(ii) and (d)(12)(ii).

The reference to a “per diem” license is substituted for the former reference to a “one–day” license to conform to the terminology used throughout this article.

The former phrase “[n]otwithstanding § 1–102(a)(4) of this article” is deleted as surplusage.

Defined terms: “Board” § 25–101  
“Club” § 1–101

**25–1311. FEES.**

**THE LICENSE FEES ARE:**

**(1) \$30 PER DAY FOR A CLASS C PER DIEM BEER LICENSE OR A CLASS C PER DIEM BEER AND WINE LICENSE; AND**

**(2) \$60 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(10)(i) and (d)(12)(i).

Defined term: “License” § 1–101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**25-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (4) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (5) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 25-1404 OF THIS SUBTITLE;**
- (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), WHICH IS SUPERSEDED BY § 25-1405 OF THIS SUBTITLE;**
- (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), WHICH IS SUPERSEDED BY § 25-1406 OF THIS SUBTITLE;**
- (4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”); AND**
- (5) § 4-111 (“PAYMENT OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 25-1410 OF THIS SUBTITLE.**

**(c) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 25-1402 AND 25-1403 OF THIS SUBTITLE; AND**

**(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 25-1408 OF THIS SUBTITLE AND § 22-1409 OF THIS ARTICLE.**

REVISOR’S NOTE: Subsections (a)(1) through (5), (b)(2) through (5), and (c) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (a)(6) of this section is new language derived without substantive change from former Art. 2B, § 10-204(q).

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Montgomery County.

Defined term: “County” § 25-101

**25-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY AND THE COUNTY POLICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(iv)1A.

Defined terms: “Board” § 25-101  
“Central Repository” § 1-101  
“License” § 1-101

**25-1403. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(i)2, as it related to Montgomery County.

The reference to "record information" is substituted for the former reference to "records" to conform to the terminology used in CP, § 10-201.

The reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: "Board" § 22-101

**25-1404. APPLICATION ON BEHALF OF PARTNERSHIP.**

**(A) APPLICATION BY AT LEAST TWO PARTNERS.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN APPLICATION FOR A LICENSE ON BEHALF OF A PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO AT LEAST TWO GENERAL PARTNERS AS INDIVIDUALS.**

**(2) WHEN AN APPLICATION FOR A PARTNERSHIP IS FILED, AT LEAST ONE OF THE GENERAL PARTNERS WHO APPLIES IS REQUIRED TO RESIDE IN THE STATE.**

**(B) EXCEPTION.**

**AN APPLICATION FOR A LICENSE SHALL BE MADE BY AND THE LICENSE ISSUED TO ONE GENERAL PARTNER AS AN INDIVIDUAL IF:**

**(1) THE PARTNERSHIP HAS ONLY ONE GENERAL PARTNER; AND**

**(2) THE GENERAL PARTNER RESIDES IN THE STATE AT THE TIME OF APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(a)(2)(i).

In subsection (b) of this section, the former requirement that the general partner "is a resident of the State" is deleted as included in the requirement that the general partner "resides in the State at the time of application".

Defined term: "License" § 1-101

**25-1405. APPLICATION ON BEHALF OF CORPORATION OR CLUB.**

**(A) THREE OFFICERS REQUIRED.**

A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB, AS INDIVIDUALS.

**(B) RESIDENCY REQUIREMENT.**

AN OFFICER WHO IS A RESIDENT OF THE STATE MEETS THE VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4-104 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(b)(1).

Defined terms: "Club" § 1-101

"License" § 1-101

"State" § 1-101

**25-1406. APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY.**

**(A) THREE AUTHORIZED INDIVIDUALS REQUIRED.**

A LICENSE ON BEHALF OF A LIMITED LIABILITY COMPANY SHALL BE APPLIED FOR AND ISSUED TO THREE AUTHORIZED PERSONS OF THE LIMITED LIABILITY COMPANY, AS INDIVIDUALS.

**(B) RESIDENCY REQUIREMENT.**

AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE REGISTERED VOTER, TAXPAYER, AND RESIDENCY REQUIREMENTS UNDER § 4-105 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(c)(1)(i) and (iii).

Defined terms: "License" § 1-101

"Person" § 1-101

"State" § 1-101

**25-1407. RESIDENCY REQUIREMENT.**

AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE RESIDENCY REQUIREMENT UNDER § 4-109(A)(4) OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(4)(vii).

Defined term: “State” § 1–101

**25–1408. WHEN STATEMENT AND ACKNOWLEDGMENT OF ASSENTING TO LICENSE AND WARRANTLESS SEARCH ARE NOT REQUIRED.**

**AN APPLICANT WHO IS THE LESSEE OF THE ENTIRE BUILDING IN WHICH THE BUSINESS IS TO BE CONDUCTED FOR THE ENTIRE TERM OF THE LICENSE NEED NOT INCLUDE IN THE APPLICATION A STATEMENT AND ACKNOWLEDGMENT BY THE OWNER ASSENTING TO THE LICENSE AND AUTHORIZING A WARRANTLESS SEARCH OF THE PREMISES AT ANY TIME.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(17)(ii).

The phrase “in the application” is added for clarity.

The former reference to the license “to be issued” is deleted as surplusage.

Defined term: “License” § 1–101

**25–1409. IDENTIFICATION REQUIREMENTS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO AN APPLICATION FOR A TEMPORARY LICENSE ISSUED IN ACCORDANCE WITH SUBTITLE 13 OF THIS TITLE.**

**(B) PHOTOGRAPHS AND FINGERPRINTS REQUIRED.**

**AN APPLICANT SHALL SUBMIT WITH THE APPLICATION CLEAR AND RECENT PHOTOGRAPHS AND COPIES OF THE FINGERPRINTS OF THE APPLICANT AND OF THE PERSON WHO WILL BE ACTIVELY IN CHARGE OF THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(q).

In subsection (a) of this section, the reference to a “temporary” license is substituted for the former reference to a “special” license to conform to the terminology used throughout this article.



Defined terms: “License” § 1–101  
“Person” § 1–101

**25–1410. PAYMENT OF LICENSE FEES.**

**THE BOARD SHALL COLLECT THE LICENSE FEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(q)(5).

The former reference to “[n]otwithstanding any other law” is deleted as unnecessary in light of the organization of this revised article.

The former reference to the Board of License Commissioners “issu[ing] the alcoholic beverages licenses provided for in this article” is deleted as unnecessary in light of § 4–202(a) of this revised article.

Former Art. 2B, § 15–112(q)(1), which stated that former Art. 2B, § 15–112(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 25–101  
“License” § 1–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**25–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4–207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4–209 (“HEARING”);**
- (5) § 4–210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**

- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (7) § 4-212 (“LICENSE NOT PROPERTY”); AND
- (8) § 4-213 (“REPLACEMENT LICENSES”).

**(B) EXCEPTION.**

**SECTION 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 25-1502 OF THIS SUBTITLE;**

**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 25-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 25-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 25-1506 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 10-208(i).

Defined terms: “County” § 25-101

“License” § 1-101

“Local licensing board” § 1-101

**25-1502. AUTHORITY OF BOARD.**

**(A) WRITTEN DECISION ON LICENSE APPLICATION.**

**(1) WHEN ACTING ON A LICENSE APPLICATION, THE BOARD SHALL ISSUE A WRITTEN DECISION THAT CONTAINS:**

**(I) A DETAILED STATEMENT OF THE GROUNDS AND FINDINGS THAT SUPPORT THE DECISION; AND**

**(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE DECISION.**

**(2) THE BOARD SHALL FORWARD A COPY OF THE WRITTEN DECISION IN A MANNER THAT THE BOARD DETERMINES TO THE APPLICANT AND EACH PERSON WHO REQUESTS A COPY.**

**(3) IF THE APPLICATION IS DENIED, THE BOARD SHALL INFORM THE APPLICANT IN WRITING OF THE PROCEDURES FOR JUDICIAL REVIEW.**

**(B) DECISION BASED ON EVIDENCE OF RECORD.**

**THE BOARD SHALL MAKE A DECISION ON A LICENSE APPLICATION BASED ON THE EVIDENCE OF RECORD.**

**(C) RULES OF PROCEDURE.**

**THE BOARD SHALL ADOPT RULES OF PROCEDURE, SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(m)(2) through (4).

In the introductory language of subsection (a)(1) of this section, the requirement that the Board “issue a written decision” is substituted for the former requirement that the Board “adopt a resolution” for clarity and to conform to the terminology used throughout this article.

In subsection (a)(1)(i) of this section, the reference to grounds and findings “that support” the decision is substituted for the former reference to grounds and findings “forming the basis for” the decision for brevity.

In subsection (a)(3) of this section, the reference to a “judicial review”, which describes the exercise of the power of a court to examine the decision of an administrative agency, is substituted for the former improper reference to an

“appeal”, which describes the request to a higher court to review the judgment of a lower court.

Defined terms: “Board” § 25–101

“County” § 25–101

“License” § 1–101

“Person” § 1–101

### **25–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS H BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A RESTAURANT IN A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(ii).

In item (1) of this section, the reference to “Class H beer and wine licenses” is substituted for the former reference to licenses “issued ... under § 5–202 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” 1–101

“License” § 1–101

### **25–1504. LICENSE FOR DIFFERENT PART OF PREMISES OR BUILDING.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE A CLASS B BEER, WINE, AND LIQUOR LICENSE TO A LICENSE HOLDER FOR A DIFFERENT PART OF THE SAME PREMISES OR BUILDING IN WHICH AN ESTABLISHMENT WITH A CLASS C BEER, WINE, AND LIQUOR LICENSE IS LOCATED.**

**(B) LICENSE HOLDER TO MEET QUALIFICATIONS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER SHALL MEET ALL REQUIREMENTS OF THE RESPECTIVE LICENSES.**

**(2) THE TERM “FINANCIAL INTEREST” AS USED IN § 4–109(A)(11) OF THIS ARTICLE DOES NOT APPLY TO AN APPLICANT WHO IS THE OWNER OF AN INTEREST IN REAL PROPERTY LEASED FOR ANOTHER PLACE OF BUSINESS WHERE OR FOR WHICH A LICENSE HAS BEEN APPLIED FOR OR ISSUED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–5).

In subsection (a) of this section, the reference to the “Board” is added to clarify who has the authority to issue licenses.

In subsection (b)(1) of this section, the reference to “requirements” is substituted for the former reference to the “other qualifications and provisions of this article pertinent” to the respective licenses for brevity.

In subsection (b)(2) of this section, the former phrase “under this article” is deleted as surplusage.

Defined terms: “Board” § 25–101  
“License” § 1–101  
“License holder” § 1–101

**25–1505. ISSUANCE FOR PREMISES WITH NONCONFORMING USE.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE AN ALCOHOLIC BEVERAGES LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR PREMISES ON WHICH A LAWFUL NONCONFORMING USE EXISTS.**

**(B) EXCEPTION.**

**THE BOARD MAY NOT ISSUE A LICENSE THAT IS LESS RESTRICTIVE THAN ANY LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–216(i)(2) and, except as it related to the authority to renew a license for premises with a nonconforming use, (1).

Defined terms: “Board” § 25–101  
“License” § 1–101

**25-1506. NOTICE OF LICENSE APPLICATION.****(A) POSTING NOTICE ON LOCATION DESCRIBED IN APPLICATION.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4-208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 30 DAYS BEFORE THE APPLICATION HEARING.**

**(B) CONTENTS.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION OF THE APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(m)(1), except as it related to the transfer of licenses.

In subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 30 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 30 days for brevity.

Also in subsection (a) of this section, the reference to “location” is substituted for the former reference to “premises” for consistency with the terminology used throughout this article.

In subsection (b) of this section, the reference to the “date,” for an application hearing is added for clarity.

Defined terms: “Board” § 25-101  
“License” § 1-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.****PART I. LICENSING CONDITIONS.****25-1601. RESTRICTIONS IN CERTAIN DISTRICTS.****(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A COUNTRY CLUB; OR**

**(2) A RESTAURANT IN THE COUNTRY INN ZONE OF THE COUNTY WHERE ALCOHOLIC BEVERAGES ARE SOLD ONLY FOR ON-PREMISES CONSUMPTION.**

**(B) GENERAL LICENSE PROHIBITION; EXCEPTIONS.**

**THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT IN:**

**(1) BARNESVILLE, EXCEPT AS PROVIDED IN § 25-1602 OF THIS SUBTITLE;**

**(2) DAMASCUS (12TH ELECTION DISTRICT), EXCEPT AS PROVIDED IN § 25-1603 OF THIS SUBTITLE;**

**(3) KENSINGTON, EXCEPT AS PROVIDED IN § 25-1604 OF THIS SUBTITLE;**

**(4) LAYTONSVILLE, EXCEPT AS PROVIDED IN § 25-1605 OF THIS SUBTITLE;**

**(5) TAKOMA PARK, EXCEPT AS PROVIDED IN § 25-1607 OF THIS SUBTITLE; OR**

**(6) WASHINGTON GROVE.**

**(C) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A LICENSE WITH AN ON-SALE PRIVILEGE FOR THE SALE OF:**

**(1) BEER DURING DAYLIGHT HOURS FOR A RESTAURANT, SNACK BAR, OR SIMILAR FACILITY ON LAND OWNED BY THE MONTGOMERY COUNTY REVENUE AUTHORITY AND OPERATED IN CONNECTION WITH A PUBLIC GOLF COURSE; OR**

**(2) BEER AND WINE FOR A RESTAURANT ON LAND OWNED BY THE MONTGOMERY COUNTY REVENUE AUTHORITY AND OPERATED IN CONNECTION WITH AN AIRPORT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(a)(3), (4), and (2)(i), and (1)(i) and, except as it related to a maximum of two licenses that may be issued in an election district, (ii).

In the introductory language of subsection (b) of this section, the former reference to a license “for the sale of alcoholic beverages” is deleted as included in the defined term “license”.

Also in the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (b) of this section, the reference to an “establishment” is substituted for the former reference to a “place of business” to conform to terminology used throughout this article.

In subsection (b) of this section, the former reference to “the towns of” Barnesville, Kensington, Laytonsville, and Washington Grove is deleted as surplusage. Similarly, the former reference to “the City of” Takoma Park is deleted.

In subsection (c)(1) of this section, the phrase “operated in connection with a public golf course” is substituted for the former phrase “operated by the Revenue Authority or others in connection with the operation by the Revenue Authority of a public golf course” for brevity. Similarly, in subsection (c)(2) of this section, the phrase “operated in connection with an airport” is substituted for the former phrase “operated by the Revenue Authority or others in connection with the operation of an airport”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 25–101

“License” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **25–1602. LICENSES ALLOWED IN BARNESVILLE.**

**IN BARNESVILLE, THE BOARD MAY ISSUE A 7–DAY ON–SALE BEER, WINE, AND LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC, OR CHARITABLE ORGANIZATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(a)(2)(ii).

The former reference to “the town of” Barnesville is deleted as surplusage.



The former reference to a “bona fide” religious, fraternal, civic, or charitable organization is deleted as surplusage.

Defined terms: “Board” § 25–101  
“7–day license” § 1–101

**25–1603. LICENSES ALLOWED IN DAMASCUS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO DAMASCUS (12TH ELECTION DISTRICT).**

**(B) RESTAURANTS IN COUNTRY INN ZONE.**

**THE BOARD MAY ISSUE NOT MORE THAN TWO LICENSES WITH AN ON–SALE PRIVILEGE FOR RESTAURANTS IN THE COUNTRY INN ZONE OF THE COUNTY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**THE BOARD MAY ISSUE A 7–DAY CLASS C (ON–SALE) BEER, WINE, AND LIQUOR LICENSE TO A VOLUNTEER FIRE DEPARTMENT.**

**(D) CLASS H LICENSES.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND PARAGRAPH (2) OF THIS SUBSECTION:**

**(I) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS H BEER AND WINE, HOTEL AND RESTAURANT LICENSES; AND**

**(II) THE LICENSES MAY BE RENEWED OR TRANSFERRED.**

**(2) A LICENSE MAY BE ISSUED, TRANSFERRED, OR RENEWED IF:**

**(I) POOL TABLES, BILLIARD TABLES, SHUFFLEBOARDS, DART BOARDS, VIDEO GAMES, PINBALL MACHINES, OR RECREATIONAL DEVICES ARE NOT USED IN THE LICENSED PREMISES; AND**

**(II) ALCOHOLIC BEVERAGES SERVED BY THE LICENSE HOLDER ARE CONSUMED BY CUSTOMERS WHILE THE CUSTOMERS ARE SEATED.**

REVISOR’S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 2B, § 8–216(f) and (a)(7), (2)(vi), and the second clause of (1)(ii).

In subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In subsection (c) of this section, the former reference to a “bona fide” volunteer fire department is deleted as surplusage.

In subsection (d) of this section, the reference to “wine” is substituted for the former reference to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

## **25–1604. LICENSES ALLOWED IN KENSINGTON.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO KENSINGTON.**

### **(B) IN GENERAL.**

#### **(1) THE BOARD MAY ISSUE:**

**(i) A 2–DAY ON–SALE BEER AND WINE LICENSE OR A 2–DAY ON–SALE BEER, WINE, AND LIQUOR LICENSE TO A RELIGIOUS, FRATERNAL, CIVIC, OR CHARITABLE ORGANIZATION HOLDING AN EVENT ON MUNICIPAL PROPERTY LOCATED AT 3710 MITCHELL STREET; AND**

**(ii) A B–K BEER AND WINE LICENSE OR A B–K BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE SITE OF A RESTAURANT IN THE FOLLOWING COMMERCIAL AREAS:**

1. THE WEST SIDE OF CONNECTICUT AVENUE BETWEEN KNOWLES AVENUE AND PERRY AVENUE;
2. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN KNOWLES AVENUE AND DUPONT STREET AND BETWEEN UNIVERSITY BOULEVARD AND PERRY AVENUE;
3. THE WEST SIDE OF UNIVERSITY BOULEVARD WEST;
4. DUPONT AVENUE, WEST OF CONNECTICUT AVENUE;
5. PLYERS MILL ROAD, WEST OF METROPOLITAN AVENUE;
6. SUMMIT AVENUE BETWEEN KNOWLES AVENUE AND HOWARD AVENUE;
7. DETRICK AVENUE BETWEEN KNOWLES AVENUE AND HOWARD AVENUE;
8. THE SOUTHWEST SIDE OF METROPOLITAN AVENUE BETWEEN NORTH KENSINGTON PARKWAY AND PLYERS MILL ROAD;
9. EAST HOWARD AVENUE;
10. ARMORY AVENUE BETWEEN HOWARD AVENUE AND KNOWLES AVENUE;
11. MONTGOMERY AVENUE BETWEEN HOWARD AVENUE AND KENSINGTON PARKWAY;
12. KENSINGTON PARKWAY AND FREDERICK AVENUE, FROM MONTGOMERY AVENUE TO SILVER CREEK; OR
13. THE EAST SIDE OF CONNECTICUT AVENUE BETWEEN WARNER STREET AND KNOWLES AVENUE.

(2) A B-K BEER, WINE, AND LIQUOR LICENSE OR A B-K BEER AND WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.

**(3) A LICENSE HOLDER SHALL MAINTAIN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT INCLUDING CARRYOUT FOOD, OF AT LEAST 50% OF THE OVERALL AVERAGE DAILY RECEIPTS.**

**(C) CLASS A LICENSES.**

**(1) THE BOARD MAY ISSUE:**

**(I) NOT MORE THAN THREE CLASS A (OFF-SALE) BEER AND WINE LICENSES FOR USE IN THE COMMERCIAL AREAS SPECIFIED IN SUBSECTION (B)(1)(II) OF THIS SECTION; AND**

**(II) SUBJECT TO § 25-1306 OF THIS TITLE, NOT MORE THAN THREE BEER AND WINE TASTING (BWT) LICENSES FOR HOLDING TASTINGS OR SAMPLINGS OF BEER AND WINE.**

**(2) A CLASS A BEER AND WINE LICENSE AUTHORIZES THE HOLDER TO KEEP FOR SALE AND SELL BEER OR WINE FOR OFF-PREMISES CONSUMPTION 7 DAYS A WEEK, FROM 10 A.M. TO 8 P.M. DAILY.**

**(3) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY NOT:**

**(I) SELL SINGLE BOTTLES OR CANS OF BEER;**

**(II) SELL REFRIGERATED PRODUCTS; OR**

**(III) ON A SIDE, DOOR, OR WINDOW OF THE BUILDING OF THE LICENSED PREMISES, PLACE A SIGN OR OTHER DISPLAY THAT ADVERTISES ALCOHOLIC BEVERAGES IN A PUBLICLY VISIBLE LOCATION.**

**(4) THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 8-216(a)(2)(iii), (iv), and (v).

Throughout this section, the former references to "the town of" Kensington are deleted as surplusage.

In subsection (b)(1)(i) of this section, the former reference to a "bona fide" religious, fraternal, civic, or charitable organization is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

In subsection (c)(1)(i) and (2) and in the introductory language of subsection (c)(3) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 25–101

“License” § 1–101

“License holder” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **25–1605. LICENSES ALLOWED IN LAYTONSVILLE.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO LAYTONSVILLE.**

### **(B) CLASS B LICENSES.**

**SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSES.**

### **(C) RESTRICTION.**

**A LICENSE MAY BE ISSUED, RENEWED, OR TRANSFERRED IF ALCOHOLIC BEVERAGES SERVED BY THE LICENSE HOLDER ARE CONSUMED BY CUSTOMERS WHILE THE CUSTOMERS ARE SEATED.**

REVISOR’S NOTE: Subsection (a) of this section is new language added for clarity and to avoid repetition.

Subsections (b) and (c) of this section are new language derived without substantive change from former Art. 2B, § 8–216(e).

Throughout this section, the former references to the “town of” Laytonsville are deleted as surplusage.

In subsection (c) of this section, the phrase “and otherwise provided” is deleted as surplusage.

Former Art. 2B, § 8–216(a)(6), which stated that the town of Laytonsville is excepted from certain provisions prohibiting the issuance of licenses, is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“License” § 1–101

“License holder” § 1–101

## **25–1606. POOLESVILLE — LOCAL VOTING OPTION.**

### **(A) SUBMISSION OF QUESTION TO VOTERS.**

**(1) THE COMMISSIONERS OF POOLESVILLE MAY SUBMIT TO THE VOTERS THE QUESTION OF WHETHER THE SALE OF ALCOHOLIC BEVERAGES OR THE ISSUANCE OF A CLASS OF LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES SHOULD BE PROHIBITED IN POOLESVILLE.**

**(2) THE QUESTION OR A SIMILAR QUESTION MAY BE SUBMITTED TO THE VOTERS AT A REGULAR ELECTION OR A SPECIAL ELECTION CALLED FOR THAT PURPOSE.**

**(3) SUBMISSION OF A QUESTION AT ONE ELECTION DOES NOT PREVENT THE SUBMISSION OF THE SAME OR ANOTHER QUESTION AT A SUBSEQUENT ELECTION.**

### **(B) RESULTS OF VOTING ON QUESTION.**

**(1) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR ALLOWING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF A CLASS OF LICENSE, THE SALE OR THE ISSUANCE WILL CONTINUE IF ALLOWED AT THE TIME OF THE ELECTION OR, IF NOT PREVIOUSLY ALLOWED, WILL BE ALLOWED FOLLOWING THE ELECTION.**

**(2) IF A MAJORITY OF THE VOTES CAST ON THE QUESTION FAVOR PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES OR ISSUANCE OF ANY CLASS OF LICENSE:**

**(I) A LICENSE OF THE CLASS OR FOR THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES MAY NOT BE ISSUED, RENEWED, OR EXTENDED; BUT**

**(II) A LICENSE ISSUED PREVIOUSLY MAY CONTINUE IN FORCE UNTIL THE DATE OF EXPIRATION BUT MAY NOT BE RENEWED OR EXTENDED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(b).

In subsection (a)(1) and (2) of this section, the former references to “questions” are deleted in light of the references to a “question” and GP § 1–202, which provides that the singular includes the plural and the plural includes the singular. Similarly, in subsections (a)(1) and (b) of this section, the former references to “classes” are deleted.

In subsection (a)(1) of this section, the phrase “in Poolesville” is substituted for the former phrase “within the corporate limits of said town” for brevity and clarity.

Also in subsection (a)(1) of this section, the former phrase “in their discretion, from time to time,” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to the “legal and qualified” voters is deleted as implicit in the reference to “voters”.

Also in subsection (a)(1) of this section, the former reference to whether “or not” is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to licenses continuing in force until the date of expiration “in accordance with their terms” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

## **25–1607. LICENSES ALLOWED IN TAKOMA PARK.**

### **(A) IN GENERAL.**

**THE BOARD MAY ISSUE, RENEW, APPROVE THE TRANSFER OF, AND OTHERWISE PROVIDE FOR THE FOLLOWING LICENSES IN TAKOMA PARK:**

**(1) CLASS B (ON- AND OFF-SALE) BEER AND WINE, HOTEL AND RESTAURANT LICENSES;**

**(2) CLASS H (ON-SALE) BEER AND WINE, HOTEL AND RESTAURANT LICENSES;**

**(3) CLASS B (ON-SALE) BEER, WINE, AND LIQUOR, HOTEL AND RESTAURANT LICENSES;**

**(4) CLASS H (ON-SALE) BEER LICENSES;**

**(5) CLASS D (ON- AND OFF-SALE) BEER AND WINE LICENSES;**

**(6) CLASS A-TP (OFF-SALE) BEER, WINE, AND LIQUOR LICENSES;**

**(7) CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSES;**

**(8) BEER AND WINE TASTING (BWT) LICENSES; AND**

**(9) CLASS BD-BWL LICENSES.**

**(B) CLASS -TP TYPE LICENSES.**

**(1) THIS SUBSECTION APPLIES ONLY TO CLASS -TP TYPE LICENSES THAT WERE ISSUED BY THE BOARD ON JULY 1, 1997, AFTER CERTIFICATION BY THE PRINCE GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS.**

**(2) UNLESS REVOKED OR NOT RENEWED FOR GOOD CAUSE, THE CERTIFIED LICENSES SHALL CONTINUE IN EXISTENCE AND BE RENEWED, SUBJECT TO PAYMENT OF THE ANNUAL LICENSE FEE.**

**(3) A CLASS -TP TYPE LICENSE IS NOT TRANSFERABLE TO ANOTHER LOCATION BUT IS TRANSFERABLE TO ANOTHER PERSON, SUBJECT TO THE RESTRICTIONS ON SIMILAR TRANSFERS FOR OTHER LICENSES IN THE COUNTY.**

**(4) (I) A CLASS -TP TYPE LICENSE IS SUBJECT TO THE SAME CONDITIONS AND RESTRICTIONS SPECIFIED BY LAW OR BY THE BOARD AS ARE OTHER LICENSES ISSUED BY THE BOARD.**

**(II) THE BOARD MAY WAIVE WHATEVER STATUTORY AND REGULATORY PROVISION THAT THE BOARD CHOOSES FOR THE AFFECTED LICENSES SO THAT EQUITY, FAIRNESS, AND REASONABLENESS ARE ACHIEVED.**

**(C) PRINCE GEORGE'S COUNTY LICENSES.**



**(1) NOTWITHSTANDING THAT HOLDERS OF CLASS –TP TYPE LICENSES AS OF JULY 1, 1997, ARE SUBJECT TO COUNTY LAWS AND REGULATIONS, THOSE SAME LICENSE HOLDERS MAY RETAIN THE PARTICULAR PRINCE GEORGE’S COUNTY ALCOHOLIC BEVERAGES LICENSE THEY POSSESSED BEFORE UNIFICATION.**

**(2) (I) THE PRINCE GEORGE’S COUNTY LICENSE SHALL REMAIN VALID EXCEPT THAT THE LICENSE DOES NOT APPLY TO THE LICENSED PREMISES TO WHICH THE CLASS –TP TYPE LICENSE APPLIES, BUT IS AN OPEN–LOCATION LICENSE.**

**(II) THE PRINCE GEORGE’S COUNTY LICENSE HOLDER MAY TRANSFER, TO ANOTHER PERSON OR TO A NEW LOCATION WITH THE SAME LICENSE HOLDER, THE LICENSE INTO PRINCE GEORGE’S COUNTY WITHOUT STATUTORY OR REGULATORY RESTRICTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–216(d)(1), (2)(i), (ii), (iv) through (vi), and the first sentence of (iii), and (3)(i) and (ii).

In the introductory language of subsection (a) of this section, the former reference to “the City of” Takoma Park is deleted as surplusage.

Also in subsection (a) of this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1) of this section, the reference to “Class –TP type licenses that were issued by the Board on July 1, 1997, after certification by the Prince George’s County Board of License Commissioners” is substituted for the language of former Art. 2B, § 8–216(d)(2)(ii) and (iii), which required the Prince George’s County Board of License Commissioners to certify a list of alcoholic beverages licenses as of June 30, 1997, in the portion of Takoma Park that became part of Montgomery County on July 1, 1997, and required the Board to issue Class –TP licenses to the holders of the certified licenses on July 1, 1997.

In subsection (c)(2)(i) of this section, the former phrase “in every sense” is deleted as surplusage.

Former Art. 2B, § 8–216(a)(5), which stated that the City of Takoma Park is excepted from certain provisions prohibiting the issuance of licenses, is deleted as surplusage.

The second sentence of former Art. 2B, § 8–216(d)(2)(iii), which prohibited the Montgomery County Board of License Commissioners from charging a license fee for a Class –TP license until May 1, 1998, is deleted as obsolete.

Former Art. 2B, § 8–216(d)(2)(vii), which prohibited the Montgomery County Department of Health and Human Services from charging an annual fee to a Class –TP license holder until January 1, 1998, is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the references to “Class –TP type licenses”, revised in subsections (b) and (c) of this section, are unclear. The references may be read as applying only to Class A–TP licenses or to all Class –TP type licenses that were in existence before the implementation of Chapter 85 of 2015.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

**25–1608. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER.**

**(A) 750–FOOT RESTRICTION.**

**EXCEPT AS PROVIDED IN SUBSECTIONS (C) THROUGH (J) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 750 FEET OF:**

**(1) A PLACE OF WORSHIP;**

**(2) AN ELEMENTARY OR A SECONDARY SCHOOL; OR**

**(3) A YOUTH CENTER SPONSORED OR OPERATED BY A GOVERNMENTAL UNIT.**

**(B) MEASUREMENT OF DISTANCE.**

**THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE**

**NEAREST POINT OF THE BUILDING OF THE PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER.**

**(C) EXCEPTIONS — CULINARY SCHOOL; 1-DAY LICENSE; RENEWALS, TRANSFERS, AND REISSUANCES.**

**(1) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:**

**(I) TO A CULINARY SCHOOL LICENSE;**

**(II) TO A PER DIEM LICENSE ISSUED FOR USE ON THE SITE OF A PLACE OF WORSHIP, AN ELEMENTARY OR A SECONDARY SCHOOL, OR A YOUTH CENTER; OR**

**(III) IF A PLACE OF WORSHIP, SCHOOL, OR YOUTH CENTER WAS BUILT WITHIN 750 FEET OF AN ESTABLISHMENT AFTER ISSUANCE OF THE LICENSE, TO A LICENSE:**

**1. RENEWAL;**

**2. TRANSFER; OR**

**3. SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, REISSUANCE, IF THE LICENSE IS REISSUED WITHIN 1 YEAR AFTER THE DATE OF EXPIRATION OR REVOCATION OF THE PRIOR LICENSE.**

**(2) REISSUANCE IS PROHIBITED IF THE ACTS OF THE OWNER OF AN ESTABLISHMENT CAUSED THE LICENSE TO BE REVOKED.**

**(D) EXCEPTION — COMMERCIAL OR INDUSTRIAL ZONE.**

**IF THE ESTABLISHMENT IS ON LAND THAT IS ZONED COMMERCIAL OR INDUSTRIAL AND IS ADJACENT OR CONTIGUOUS TO OTHER LAND SIMILARLY CLASSIFIED, THE BOARD, BY MAJORITY VOTE, MAY ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS MORE THAN 300 FEET FROM A PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, OR YOUTH CENTER.**

**(E) EXCEPTION — BURTONSVILLE TOWN SQUARE.**

**THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE AN ON-SALE LICENSE FOR A RESTAURANT THAT IS LOCATED IN BURTONSVILLE TOWN SQUARE SHOPPING CENTER AT THE NORTHWEST CORNER OF MD 198 AND US 29A IF THE ISSUANCE OF**

**THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

**(F) EXCEPTION — CBD ZONE, ROCKVILLE TOWN CENTER PERFORMANCE DISTRICT, TAKOMA PARK TRANSIT IMPACT AREA, AND KENSINGTON.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT ON LAND CLASSIFIED IN OR NEAR:**

**(I) A CBD ZONE (CENTRAL BUSINESS DISTRICT ZONE);**

**(II) THE ROCKVILLE TOWN CENTER PERFORMANCE DISTRICT;**

**(III) THE TAKOMA PARK TRANSIT IMPACT AREA, AS APPROVED AND ADOPTED IN THE SECTOR PLAN FOR TAKOMA PARK; OR**

**(IV) THE KENSINGTON COMMERCIAL AREAS SPECIFIED IN § 25-1604 OF THIS SUBTITLE.**

**(2) A LICENSE MAY BE ISSUED FOR A RESTAURANT SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF:**

**(I) 1. THE NEAREST POINT OF THE RESTAURANT BUILDING IS WITHIN 500 FEET OF THE NEAREST BOUNDARY LINE OF THE RESPECTIVE ZONE, DISTRICT, OR AREA; OR**

**2. THE RESTAURANT BUILDING IS ENTIRELY CONTAINED IN LAND CLASSIFIED IN THE RESPECTIVE ZONE, DISTRICT, OR AREA; AND**

**(II) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

**(G) EXCEPTION — GAITHERSBURG.**

**THE BOARD, BY MAJORITY VOTE, MAY ISSUE AN ON-SALE CLASS B BEER, WINE, AND LIQUOR LICENSE FOR A RESTAURANT IN GAITHERSBURG IF:**

**(1) THE RESTAURANT IS LOCATED IN A SHOPPING CENTER BORDERED BY MARYLAND ROUTE 355, CENTRAL AVENUE, POPLARWOOD PLACE, AND NORTH WESTLAND DRIVE;**

**(2) THE RESTAURANT IS LOCATED MORE THAN 275 FEET FROM A PLACE OF WORSHIP; AND**

**(3) A PRIOR OWNER OR TENANT AT THE SITE OF THE RESTAURANT HELD AN ALCOHOLIC BEVERAGES LICENSE.**

**(H) EXCEPTION — HILLANDALE SHOPPING CENTER.**

**THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT THAT IS LOCATED IN THE HILLANDALE SHOPPING CENTER AT THE NORTHEAST CORNER OF MD 650 AND INTERSTATE 495 IF THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

**(I) EXCEPTION — ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT.**

**THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR A RESTAURANT IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT IN ROCKVILLE IF:**

**(1) THE RESTAURANT BUILDING IS ENTIRELY CONTAINED ON LAND IN THE ROCKSHIRE PLANNED RESIDENTIAL UNIT DEVELOPMENT AREA; AND**

**(2) THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

**(J) EXCEPTION — ROCK SPRING CENTRE.**

**THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE A LICENSE WITH AN ON-SALE PRIVILEGE FOR AN ESTABLISHMENT IN ROCK SPRING CENTRE BORDERED BY ROCK SPRING DRIVE, ROCKLEDGE DRIVE, INTERSTATE 270, AND OLD GEORGETOWN ROAD IN BETHESDA, IF THE ISSUANCE OF THE LICENSE WILL NOT ADVERSELY AFFECT NEARBY PLACES OF WORSHIP, SCHOOLS, YOUTH CENTERS, OR THE NEAREST RESIDENTIAL COMMUNITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-216(a) through (g).

Throughout this section, the former references to a "church" are deleted as included in the references to a "place of worship".

In the introductory language of subsection (a) of this section, the reference to a license “for an establishment” is added for clarity and consistency with subsections (b) and (c) of this section.

In the introductory language of subsection (a) and in subsection (d) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (a)(3) of this section, the reference to a governmental “unit” is substituted for the former reference to a governmental “agency” to conform to the terminology used throughout this article.

In subsection (b) of this section, the former reference to the “proposed” establishment “for which the license is requested” is deleted as surplusage.

In the introductory language of subsection (c)(1) of this section, the former reference to this section not “affect[ing] or prohibit[ing], in any manner” the items listed in subsection (c)(1)(iii) is deleted as included in the reference to the section not “apply[ing] to” those items.

In subsection (c)(1)(iii)3 of this section, the former phrase “[f]or the purposes of this section” is deleted as surplusage.

In subsection (d) of this section, the reference to an “establishment” is substituted for the former reference to the “building” to conform to the terminology used throughout this article.

Also in subsection (d) of this section, the reference to land that is “zoned commercial or industrial” is substituted for the former reference to land that is “classified in a commercial or industrial zone under the applicable zoning ordinance” for brevity.

Also in subsection (d) of this section, the former phrase “under the zoning ordinance” is deleted as surplusage.

In subsections (e), (f), (g), (h), (i), and (j) of this section, the former phrase “[n]otwithstanding the provisions of subsection (a) of this section” is deleted as unnecessary in light of the introductory language of subsection (a) of this section that states “[e]xcept as provided in subsections (c) through (j) of this section”.

In subsections (e), (f), (h), (i), and (j) of this section, the former phrase “[e]xcept for the distance restrictions provided in subsection (a) of this section” is deleted as unnecessary in light of the introductory language of subsection (a)

of this section that states “[e]xcept as provided in subsections (c) through (j) of this section”.

In subsections (e), (f), (h), and (j) of this section, the former definitions of “Burtonsville Town Square”, “Takoma Park Transit Impact Area”, “Hillandale Shopping Center”, and “Rock Spring Centre”, used once in the former law, are revised as part of the substantive provisions of those subsections for concision.

In subsections (e), (h), and (j) and in the introductory language of subsections (f)(2), (g), and (i) of this section, the former references to “the following conditions are satisfied” are deleted as implicit in the word “if”.

In subsection (e) of this section, the reference to the authority of the Board to “issue an on–sale license for a restaurant” is substituted for the former reference to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for a restaurant” for brevity. Similarly, in subsection (h) and in the introductory language of subsections (f)(1) and (i) of this section, the references to the authority of the Board to “issue a license with an on–sale privilege for a restaurant” are substituted for the former references to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for a restaurant”. Similarly, in subsection (j) of this section, the reference to the authority of the Board to “issue a license with an on–sale privilege for an establishment” is substituted for the former reference to the authority of the Board to “approve an application for an alcoholic beverages license of an applicant for an establishment”.

In subsection (e) of this section, the former reference to the shopping center “located in Montgomery County” is deleted as unnecessary in light of the organization of this revised article. Similarly, in subsection (g)(1) of this section, the former phrase “in Montgomery County” is deleted and in subsections (h) and (j) of this section, the former phrases “located in Montgomery County” are deleted.

In subsection (f)(2)(i)1 of this section, the former phrase “[i]f the restaurant building is outside the respective zone, district, or area the measurement of the distance of” the nearest point of the restaurant building is deleted as surplusage.

In the introductory language of subsection (g) of this section, the former reference to “the City of” Gaithersburg is deleted as surplusage. Similarly, in the introductory language of subsection (i) of this section, the former reference to “the City of” Rockville is deleted.

In the introductory language of subsection (i)(1) of this section, the former phrase “in existence as of June 1, 2004” is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–216(a)(2), revised in subsection (a) of this section, applies only to an elementary or a secondary school but not to a middle school.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“License” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

## **25–1609. BOWLING ALLEY, BILLIARD HALL, AND DRUGSTORE RESTRICTIONS.**

### **(A) IN GENERAL.**

#### **THE BOARD MAY NOT ISSUE:**

#### **(1) A CLASS H BEER AND WINE LICENSE:**

**(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A DRUGSTORE; OR**

**(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A DRUGSTORE; OR**

#### **(2) A CLASS D LICENSE:**

**(I) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE;**

**(II) FOR USE IN AN ESTABLISHMENT WITH A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE; OR**

**(III) FOR USE IN CONJUNCTION WITH, ON THE SITE OF, OR TO A RESTAURANT IN A BOWLING ALLEY, BILLIARD HALL, OR DRUGSTORE.**

### **(B) CLASS H LICENSES — BOWLING ALLEYS.**

**IF THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DO NOT EXCEED THE GROSS RECEIPTS FROM THE SALE OF FOOD, THE BOARD MAY ISSUE A**



**CLASS H LICENSE TO, FOR USE IN CONJUNCTION WITH, OR ON THE SITE OF A RESTAURANT IN A BOWLING ALLEY.**

**(C) DRUGSTORE EXCLUSION.**

**THIS SECTION DOES NOT APPLY TO A DRUGSTORE OR ADJOINING ESTABLISHMENT THAT ON JULY 1, 1969:**

**(1) HELD A CLASS D LICENSE; AND**

**(2) HAD A DOOR, AN ARCHWAY, AN OPENING, OR OTHER PASSAGEWAY PROVIDING DIRECT PUBLIC ACCESS TO ANY DRUGSTORE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-202(c)(2)(ii) and (iii) and 5-401(q)(3).

Throughout this section, the references to the "Board" are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also throughout this section, the references to a "site" are substituted for the former references to a "premises" to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former definition of "establishment," used only in former Art. 2B, § 5-401(g)(4), is revised as part of the substantive provisions of this section for concision.

In subsection (c) of this section, the clause "[t]his section does not apply" is substituted for the former clause "[t]hese restrictions which prohibit the issuance of licenses to drugstores or premises adjoining them are not applicable" for brevity.

Former Art. 2B, § 5-202(c)(2)(i), which stated that former Art. 2B, § 5-202(c)(2) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 25-101

"Restaurant" § 1-101

**25-1610. MOTOR FUEL RESTRICTIONS.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT THAT SELLS MOTOR VEHICLE FUEL TO MOTORISTS FROM A FUEL PUMP ON THE SITE.**

**(B) RENEWALS ALLOWED.**

**THE BOARD MAY RENEW A LICENSE THAT HAS BEEN ISSUED FOR USE IN AN ESTABLISHMENT THAT SELLS MOTOR VEHICLE FUEL TO MOTORISTS FROM A FUEL PUMP LOCATED ON THE SITE IF THE LICENSE WAS IN EFFECT ON JANUARY 1, 1989.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-216(h).

Throughout this section, the references to the "site" are substituted for the former references to the "premises" to conform to the terminology used throughout this article.

Defined terms: "Board" § 25-101  
"License" § 1-101

**25-1611. RESERVED.**

**25-1612. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**25-1613. SCOPE OF PART.**

**SECTIONS 25-1614 AND 25-1615 OF THIS SUBTITLE APPLY ONLY TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR ON-SALE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102.1(b)(3).

The section is drafted as a scope provision rather than as a definition of "license" for clarity.

Former Art. 2B, § 9-102.1(a), which stated that the provisions of former Art. 2B, § 9-102.1 applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9-102.1(b)(1), which was the standard introductory language to a definitions section, is deleted because a definitions section is not used in this part.

Former Art. 2B, § 9–102.1(b)(2), which defined “Board”, is deleted as redundant of the same definition in § 25–101 of this title.

**25–1614. MAXIMUM NUMBER OF CLASS B LICENSES — IN GENERAL.**

**EXCEPT AS PROVIDED IN § 25–1615 OF THIS SUBTITLE, THE BOARD MAY NOT AUTHORIZE THE SAME LICENSE HOLDER TO HOLD MORE THAN 10 LICENSES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102.1(c)(1).

Defined terms: “Board” § 25–101  
 “License holder” § 1–101

**25–1615. MAXIMUM NUMBER OF CLASS B LICENSES — HOTELS.**

**(A) ADDITIONAL LICENSES AUTHORIZED.**

**THE BOARD MAY ISSUE ADDITIONAL CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSES TO A LICENSE HOLDER FOR PREMISES OPERATED AS A HOTEL.**

**(B) APPLICANT REQUIREMENTS.**

**(1) AN APPLICANT FOR AN ADDITIONAL CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE UNDER THIS SECTION SHALL:**

**(I) HAVE A MINIMUM RESTAURANT SEATING CAPACITY OF 100 INDIVIDUALS; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, MEET THE HOTEL REQUIREMENTS SET FORTH IN § 25–904 OF THIS TITLE.**

**(2) IF THE CAPITAL INVESTMENT IN THE HOTEL EXCEEDS \$3,000,000, THE BUILDING HEIGHT AND ELEVATOR REQUIREMENTS REQUIRED BY § 25–904(B)(1) OF THIS TITLE DO NOT APPLY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102.1(c)(2).

In subsection (a) of this section, the reference to “[t]he Board may issue” additional licenses is substituted for the former phrase “[a] licensee may obtain” additional licenses for clarity.

Also in subsection (a) of this section, the former reference to a “public” hotel is deleted as surplusage.

In subsection (b)(1)(i) of this section, the former phrase “as specified in § 6–201(a)(3) of this article” is deleted as surplusage.

Also in subsection (b)(1)(i) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to “hotel” requirements is substituted for the former reference to “minimum” requirements for clarity.

Defined terms: “Board” § 25–101

“Hotel” § 1–101

“License holder” § 1–101

“On–sale” § 1–101

## **25–1616. MAXIMUM NUMBER OF SPECIAL CULINARY SCHOOL LICENSES.**

### **(A) THREE LICENSE LIMIT.**

**THE BOARD MAY ISSUE NO MORE THAN THREE SPECIAL CULINARY SCHOOL LICENSES TO A SINGLE CULINARY SCHOOL.**

### **(B) EACH LICENSE FOR SEPARATE LOCATION.**

**EACH LICENSE ISSUED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE FOR A SEPARATE LOCATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(q).

In subsection (a) of this section, the former reference “[n]otwithstanding subsection (a) of this section” is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 25–101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **25–1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(q).

The reference to the application of this section “without exception or variation” is added to conform to the terminology used in similar provisions throughout this article.

Defined terms: “County” § 25–101  
 “License” § 1–101

**25–1702. HEARING AND NOTICE REQUIREMENTS.**

**(A) BOARD TO SET HEARING AND POST NOTICE.**

**BEFORE AN APPLICATION FOR A TRANSFER OF A LICENSE IS GRANTED, THE BOARD SHALL:**

**(1) SCHEDULE A PUBLIC HEARING; AND**

**(2) CAUSE THE POSTING OF A SUITABLE NOTICE OF THE HEARING IN A CONSPICUOUS PLACE ON THE PREMISES DESCRIBED IN THE APPLICATION.**

**(B) NOTICE SPECIFICATIONS.**

**THE NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL:**

**(1) SPECIFY THE CLASS OF LICENSE SUBJECT TO THE APPLICATION AND THE TIME, DATE, AND PLACE FOR THE HEARING; AND**

**(2) REMAIN POSTED FOR AT LEAST 30 DAYS BEFORE THE HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(m)(1), as it related to license transfers.

In subsection (a)(1) of this section, the reference to the requirement that the Board “schedule a public hearing” expressly states what was only implicit in the former law, that the Board is required to hold a public hearing on an application for a transfer.

In subsection (b)(1) of this section, the reference to the class of license “subject to the application” is substituted for the former reference to the class of license “applied for” for clarity and consistency.

Defined terms: “Board” § 25–101

“License” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **25–1801. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

#### **(B) EXCEPTION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 25–1802 OF THIS SUBTITLE.**

#### **(C) VARIATION.**

**SECTION 4–405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 25–1803 AND 25–1805 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: "County" § 25-101  
"License" § 1-101

**25-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**(A) TIME FOR FILING.**

**TO RENEW A LICENSE, A LICENSE HOLDER ANNUALLY SHALL FILE AN APPLICATION WITH THE BOARD BETWEEN FEBRUARY 1 AND MARCH 31, INCLUSIVE.**

**(B) LATE FILING.**

**THE BOARD MAY:**

**(1) ACCEPT LATE APPLICATIONS DURING APRIL; AND**

**(2) FINE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(l)(1).

In subsection (a) of this section, the reference to filing an application "with the Board" is added for clarity.

Also in subsection (a) of this section, the former reference to renewal "in accordance with subsection (a) of this section" is deleted as included in the cross reference to the statewide provisions under § 22-1801 of this subtitle.

In subsection (b)(1) of this section, the reference authorizing the Board to "accept" late applications is substituted for the former reference authorizing the Board to "receive" late applications for clarity.

Defined terms: "Board" § 25-101  
"License" § 1-101  
"License holder" § 1-101

**25-1803. PHOTOGRAPH AND FINGERPRINT REQUIREMENTS.**

**A LICENSE RENEWAL APPLICATION SHALL:**

**(1) MEET THE PHOTOGRAPH AND FINGERPRINT REQUIREMENTS OF § 25-1409 OF THIS TITLE; AND**

**(2) BE ACCOMPANIED BY A SWORN STATEMENT BY THE LICENSE HOLDER THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT OR HOTEL FOR THE 12-MONTH PERIOD IMMEDIATELY BEFORE THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-301(l)(2) and 6-201(q)(2)(ii)2.

In item (1) if this section, the reference to “photograph and fingerprint requirements” is added for clarity.

Also in item (1) of this section, the former reference to photograph and fingerprint requirements “as the Board may prescribe” is deleted as unnecessary.

In item (2) of this section, the reference to a requirement that a license renewal application “be accompanied by” a sworn statement “by the license holder” is substituted for the former reference to a requirement that “[a]s a prerequisite for each renewal of a license issued under this subsection, the owner shall attest” in a sworn statement for brevity.

Defined terms: “Alcoholic beverage” § 1-101

“Hotel” § 1-101

“License” § 1-101

“License holder” § 1-101

“Restaurant” § 1-101

**25-1804. CRIMINAL HISTORY RECORDS CHECK APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE APPLIES TO AN APPLICANT FOR LICENSE RENEWAL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(iv)2.

Defined term: “License” § 1-101

**25-1805. EXCEPTION TO REQUIRED CONSENT STATEMENT.**



**A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE LICENSED PREMISES IF THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE BUILDING FOR AT LEAST THE TERM OF THE RENEWED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(f), as it related to Montgomery County.

The reference to the authority to “renew” a license is substituted for the former reference to the authority to “obtain a renewal” for clarity and brevity.

The reference to the required “consent statement” is substituted for the former reference to the required “certificate of approval” for clarity.

The reference to a building “that contains the licensed premises” is substituted for the former reference to a building “in which the business is conducted” for clarity.

The reference to a lease for “at least” the term of renewal is substituted for the former reference to a lease for “not less than” the term of renewal for clarity.

Defined terms: “License” § 1–101  
“License holder” § 1–101

**25–1806. RENEWAL OF LICENSE FOR PREMISES WITH NONCONFORMING USE.**

**(A) IN GENERAL.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY RENEW A LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR PREMISES ON WHICH A LAWFUL NONCONFORMING USE EXISTS.**

**(B) EXCEPTION.**

**THE BOARD MAY NOT RENEW A LICENSE THAT IS LESS RESTRICTIVE THAN ANY LICENSE THAT THE BOARD PREVIOUSLY ISSUED FOR THE PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–216(i), as it related to the authority to renew a license for premises with a nonconforming use.

Defined terms: “Board” § 25–101  
“License” § 1–101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**25-1901. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO §§ 25-1902 AND 25-1903 OF THIS SUBTITLE; AND**
- (2) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”), SUBJECT TO § 25-1904 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 25-101  
 “License” § 1-101  
 “License holder” § 1-101

**25-1902. ALCOHOL AWARENESS PROGRAM — CATERERS.**

**THE ALCOHOL AWARENESS PROGRAM DESCRIBED IN § 4-505 OF THIS ARTICLE APPLIES TO A HOLDER OF A CATERER'S LICENSE ISSUED UNDER § 25-1202 OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(b)(1)(iii).

**25-1903. ALCOHOL AWARENESS PROGRAM — PRESENCE ON LICENSED PREMISES REQUIRED.**

**(A) IN GENERAL.**

**THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL BE:**

**(1) CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM;**  
**AND**

**(2) PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(i)2 and (iii).

In the introductory language of subsection (a) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

In subsection (a)(2) of this section, the reference to being present "on the licensed premises" is added for clarity.

Also in subsection (a)(2) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "alcohol" to conform to the terminology used throughout this article.

Also in subsection (a)(2) of this section, the former phrase “[e]xcept as otherwise provided in subparagraph (iv) of this paragraph” is deleted as unnecessary because former subparagraph (iv) did not apply to Montgomery County.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **25–1904. RETAIL DELIVERY.**

### **(A) REQUIREMENTS FOR DELIVERER AND INDIVIDUAL TAKING DELIVERY.**

**A LICENSE HOLDER MAY NOT MAKE AN OFF–SITE RETAIL DELIVERY OF ALCOHOLIC BEVERAGES UNLESS:**

#### **(1) THE DELIVERER IS AT LEAST:**

**(i) 21 YEARS OLD; OR**

**(ii) 18 YEARS OLD AND IS ACCOMPANIED BY A SUPERVISOR WHO IS AT LEAST 21 YEARS OLD; AND**

**(2) THE INDIVIDUAL TAKING POSSESSION OF THE DELIVERY PROVIDES THE DELIVERER WITH WRITTEN CERTIFICATION THAT IS:**

**(i) IN THE FORM DESCRIBED UNDER § 4–506 OF THIS ARTICLE; AND**

**(ii) SUPPORTED BY DOCUMENTARY PROOF THAT THE INDIVIDUAL IS OF LEGAL AGE TO PURCHASE ALCOHOLIC BEVERAGES.**

### **(B) CERTIFICATIONS.**

**(1) EACH CERTIFICATION EXECUTED UNDER THIS SECTION SHALL BE RETAINED BY THE LICENSE HOLDER FOR AT LEAST 1 YEAR.**

**(2) A CERTIFICATION SHALL BE AVAILABLE FOR EXAMINATION DURING REGULAR BUSINESS HOURS BY AN AUTHORIZED REPRESENTATIVE OF THE BOARD.**

### **(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-301(d)(2) through (4).

In subsection (a)(2) of this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

Former Art. 2B, § 12-301(d)(1), which stated that former Art. 2B, § 12-301(d) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 25-101

"License holder" § 1-101

**25-1905. SALES BY CERTAIN LICENSE HOLDERS LIMITED TO ALCOHOLIC BEVERAGES PURCHASED FROM DEPARTMENT.**

**A LICENSE HOLDER MAY SELL ONLY ALCOHOLIC BEVERAGES PURCHASED FROM THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY IF THE HOLDER'S LICENSE IS:**

- (1) A CLASS A, CLASS B, CLASS H, CLASS C, OR CLASS D BEER LICENSE;**
- (2) A CLASS B, CLASS C, OR CLASS D BEER AND WINE LICENSE; OR**
- (3) A CLASS A-TP, CLASS B, OR CLASS C BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-216(a).

In item (1) of this section, the reference to a Class "H" beer license is substituted for the former reference to a Class "H-TP" license to conform to the nomenclature enacted in Chapter 85 of the Acts of 2015, which repealed the authority of the Board to issue most "TP" licenses. Similarly, in item (2) of this section, the former reference to a Class "D-TP" license is deleted as included in the reference to a Class "D" license; and in item (3) of this section, the former reference to a Class "C-TP" license is deleted as included in the reference to a Class "C" license.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

“County” § 25–101  
“License holder” § 1–101  
“Wine” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**25–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Montgomery County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former references to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **25–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(1) FOR ON–PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

### **(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

### **(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(1) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(E) CLASS H BEER LICENSE.**

**A HOLDER OF A CLASS H BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY;**

**(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(b)(2), (c)(3), (d)(4), (e)(2), and, as they related to Montgomery County, (c)(1), (d)(1), and (e)(1) and, as they related to beer licenses, 11-516(a)(1) and (d).

Throughout this section, references to "may sell beer" are substituted for the former references to "privileges conferred by a ... license ... may be exercised" for brevity.

Former Art. 2B, § 11-301(a)(4), which stated that in Montgomery County the hours of sale for beer licenses are as provided in former Art. 2B, § 11-516(d)(1), is deleted as unnecessary in light of the organization of this revised article.

**25-2003. CLASS A WINE LICENSE.**

**A HOLDER OF A CLASS A WINE LICENSE MAY SELL WINE MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language that, in part, is new language added for clarity and, in part, is derived without substantive change from former Art. 2B, § 11-516(a)(1), as it related to a Class A wine license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours of sale on Monday through Saturday for the Class A wine license issued in Montgomery County are not set out in



statutory law. The hours and days of sale for other Class A licenses in Montgomery County have been added to this section. The Alcoholic Beverages Article Review Committee brings this addition to the attention of the General Assembly.

**25-2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(C) CLASS B-K BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B-K BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AFTER 11 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA SPECIFIED IN § 25-1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.**

**(D) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO MIDNIGHT.**

**(E) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) FOR ON-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(F) CLASS H BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS H BEER AND WINE LICENSE MAY SELL BEER AND WINE FOR ON-PREMISES CONSUMPTION:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(5), (b)(4), (c)(1) and (5), (d)(1) and (5), and (e)(3), and, as it related to hours and days of sale, 8-216(a)(2)(iv)4, and, as it related to the sale of beer and wine in Montgomery County, 11-403(a)(1)(ii), and, as it related to beer and wine licenses, 11-516(a)(1) and (d).

Throughout this section, the phrase "may sell beer and wine", is substituted for the former phrase "[may exercise] the privileges conferred [by the] license" for brevity.

In subsection (a) of this section, the former reference to a "Class A (off-sale) beer" license is deleted as obsolete.

In subsections (b) and (e) of this section, the phrases “for on–premises consumption” and “for off–premises consumption” are substituted for the former references to “on–sale” and “off–sale” for clarity.

In subsection (c) of this section, the former references to a “special” B–K beer and wine license are deleted as surplusage.

In subsection (e) of this section, the former reference to the hours of sale “on any day” is deleted in light of former § 11–516(a), which provides for different hours of sale on Sundays.

Defined terms: “Beer” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

**25–2005. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

**(B) CLASS A–TP BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A–TP BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

**(III) ON SUNDAY:**

**1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

**(D) CLASS B-K BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B-K BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 1 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AFTER 11 P.M. IF THE LICENSED ESTABLISHMENT IS IN A COMMERCIAL AREA SPECIFIED IN § 25-1604(B)(1)(II)9 THROUGH 13 OF THIS TITLE.**

**(E) CLASS B-BWL (H-M) LICENSE.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B-BWL (H-M) BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

**(III) ON SUNDAY:**

**1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS PRESIDENT'S DAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(3) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR CONSUMPTION ON THE PREMISES DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

**(F) CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS BD–BWL BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) FOR ON–PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) FOR OFF–PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(G) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(H) CLASS C CONSUMPTION LICENSE.**

**A HOLDER OF A CLASS C CONSUMPTION LICENSE MAY ALLOW THE ON–PREMISES CONSUMPTION BY A MEMBER OF A CORPORATION, CLUB, OR COUNTRY CLUB FROM 11 A.M. TO 1 A.M. THE FOLLOWING DAY.**

**(I) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH THURSDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY;**

**(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY; AND**

**(III) ON SUNDAY:**

**1. FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**2. FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY IF THE FEDERAL GOVERNMENT HAS DESIGNATED THE FOLLOWING DAY AS WASHINGTON’S BIRTHDAY, MEMORIAL DAY, INDEPENDENCE DAY, LABOR DAY, OR CHRISTMAS.**

**(2) THE LICENSE HOLDER SHALL SELL OR MAKE AVAILABLE FOOD FOR ON-PREMISES CONSUMPTION DURING THE HOURS THAT ALCOHOLIC BEVERAGES ARE PERMITTED TO BE SERVED.**

REVISOR’S NOTE: Subsection (b) of this section is new language added to clarify the hours and days of sale for a Class A–TP beer, wine, and liquor license.

Subsections (c) through (i) of this section are new language derived without substantive change from former Art. 2B, §§ 6–201(q)(7)(vi), 11–303(b)(3) and (c)(4), 11–403(a)(1)(ii), and 11–516(b), (c), and, as it related to beer, wine, and liquor licenses, (a), and, as it related to hours and days of sale, 8–216(a)(2)(iv)4.

Throughout this section, the phrase “may sell beer, wine, and liquor” is substituted for the former phrase “privileges conferred by a ... license may be exercised” for clarity.

In subsection (c)(1)(iii)2 of this section, the former phrase “one of the following holidays” is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of “a holder of a special B–K beer, wine, and liquor license [to] sell beer, wine, and liquor” is substituted for the former reference to the authority “in the town of Kensington, [of] the Montgomery Board of License Commissioners [to] issue” a special B–K beer, wine, and liquor license to conform to the style used throughout this subtitle.

In subsection (h) of this section, the former phrase “pursuant to § 6–301(q)(4) of this article” 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 the hours and days of sale for the Class A–TP beer, wine, and liquor license under subsection (b) of this section were not set out in statutory law. The hours and days of sale have been added to this section. The Alcoholic Beverages Article Review Committee brings this addition to the attention of the General Assembly.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

## **25–2006. HOURS ON JANUARY 1.**

**THE BOARD MAY ISSUE A PERMIT AUTHORIZING A LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION UNTIL 2 A.M. ON JANUARY 1 IF THE LICENSE HOLDER APPLIES TO THE BOARD FOR THE PERMIT AT LEAST 60 DAYS IN ADVANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(q)(2).

The defined term “Board” is substituted for the former reference to “the Commissioners” to conform to the terminology used throughout this article.

The former phrase “[u]pon application to the Board of License Commissioners” is deleted as unnecessary.

The former reference to a “special” permit is deleted as surplusage.

The former reference to a license holder to “stay open” is deleted as implicit in the reference to the authority of a license holder to sell alcoholic beverages.

The former phrase “subject to the provisions of this article” is deleted as implicit in this section.

Former Art. 2B, § 11–402(q)(1), which stated that former Art. 2B, § 11–402(q) applied only in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“License holder” § 1-101

**25-2007. HOURS WHEN CONSUMPTION IS PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A LICENSED PREMISES FOR WHICH ONE OF THE FOLLOWING LICENSES IS ISSUED:**

- (1) A CLASS H BEER LICENSE;**
- (2) A CLASS B, CLASS D, OR CLASS H BEER AND WINE LICENSE; OR**
- (3) A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) IN GENERAL.**

**AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A LICENSED PREMISES FROM 1:30 A.M. TO THE TIME WHEN THE LICENSE HOLDER MAY BEGIN DAILY SALES UNDER THE LICENSE.**

**(C) OWNER OR MANAGER.**

**AN OWNER OR MANAGER OF THE PREMISES OR PLACE MAY NOT KNOWINGLY ALLOW THE CONSUMPTION OF ALCOHOLIC BEVERAGES FROM 1:30 A.M. TO THE TIME WHEN THE LICENSE HOLDER MAY BEGIN DAILY SALES OF ALCOHOLIC BEVERAGES UNDER THE RESPECTIVE LICENSE LISTED IN THIS SECTION.**

**(D) REMOVAL OF CONTAINERS.**

**A LICENSE HOLDER SHALL REMOVE ALL CONTAINERS OF ALCOHOLIC BEVERAGES FROM TABLES ON THE LICENSED PREMISES:**

- (1) ON SUNDAY THROUGH THURSDAY, BEFORE 1:30 A.M.; AND**
- (2) ON FRIDAY AND SATURDAY, BEFORE 2:30 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(q)(2) and (3).

In subsection (a)(1) of this section, the former references to Class B, Class C, and Class D beer licenses are deleted as obsolete, as these licenses are no longer issued in the County. Similarly, in subsection (a)(1)(ii) of this section,



the former reference to a Class C beer and light wine license is deleted as obsolete.

In subsection (c) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Also in subsection (c) of this section, the reference to “the time when the license holder may begin daily sales of alcoholic beverages” is substituted for the former reference to “the next succeeding hour authorized by law for sales to begin under the respective licenses listed in subparagraph (i) of this paragraph” for brevity and clarity.

In subsection (d) of this section, the former word “table” is deleted in light of GP § 1–202, which provides that the singular generally includes the plural, and vice versa.

Former Art. 2B, § 11–304(q)(1), which stated that the provisions of former Art. 2B, § 11–304(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 under subsection (b) of this section, an individual may not consume alcoholic beverages after 1:30 a.m. However, under subsection (d)(2) of this section, a license holder is required to remove all containers of alcoholic beverages from tables on Friday and Saturday before 2:30 a.m.

Defined terms: “Alcoholic beverage” § 1–101  
 “License holder” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **25–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”); AND**

**(2) § 4-606 (“EFFECTS OF REVOCATION”), WHICH IS SUPERSEDED BY § 25-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 25-101

“License” § 1-101

“Local licensing board” § 1-101

**25-2102. EFFECTS OF REVOCATION.**

**IF A LICENSE IS REVOKED, THE BOARD MAY ISSUE A LICENSE FOR THE SAME PREMISES TO A PERSON OTHER THAN THE FORMER LICENSE HOLDER IN THE SAME MANNER AS THE BOARD CONSIDERS AN APPLICATION FOR A NEW LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-404(d).

Defined terms: “Board” § 25-101

“License” § 1-101

“License holder” § 1-101

“Person” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.****25-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 25-101

“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**25–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 25–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**25–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 25–101

**25–2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)9.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 25–101  
“County” § 25–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**25-2501. SELLING, SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A LOCATION UNDER THE CONTROL OR POSSESSION OF AN ESTABLISHMENT MAY NOT:**

- (1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**
- (2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**
- (3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED OR GIVEN ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY PURCHASED OR RESERVED; OR**
- (4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-108.

This section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of "bottle club", for clarity and brevity. In the former law, a "bottle club" was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

The former reference to a bottle club used "so as to evade the alcoholic beverage license laws or hours of operation" is deleted in light of the revised structure of this section.

The former references to "giv[ing]" and "dispens[ing]" alcoholic beverages are deleted in light of the references to "serv[ing]" alcoholic beverages.

Defined term: "Alcoholic beverage" § 1-101

**25-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**SUBTITLE 26. ENFORCEMENT.**

**25-2601. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined term: “County” § 25–101

**25–2602. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Montgomery County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

**25–2603. SEARCH WARRANTS AND EVIDENTIARY PROCEDURES.**

**(A) IN GENERAL.**

**(1) IF A PERSON IS CHARGED WITH VIOLATING § 25–2708 OF THIS TITLE OR WITH SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS OR VISIBLY UNDER THE INFLUENCE OF ALCOHOLIC BEVERAGES, IN VIOLATION OF § 6–304 OR § 6–307 OF THIS ARTICLE, A SEARCH WARRANT TO BE DIRECTED BY THE CHIEF OF POLICE SHALL BE ISSUED FOR THE BUILDING OR VEHICLE IN WHICH THE VIOLATION ALLEGEDLY OCCURRED.**

**(2) A SEARCH WARRANT UNDER THIS SECTION MAY BE ISSUED BY:**

**(i) THE DISTRICT COURT ON REQUEST OF A PERSON WHO CHARGES BEFORE THE DISTRICT COURT THAT A VIOLATION HAS OCCURRED; OR**

**(ii) THE CIRCUIT COURT, ON REQUEST OF A GRAND JURY.**

**(3) IF A VIOLATION IS FOUND, THE CHIEF OF POLICE SHALL KEEP AS EVIDENCE:**

**(I) ALL LIQUOR FOUND IN QUANTITIES AND UNDER CONDITIONS TO INDICATE THAT IT IS KEPT FOR BARTER, SALE, OR GIFT TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS;**

**(II) THE MATERIALS AND INSTRUMENTALITIES FOR MANUFACTURING, DISPENSING, TRANSPORTING, OR OTHERWISE DISPOSING OF THE LIQUOR; AND**

**(III) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

**(B) CHIEF OF POLICE TO WRITE REPORT.**

**(1) THE CHIEF OF POLICE SHALL REPORT THE FACTS OF THE VIOLATION IN WRITING TO THE STATE'S ATTORNEY FOR THE COUNTY.**

**(2) ANY ALCOHOLIC BEVERAGES OR THE MATERIALS AND INSTRUMENTALITIES FOR MANUFACTURING, TRANSPORTING, DISPENSING, OR OTHERWISE DISPOSING OF ALCOHOLIC BEVERAGES OR THE PARAPHERNALIA OF A BARROOM OR SALOON IS PRIMA FACIE EVIDENCE OF THE VIOLATION OF § 25-2708 OF THIS SUBTITLE OR § 6-304, § 6-307, OR § 6-309 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-413(b).

In subsection (a)(1) of this section, the defined term "person" is substituted for the former references to "any person or persons, house, company, association or body corporate" for brevity.

Also in subsection (a)(1) of this section, the reference to "building or vehicle" is substituted for the former references to "house, building or other place or automobile or other vehicle" and "appurtenances" for brevity.

Also in subsection (a)(1) of this section, the requirement that the place or vehicle in which the violation is alleged to have occurred be "specially described" is deleted as unnecessary because such a description is normally required for the issuance of a warrant.

In subsection (a)(2) of this section, the former reference to a "presentment" by the grand jury is deleted as surplusage.

Also in subsection (a)(2) of this section, the former references to "the clerk of the court" are deleted as surplusage.

In the introductory language of subsection (a)(3) of this section, the former requirement that the chief of police “take ... possession and safely” keep as evidence certain items is deleted as surplusage.

In subsection (a)(3)(i) of this section, the reference to “liquor” is substituted for the former reference to “all alcoholic beverages other than beer and light wine,” for brevity. Under former Art. 2B, § 4–101(q), light wine in Montgomery County was defined to include all wine containing up to 22% of alcohol by volume, including naturally fermented or fortified wines.

In subsections (a)(3)(ii) and (b)(2) of this section, the former references to “means” are deleted as included in the references to “materials and instrumentalities”.

In subsections (a)(3)(iii) and (b)(2) of this section, the former references to “part of the paraphernalia” are deleted in light of the reference to the “paraphernalia”.

In subsection (b)(1) of this section, the reference to “the facts of the violation” is added for clarity.

In subsection (b)(2) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “intoxicating liquors” to conform to the terminology used throughout this article.

Also in subsection (b)(2) of this section, the former phrase “as charged or presented” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 25–101

“Person” § 1–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **25–2701. 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) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 25-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 25-2703 OF THIS SUBTITLE; AND

(3) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 25-2704 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 25-101

“License holder” § 1-101

“Retail dealer” § 1-101

**25-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

(A) SUMMONS; BAIL.

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:

(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND

(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(viii), which stated that former Art. 2B, § 12-108(f) applied in Montgomery County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 25-101

"License holder" § 1-101

"State" § 1-101

**25-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 25-101

"License holder" § 1-101

"State" § 1-101

**25-2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-301(a)(2).

The former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19–301(a)(1)(v), which stated that former Art. 2B, § 19–301(a)(2) applied 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 this section does not specify to whom the written consent must be presented.

Defined term: “Alcoholic beverage” § 1–101

**25–2705. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

**IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.**

**(B) PROHIBITED.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:**

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

**A LICENSE HOLDER 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, § 12–110(a), except as it related to the specific penalty, and, as it related to Montgomery County, (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

In subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “mentally retarded” in the Code with “intellectual disability”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to “an employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former references to confinement “in the county jail, or house of correction” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the license holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101  
 “License holder” § 1–101

## **25–2706. GIFT TO BOARD MEMBER OR COUNTY EMPLOYEE PROHIBITED.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR AN EMPLOYEE OF THE PERSON, AND A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

- (1) A MEMBER OF THE BOARD;**
- (2) A COUNTY EMPLOYEE; OR**
- (3) ANYONE ON BEHALF OF THE MEMBER OF THE BOARD OR COUNTY EMPLOYEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(q)(4)(ii).

In the introductory language of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer ... to pay any commission, profit or remuneration or make any gift” for brevity.

Also in the introductory language of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

In items (1) and (3) of this section, the references to a “member of the Board” are substituted for the former references to a “commissioner” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 25–101

“County” § 25–101

“License holder” § 1–101

“Person” § 1–101

**25–2707. PHARMACIST OR PHARMACY USING OR DISPENSING ALCOHOLIC BEVERAGES.**

**(A) PROHIBITED.**

**A PHARMACIST OR PHARMACY MAY NOT USE OR DISPENSE ALCOHOLIC BEVERAGES OTHER THAN THOSE PURCHASED FROM THE COUNTY DEPARTMENT OF LIQUOR CONTROL.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 2 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–216(b).

In subsection (a) of this section, the references to “pharmacist” and “pharmacy” are substituted for the former references to “druggist” and “apothecary” to conform to the terminology used throughout other articles of the Annotated Code of Maryland.

Also in subsection (a) of this section, the former reference to a pharmacist or pharmacy “us[ing] or dispens[ing] alcoholic beverages under the provisions of this article” is deleted as surplusage.

Also in subsection (a) of this section, the reference to the County “Department of Liquor Control” is substituted for the former erroneous reference to the “Liquor Control Board” for Montgomery County.

In subsection (b) of this section, the defined term “person” is substituted for the former reference to “person, persons, house, company, association or body corporate” for brevity.

Also in subsection (b) of this section, the former references to a fine “of not less than one hundred dollars (\$100.00) ... and the cost of prosecution” and imprisonment “for not less than three months” are deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Also in subsection (b) of this section, the reference to “imprisonment” is substituted for the former reference to “confine[ment] in the Maryland House of Correction” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to a fine “or” imprisonment is substituted for the former reference to a fine “and” imprisonment for consistency with other revised articles of the Code. No substantive change is intended.

Also in subsection (b) of this section, the former reference to both “fine and imprisonment in the discretion of the court” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101



“Liquor Control Board” § 25–101  
“Person” § 1–101

**25–2708. SMOKE SCREEN DEVICES.**

**IN A VEHICLE IN WHICH ALCOHOLIC BEVERAGES ARE PRESENT, A PERSON MAY NOT HAVE A SMOKE SCREEN OR OTHER DEVICE TO PREVENT THE ARREST OR SEIZURE OF THE VEHICLE OR AN OCCUPANT OF THE VEHICLE, REGARDLESS OF WHETHER THE DEVICE IS PART OF THE VEHICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–413(a).

The reference to “a smoke screen or other device” is substituted for the former reference to a device “of the type commonly known as a smoke screen” for brevity.

The former reference to a device that “[is] attached as” a part of a vehicle is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**25–2709. SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES CONTRARY TO ARTICLE PROHIBITED.**

**(A) IN GENERAL.**

**EXCEPT AS SPECIFICALLY AUTHORIZED OR PROVIDED IN THIS ARTICLE AND EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN A LICENSED ESTABLISHMENT OR OTHER LICENSED PREMISES THAT IS OPEN TO THE PUBLIC:**

**(1) A PERSON MAY NOT SELL OR PROVIDE ALCOHOLIC BEVERAGES;**  
AND

**(2) ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED.**

**(B) EXCEPTION.**

**SUBSECTION (A) OF THIS SECTION DOES NOT APPLY IN THE ROOM OF A REGISTERED GUEST IN A HOTEL THAT MEETS THE MINIMUM REQUIREMENTS UNDER § 6–201(Q) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(c).

In the introductory language of subsection (a) of this section, the reference to a "licensed establishment" is substituted for the former reference to a "restaurant, tavern, hotel, club, place of public entertainment" for brevity.

In subsection (a)(1) of this section, the former references to "give, serve, dispense, keep or allow to be consumed" are deleted as included in the references to "sell" and "provide".

Also in subsection (a)(1) of this section, the former reference to a "corporation, club or organization" is deleted as included in the defined term "person".

Defined terms: "Alcoholic beverage" § 1-101

"Hotel" § 1-101

"Person" § 1-101

## **SUBTITLE 28. PENALTIES.**

### **25-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 25-101

### **25-2802. PENALTY IMPOSED BY BOARD.**

#### **(A) FINE IN LIEU OF SUSPENSION OR REVOCATION ALLOWED.**

**IN LIEU OF SUSPENDING OR REVOKING A LICENSE FOR ANY CAUSE FOR WHICH LICENSE SUSPENSION OR REVOCATION IS NOT REQUIRED, THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$20,000 FOR EACH CASE, IF:**

**(1) THE BOARD DETERMINES THAT THE PUBLIC WELFARE AND MORALS WOULD NOT BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

**(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SUBSECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

**(C) WRITTEN RESOLUTION REQUIRED.**

**(1) WHEN IMPOSING A FINE ON A LICENSE HOLDER OR SUSPENDING OR REVOKING A LICENSE, THE BOARD SHALL ADOPT A WRITTEN RESOLUTION CONTAINING:**

**(I) A STATEMENT OF THE FACTS AND FINDINGS FORMING THE BASIS FOR THE DECISION;**

**(II) THE VOTE OF EACH MEMBER OF THE BOARD ON THE DECISION; AND**

**(III) INFORMATION AS TO THE PROCEDURES FOR APPEALING THE DECISION.**

**(2) A COPY OF THE RESOLUTION SHALL BE MAILED OR HAND DELIVERED TO THE LICENSE HOLDER.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(q).

In the introductory language of subsections (a) and (c) of this section, former references to “pursuant to ... § 10–401 of this article” are deleted as surplusage.

In the introductory language of subsection (a) of this section, the reference “not required” is substituted for the former reference to “permitted but not required” for brevity.

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” to conform to the terminology used throughout this article.

In subsection (d) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Defined terms: “Board” § 25–101

“County” § 25–101

“License” § 1–101

“License holder” § 1–101

## **TITLE 26. PRINCE GEORGE’S COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **26–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Prince George’s County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS PRINCE GEORGE’S COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to "Prince George's County".

**(D) LIGHT WINE.**

**"LIGHT WINE" MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4-101(a) and (r).

The defined term "wine" is substituted for the former reference to "a fermented beverage" to conform to the terminology used throughout this article.

Defined term: "Wine" § 1-101

**(E) TAXPAYER.**

**"TAXPAYER" MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO THE COUNTY.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1-102(b)(3), as it related to Prince George's County.

The phrase "to the County" is added for clarity.

Defined term: "County" § 26-101

**26-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN PRINCE GEORGE'S COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**26-103. KEG REGISTRATION.**

**(A) "IDENTIFICATION NUMBER" DEFINED.**

**IN THIS SECTION, "IDENTIFICATION NUMBER" MEANS THE IDENTIFYING NUMBER:**

**(1) ON THE PURCHASER'S DRIVER'S LICENSE;**

**(2) IF THE PURCHASER IS A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD AS PROVIDED FOR IN THE TRANSPORTATION ARTICLE;**

**(3) IF THE PURCHASER IS NOT A RESIDENT OF THE STATE, ON THE PURCHASER'S IDENTIFICATION CARD THAT IS ISSUED BY THE PURCHASER'S HOME STATE OR JURISDICTION; OR**

**(4) ON A UNITED STATES MILITARY IDENTIFICATION CARD.**

**(B) APPLICATION OF GENERAL PROVISIONS.**

**SECTION 5-303 ("KEG REGISTRATION") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO SUBSECTION (C) OF THIS SECTION.**

**(C) REGISTRATION FORM.**

**(1) THE KEG LICENSE HOLDER SHALL COMPLETE A REGISTRATION FORM WITH:**

**(I) THE PURCHASER'S NAME;**

**(II) THE DATE OF PURCHASE; AND**

**(III) THE PURCHASER'S ADDRESS AS SHOWN ON THE IDENTIFICATION PRODUCED OR, IF THE INDIVIDUAL PROVIDES A UNITED STATES MILITARY IDENTIFICATION CARD AS IDENTIFICATION, THE ADDRESS THAT THE PURCHASER PROVIDES.**

**(2) THE PURCHASER SHALL SIGN THE COMPLETED REGISTRATION FORM.**

**(3) THE KEG LICENSE HOLDER SHALL RECORD ON THE COPY OF THE REGISTRATION FORM RETAINED BY THE KEG LICENSE HOLDER THE PURCHASER'S IDENTIFICATION NUMBER AND THE DATE THAT THE PURCHASER'S IDENTIFICATION WAS ISSUED.**

REVISOR'S NOTE: Subsections (a) and (c) of this section are new language derived without substantive change from former Art. 2B, § 21-106(c).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to keg registration.

Defined terms: “County” § 26–101  
“State” § 1–101

**26–104. MUNICIPAL LICENSE FEE AUTHORIZED.**

**NOTWITHSTANDING § 1–203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE FEE PAYABLE UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–101(b)(2).

The phrase “[n]otwithstanding § 1–203 of this article,” is added for clarity.

Former Art. 2B, § 8–101(b)(1)(i), which stated that former Art. 2B, § 8–101(b) applied to Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
“License holder” § 1–101

**26–105. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 26–101

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**26-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR PRINCE GEORGE'S COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Prince George's County exists.

**26-202. MEMBERSHIP.****(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**(1) (I) FOUR MEMBERS OF THE BOARD SHALL BE, AT THE TIME OF APPOINTMENT, MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(II) ONE MEMBER OF THE BOARD SHALL BE, AT THE TIME OF APPOINTMENT, A MEMBER OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(2) (I) BEFORE MAKING AN APPOINTMENT OR FILLING A VACANCY, THE GOVERNOR SHALL REQUEST THE CENTRAL COMMITTEES FOR THE COUNTY REPRESENTING EACH OF THE TWO LEADING POLITICAL PARTIES OF THE STATE TO DESIGNATE AT LEAST FOUR ELIGIBLE CANDIDATES FOR EACH POSITION TO BE FILLED.**



(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE GOVERNOR SHALL APPOINT ONE OF THE DESIGNATED INDIVIDUALS.

(III) IF THE GOVERNOR DECIDES THAT ALL OF THE INDIVIDUALS ARE UNFIT OR INCOMPETENT, THE GOVERNOR:

1. MAY NOT APPOINT ANY OF THE INDIVIDUALS;

2. SHALL FILE A WRITTEN STATEMENT WITH THE SECRETARY OF STATE, SETTING FORTH THE FACTS AND THE GROUNDS FOR THE DECISION AND CALLING ON THE CENTRAL COMMITTEES FOR A NEW LIST OF SIX NAMES FOR EACH POSITION TO BE FILLED; AND

3. SHALL MAKE THE APPOINTMENTS FROM THE NEW LIST AND THE ORIGINAL LIST.

(3) A MEMBER SHALL BE:

(I) A RESIDENT AND VOTER OF THE COUNTY; AND

(II) A PERSON OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.

(C) RESTRICTIONS — IN GENERAL.

(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.

(2) A MEMBER OF THE BOARD MAY NOT:

(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;

(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES IN THE STATE;

(III) OWN STOCK IN:

1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES IN THE STATE WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR

2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES IN THE STATE; OR

(IV) SOLICIT OR RECEIVE A COMMISSION, REMUNERATION, OR GIFT FROM:

1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES OR AN AGENT OR EMPLOYEE OF THE PERSON; OR

2. A LICENSE HOLDER.

**(D) RESTRICTIONS — POLITICAL CONTRIBUTIONS.**

(1) IN THIS SUBSECTION, “CANDIDATE”, “CONTRIBUTION”, AND “POLITICAL COMMITTEE” HAVE THE MEANINGS STATED IN § 1-101 OF THE ELECTION LAW ARTICLE.

(2) A MEMBER OF THE BOARD MAY NOT SOLICIT OR TRANSMIT A CONTRIBUTION FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE FROM:

(I) A PERSON ENGAGED IN THE SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY OR AN AGENT OR EMPLOYEE OF THE PERSON; OR

(II) A LICENSE HOLDER.

**(E) TENURE.**

(1) THE TERM OF A MEMBER IS 3 YEARS.

(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.

**(F) VACANCIES.**

(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE

**INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(G) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

**(H) RESIGNATION.**

**(1) IF A MEMBER OF THE BOARD STOPS RESIDING IN OR BEING A REGISTERED VOTER OF THE COUNTY, THE MEMBER SHALL IMMEDIATELY FORFEIT THE OFFICE AS A LICENSE COMMISSIONER FOR THE COUNTY.**

**(2) (I) A MEMBER OF THE BOARD MAY NOT SERVE IN ANY OTHER POSITION OF PUBLIC OFFICE.**

**(II) ON FILING A CERTIFICATE OF CANDIDACY FOR ELECTION TO A PUBLIC OFFICE OR WITHIN 30 DAYS BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR THE PUBLIC OFFICE SOUGHT, WHICHEVER OCCURS LATER, A MEMBER OF THE BOARD SHALL CERTIFY TO THE COUNTY BOARD OF ELECTIONS UNDER OATH THAT THE INDIVIDUAL IS NO LONGER A MEMBER OF THE BOARD.**

**(III) THE CERTIFICATION SHALL BE ACCOMPANIED BY A LETTER ADDRESSED TO THE GOVERNOR CONTAINING THE RESIGNATION OF THE MEMBER FROM THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-101(a)(3), (4), and as it related to members of the Board, (1) and (r)(2) through (4), 15-110(a), and 15-112(r)(8), (9), and (10)(i) and, as they related to members of the Board, (4), (7), and (10)(ii).

In subsections (a) and (b) of this section, the references to “member[s]” are substituted for the former references to “Commissioner[s]” to conform to the terminology used throughout this title.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1) of this section, the references that appointees be a member of a party “at the time of appointment” are added for clarity.

Also in subsection (b)(1) of this section, the references to the last “preceding” gubernatorial election are added for clarity and consistency with other similar provisions of this article.

Also in subsection (b)(1) of this section, the references to “poll[ing]” a certain number of votes is substituted for the former reference to “obtaining” votes for consistency with other similar provisions of this article.

Also in subsection (b)(1) of this section, the former redundant reference prohibiting more than four Board members from belonging to the same political party is deleted as included in the provisions requiring that four members be appointed from one party and one member from another party.

In subsection (b)(1)(i) of this section, the former reference to the gubernatorial “general” election is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to the “second” highest number of votes is substituted for the former reference to the “next” highest number for clarity.

In subsection (b)(2)(ii) and (iii)1 of this section, the references to “individuals” are substituted for the former references to “persons” because only a human being and not the other entities included in the definition of “person” can be appointed to the Board.

In the introductory language of subsection (b)(2)(iii) of this section, the reference to the Governor’s “deci[sion]” is substituted for the former reference to the Governor’s “judgment” for clarity.

In subsection (b)(2)(iii)2 and 3 of this section, the references to a “new” list are substituted for the former references to “another” list and “which” list for clarity.

In subsection (b)(2)(iii)2 of this section, the reference to the “central committees” is substituted for the former reference to “committees for Prince George’s County” for clarity and brevity.

In the introductory language of subsections (c)(2) and (d)(2) of this section, the references to a “member” of the Board are substituted for the former references to a “commissioner” of the Board to conform to the terminology used throughout this article.

In subsection (c)(2)(iv) of this section, the former reference to any gift “whatsoever” is deleted as surplusage.

In subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references to “beer or other” alcoholic beverages are deleted as included in the defined term “alcoholic beverage[s]”.

Also in subsections (c)(2)(iv)1 and (d)(2)(i) of this section, the former references to “corporation” are deleted as included in the defined term “person”.

In subsection (c)(2)(iv)2 of this section, the defined term “license holder” is substituted for the former reference to “any licensee, licensed under the provisions of this article” for brevity. Similarly, in subsection (d)(2)(ii) of this section, the defined term “license holder” is substituted for the former reference to a “[l]icensee licensed under the provisions of this article”.

In subsection (e)(2) of this section, the date of “July 1, 2016” is substituted for the former obsolete date of “July 1, 1985”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Prince George’s County.

In subsection (f)(2) of this section, the clause “until a successor is appointed and qualifies” is standard language added to avoid gaps in membership by indicating that a member serves until a successor takes office. This addition is supported by the cases of *Benson v. Mellor*, 152 Md. 481 (1927), and *Grooms v. LaVale Zoning Board*, 27 Md. App. 266 (1975).

In subsection (g)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (g)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

In subsection (h) of this section, the references to a “member of the Board” are substituted for the former references to a “commissioner” to conform to the terminology used throughout this title.

In subsection (h)(2)(ii) of this section, the former reference to the Board “of Supervisors” of Elections is deleted as obsolete.

Former Art. 2B, § 15–101(r)(1), which stated that former Art. 2B, § 15–101(r) applied in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License holder” § 1–101

“Person” § 1–101

“State” § 1–101

### **26–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Prince George’s County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in fact, the Board elects its own chair. The General Assembly may wish to change the revision to reflect current practice.

Defined term: “Board” § 26–101

### **26–204. MEETINGS; COMPENSATION.**

#### **(A) MEETINGS.**

**THE BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

#### **(B) COMPENSATION.**

**(1) (I) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$22,000 ANNUALLY.**

**(II) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$20,000 ANNUALLY.**

**(2) THE CHAIR AND EACH OTHER MEMBER OF THE BOARD ARE ELIGIBLE FOR:**

**(I) ALL COUNTY HEALTH BENEFITS; AND**

**(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE STATE RETIREMENT AND PENSION SYSTEM.**

**(3) THE HEALTH BENEFITS UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION INCLUDE HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL CARE, LIFE INSURANCE, AND EXPENSE REIMBURSEMENT.**

**(4) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (2) OF THIS SUBSECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–109(r)(2), (3), and (7)(ii) and, as they related to the members of the Board, (i) and (iv).

In subsection (b)(1)(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)(2) of this section, the reference to “[t]he chair and each other member” of the Board is substituted for the former reference to “[m]embers” of the Board for clarity.

In subsection (b)(2)(ii) of this section, the reference to the State Retirement and Pension System is substituted for the obsolete reference to the State Employees’ Pension System.

Defined terms: “Board” § 26–101  
“County” § 26–101

**26–205. STAFF; BUDGET.**

**(A) STAFF.**

**SUBJECT TO THIS SECTION AND § 26–206 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(B) ADMINISTRATOR.**

**(1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**

**(2) THE ADMINISTRATOR SHALL SERVE AT THE WILL OF THE BOARD AND DEVOTE FULL TIME TO THE DUTIES OF THE BOARD.**

**(3) THE ADMINISTRATOR MAY RECEIVE A SALARY OF \$40,705 ANNUALLY AS DETERMINED BY THE BOARD AFTER A PERFORMANCE EVALUATION.**

**(4) (I) THE ADMINISTRATOR IS ELIGIBLE TO PARTICIPATE IN THE COUNTY’S SUPPLEMENTAL RETIREMENT PLAN.**

**(II) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

**(C) ATTORNEY.**

**(1) THE BOARD SHALL APPOINT AN ATTORNEY WHO SHALL SERVE AT THE WILL OF THE BOARD.**

**(2) THE COUNTY COUNCIL SHALL PAY THE ATTORNEY:**

**(I) A SALARY OF \$18,500 ANNUALLY;**

**(II) ALL COURT COSTS AND EXPENSES INCURRED WHILE PERFORMING THE DUTIES OF ATTORNEY; AND**



**(III) LEGAL FEES THAT THE BOARD APPROVES FOR REPRESENTING THE BOARD IN COURT.**

**(3) THE BOARD SHALL ESTABLISH THE FEE RATE FOR REPRESENTING THE BOARD IN COURT.**

**(4) THE ATTORNEY IS ELIGIBLE FOR:**

**(I) ALL COUNTY HEALTH BENEFITS, INCLUDING HOSPITALIZATION, VISION CARE, PRESCRIPTIONS, DENTAL CARE, LIFE INSURANCE, AND EXPENSE REIMBURSEMENT; AND**

**(II) MEMBERSHIP IN AND RETIREMENT BENEFITS OF THE STATE RETIREMENT AND PENSION SYSTEM.**

**(5) THE COUNTY EXECUTIVE AND COUNTY COUNCIL MAY NOT ADOPT THROUGH PUBLIC LOCAL LAW A POLICY CONTRARY TO PARAGRAPH (4) OF THIS SUBSECTION.**

**(D) RESTRICTIONS ON EMPLOYEES.**

**(1) THE RESTRICTIONS UNDER § 26-202(C) AND (D) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES AND SOLICITING OR TRANSMITTING POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE APPLY TO EMPLOYEES OF THE BOARD.**

**(2) AN EMPLOYEE OF THE BOARD:**

**(I) SHALL DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD DURING THE HOURS DESIGNATED BY THE BOARD FOR THE PERFORMANCE OF THE EMPLOYEE'S OFFICIAL DUTIES;**

**(II) MAY NOT ENGAGE IN AN OCCUPATION, BUSINESS, OR PROFESSION CONNECTED TO OR ASSOCIATED WITH THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; AND**

**(III) MAY NOT TRANSACT BUSINESS BEYOND THE EMPLOYEE'S OFFICIAL DUTIES:**

**1. WITH A LICENSE HOLDER; OR**

**2. IN CONNECTION WITH THE OPERATION OF AN ESTABLISHMENT LICENSED FOR THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES.**

**(3) AN EMPLOYEE OF THE BOARD WHO VIOLATES THIS SECTION SHALL BE REMOVED.**

**(E) BUDGET.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ON THE SUBMISSION BY THE BOARD OF AN ANNUAL BUDGET, THE COUNTY COUNCIL SHALL PAY FOR ALL EXPENSES OF THE BOARD.**

**(2) IN THE BUDGET, THE SALARIES OF THE MEMBERS AND THE ATTORNEY FOR THE BOARD AND ANY ADDITIONAL COMPENSATION FOR LEGAL FEES FOR THE ATTORNEY SHALL BE APPROVED AS SET FORTH UNDER SUBSECTION (C) OF THIS SECTION AND § 26-204 OF THIS SUBTITLE.**

**(3) EXCEPT AS PROVIDED IN § 26-206(G) OF THIS SUBTITLE, PAYMENTS FOR ALL OTHER EXPENSES SHALL BE AT THE DISCRETION OF THE COUNTY COUNCIL, INCLUDING:**

**(I) THE SALARY OF THE ADMINISTRATOR UNDER SUBSECTION (B)(3) OF THIS SECTION;**

**(II) COMPENSATION OF OTHER PERSONNEL, WHO SHALL BE QUALIFIED AND EMPLOYED UNDER THE COUNTY MERIT SYSTEM;**

**(III) PRINTING;**

**(IV) SUPPLIES; AND**

**(V) OFFICE SPACE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-109(r)(4), (5), (6), and (7)(ii), (iii), and (iv) and 15-112(a)(2) and (r)(5), (6), and (10)(i) and, as it related to the Board attorney, 15-109(r)(7)(i), as it related to the Board administrator and attorney, 15-112(r)(2), and, as they related to a Board employee, 15-112(r)(4), (7), and (10)(ii).

In subsection (a)(1)(iii) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

In subsections (b)(2) and (d)(2)(i) of this section, the former references to “attention” are deleted in light of the references to “full time”.

In subsection (c)(2)(ii) of this section, the reference to costs and expenses incurred “while performing the duties” is substituted for the former reference to costs and expenses incurred “therein” for clarity.

In subsection (c)(5) of this section, the former reference to County “personnel law” is deleted as included in the reference to County “public local law[s]”.

In subsection (d)(1) of this section, the cross-reference to “§ 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverage activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee” is substituted for the provisions in former Art. 2B, § 15–112(r)(4), (7), and (10) applying to employees for brevity.

In subsection (d)(2)(i) and (iii) of this section, the reference to “the employee’s” is substituted for the former reference to “their” for clarity.

In subsection (d)(2)(ii) of this section, the former phrase “in any way” is deleted as surplusage.

In subsection (d)(2)(iii) of this section, the former reference to business “of any kind whatsoever” is deleted as surplusage.

In subsection (e)(2) of this section, the cross-reference to “subsection (c) of this section and § 26–204 of this subtitle” is substituted for the former reference to “as hereinbefore” set forth for clarity. Similarly, in subsection (e)(3)(i) of this section, the cross-reference to “subsection (b)(3) of this section” is substituted for the former reference to “as limited herein”.

In the introductory language of subsection (e)(3) of this section, the former phrase “but not restricted to”, which formerly modified “including”, is deleted in light of GP § 1–110, which provides that the term “including” is used “by way of illustration and not by way of limitation”.

Former Art. 2B, § 15–109(r)(1), which provided that former Art. 2B, § 15–109(r) applied only in Prince George’s 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 subsection (b)(3) of this section establishing the annual salary for the Board administrator “as determined by the Board” is ambiguous. The General Assembly may wish to clarify this provision of law,

perhaps by explicitly stating a maximum annual salary for the Board administrator.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License holder” § 1–101

**26–206. INSPECTORS.**

**(A) APPOINTMENT.**

**THE BOARD SHALL APPOINT ALL OF ITS INSPECTORS.**

**(B) POWERS.**

**AN INSPECTOR:**

**(1) HAS ALL THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE;**

**(2) MAY ISSUE A CIVIL CITATION UNDER § 26–2603 OF THIS TITLE;**

**AND**

**(3) HAS THE AUTHORITY TO ORDER THAT AN UNLICENSED ESTABLISHMENT BE CLOSED IMMEDIATELY UNDER § 26–2501 OF THIS TITLE.**

**(C) DUTIES.**

**AN INSPECTOR SHALL:**

**(1) VISIT AND INSPECT PERIODICALLY EVERY LICENSED PREMISES;**

**AND**

**(2) CARRY OUT OTHER DUTIES THAT THE BOARD REQUIRES.**

**(D) RESTRICTIONS.**

**INSPECTORS ARE SUBJECT TO THE RESTRICTIONS UNDER:**

**(1) § 26–202(C) AND (D) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES**

**ACTIVITIES AND SOLICITING OR TRANSMITTING POLITICAL CONTRIBUTIONS FOR THE BENEFIT OF A CANDIDATE OR POLITICAL COMMITTEE; AND**

**(2) § 26-205(D) OF THIS SUBTITLE REQUIRING AN EMPLOYEE TO DEVOTE FULL TIME TO THE BUSINESS OF THE BOARD, PROHIBITING CERTAIN ACTIVITIES, AND REQUIRING REMOVAL FOR VIOLATION OF THOSE REQUIREMENTS AND PROHIBITIONS.**

**(E) OATH.**

**AN INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(F) NUMBER OF INSPECTORS.**

**(1) THERE ARE THREE FULL-TIME INSPECTORS AND 24 PART-TIME INSPECTORS OF THE BOARD.**

**(2) TO BE A FULL-TIME OR PART-TIME INSPECTOR, AN INDIVIDUAL SHALL BE A RESIDENT OF THE COUNTY.**

**(3) (I) FROM THE FULL-TIME INSPECTORS, THE BOARD SHALL DESIGNATE ANNUALLY A CHIEF INSPECTOR AND TWO DEPUTY CHIEF INSPECTORS.**

**(II) UNDER THE DIRECTION OF THE BOARD, THE CHIEF INSPECTOR SHALL REGULATE THE DUTIES, HOURS, AND ASSIGNMENTS OF THE INSPECTORS.**

**(4) THE FULL-TIME INSPECTORS WHO ARE CERTIFIED BY THE PERSONNEL DIRECTOR AS MEETING THE STANDARDS THAT THE COUNTY MERIT BOARD SETS OUT ARE INCLUDED IN THE COUNTY MERIT SYSTEM.**

**(G) SALARY.**

**A PART-TIME INSPECTOR SHALL RECEIVE A SALARY OF \$13,900 ANNUALLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(r)(3), (5), (6), and (10)(i) and, as they related to inspectors, (2), (4), (7), and (10)(ii).

In subsection (a) of this section, the former requirement that the inspectors "[b]e known as 'alcoholic beverages inspectors for Prince George's County'" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is added for clarity.

Also in subsection (b)(1) of this section, the former reference to a “constable” is deleted as unnecessary in light of the reference to a “peace officer”.

In subsection (b)(2) of this section, the cross-reference to “§ 26–2603 of this title” is added for clarity.

In subsection (b)(3) of this section, the reference to “an unlicensed establishment” is substituted for the former reference to “a bottle club” to conform to the terminology used throughout this title.

In subsection (d)(1) of this section, the cross-reference to “§ 26–202(c) and (d) of this subtitle regarding direct and indirect interests of members of the Board in alcoholic beverages activities and soliciting or transmitting political contributions for the benefit of a candidate or political committee” is substituted for the provisions in former Art. 2B, § 15–112(r)(4), (7), and (10) applying to inspectors for brevity. Similarly, in subsection (d)(2) of this section, the cross-reference to “§ 26–205(d) of this subtitle requiring an employee to devote full time to the business of the Board, prohibiting certain activities, and requiring removal for violation of those requirements and prohibitions” is substituted for the provisions of former Art. 2B, § 15–112(r)(5) and (6).

In subsection (e) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “[m]ake oath to faithfully perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution” for brevity.

In subsection (f)(4) of this section, the reference to inspectors being “included in” the County merit system is substituted for the former reference to being “entitled to the provisions of” the County merit system for clarity.

Former Art. 2B, § 15–112(r)(1), which provided that former Art. 2B, § 15–112(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“State” § 1–101

## **26–207. DISPOSITION OF LICENSE FEES.**

### **(A) IN GENERAL.**

**THE DIRECTOR OF FINANCE SHALL COLLECT FEES FOR THE COUNTY EXECUTIVE AND COUNTY COUNCIL.**

**(B) COLLECTION AND USE OF FEES.**

**THE COUNTY EXECUTIVE AND COUNTY COUNCIL SHALL:**

**(1) USE THE FEES COLLECTED TO PAY:**

**(I) REFUNDS ISSUED IN ACCORDANCE WITH § 26-1410 OF THIS TITLE; AND**

**(II) THE SALARIES AND EXPENSES OF THE BOARD; AND**

**(2) CREDIT THE BALANCE OF THE FEES COLLECTED TO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(a)(2) and (r).

Defined terms: "Board" § 26-101

"County" § 26-101

**26-208. REGULATIONS.**

**IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE IN THIS ARTICLE, THE BOARD MAY ADOPT REGULATIONS:**

**(1) REGARDING THE PRESENCE OF ANY INDIVIDUAL UNDER THE AGE OF 21 YEARS ON A PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES;**

**(2) REGARDING LICENSED PREMISES AND THE CONDUCT OF BUSINESS BY LICENSE HOLDERS AND THEIR EMPLOYEES IN RELATION TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES;**

**(3) TO REQUIRE THE MAINTENANCE OF RECORDS ON THE LICENSED PREMISES BY THE LICENSE HOLDER CONTAINING THE NAMES, ADDRESSES AND AGES OF ALL INDIVIDUALS EMPLOYED BY THE LICENSE HOLDER ON THE PREMISES; AND**

**(4) TO MAINTAIN STANDARDS FOR SANITATION AND HEALTH, INCLUDING PROVISIONS FOR:**

- (I) ADEQUATE AND SANITARY FACILITIES FOR CONSUMPTION OF ALCOHOLIC BEVERAGES;**
- (II) SAFE WATER AND PLUMBING FACILITIES;**
- (III) PROPER UTENSIL CLEANING AND STORAGE;**
- (IV) REFUSE DISPOSAL AND RODENT CONTROL; AND**
- (V) THE PREPARATION AND SERVICE OF MEALS OR OTHER FOOD WITH ALCOHOLIC BEVERAGES; AND**
- (5) TO OTHERWISE CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–217(a)(2) and, as it related to the authority of the Board to adopt regulations, 16–301(a).

In the introductory language of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Prince George’s County.

Also in the introductory language of this section, the former reference to “duties” is deleted as surplusage, as this section lists only regulations that the Board may elect but are not required to adopt.

Also in the introductory language of this section, the former reference to “rules” is deleted as unnecessary in light of the reference to “regulations”.

Also in the introductory language of this section, the former language “as they deem necessary” is deleted as surplusage.

Also in the introductory language of this section, the phrase “may adopt” is substituted for the former language “in addition to or in lieu of the provisions stated in this section the Board shall prescribe and have the power to enforce such rules and regulations as it may adopt” for brevity.

In item (1) of this section, the reference to “individual” is substituted for the former reference to “person” because this section concerns only human beings. Similarly, in item (3) of this section, the reference to “individuals” is substituted for the former reference to “persons”.



In item (4) of this section, the former language “such other regulations as may be deemed necessary for” is deleted as surplusage.

In item (5) of this section, the reference to the Board “adopt[ing] regulations to otherwise carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by this article for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License holder” § 1–101

### **SUBTITLE 3. LIQUOR CONTROL.**

#### **26–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 26–101

### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

#### **26–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**

- (6) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (7) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (14) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 26-403 OF THIS SUBTITLE; AND**
- (2) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 26-405 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 26–101  
“Manufacturer’s license” § 1–101

**26–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(12).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**26–403. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; AND**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE 22ND ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY.**

**(C) HOURS AND DAYS OF SALE.**

**IN THE 22ND ALCOHOLIC BEVERAGES DISTRICT OF THE COUNTY ONLY, FOR A HOLDER OF A CLASS D LICENSE THE HOURS AND DAYS FOR RETAIL SALES UNDER**

**THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xvii) and (3)(i) and (iii)1, and (f)(2).

Defined terms: "Beer" § 1-101  
 "County" § 26-101  
 "License" § 1-101  
 "On-sale" § 1-101  
 "Restaurant" § 1-101  
 "Wine" § 1-101

**26-404. CLASS B-MB/22 LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-MB/22 LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE IN THE 22ND LEGISLATIVE DISTRICT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR BY THE DRINK FOR ON-PREMISES CONSUMPTION.**

**(D) ADDITIONAL LICENSE AUTHORIZED.**

**A LICENSE HOLDER MAY ALSO HOLD A CLASS D LICENSE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,090.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(14).

In subsection (a) of this section, the reference to a license "in the County" is added for consistency within this subtitle.

Defined term: "County" § 26-101

**26-405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) CONSTRUCTION OF SECTION.**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

**(2) FOR PURPOSES OF CONSTRUING § 2-215 OF THIS ARTICLE:**

**(I) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(II) A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR § 2-215 OF THIS ARTICLE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-217(c), (d), (e), and, as it related to a license holder, (f).

In subsection (a)(2) of this section, the former phrase "in addition to currency" is deleted as surplusage.

In subsection (b) of this section, the reference to a "person" is substituted for the former reference to a "manufacturer" for consistency with other similar provisions of the Code.

Former Art. 2B, § 12-217(a) is deleted as unnecessary in light of the revised structure of this article.

Former Art. 2B, § 12-217(b), which prohibited the sale of alcoholic beverages at retail except for cash, is deleted as obsolete.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(2)(ii) of this section states that a check that is given in payment for “alcoholic beverages” to a license holder and is returned uncollected is prima facie evidence in a civil case of a violation of this section “or § 2–215 of this article”. Section 2–215, however, concerns the sale only of beer and not of any other type of alcoholic beverage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Person” § 1–101

### **SUBTITLE 5. WHOLESALER’S LICENSES.**

#### **26–501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);**
- (3) § 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);**
- (4) § 2–304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (5) § 2–305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (6) § 2–306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (7) § 2–307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (8) § 2–308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (9) § 2–309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**
- (10) § 2–310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);**

(11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);

(12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);

(13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);

(14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);

(15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATION.**

**SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 26-101  
“Wholesaler’s license” § 1-101

**26-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 26-503 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

**26-503. 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 OF 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.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–102(b) and 11–517(h).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**26–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) CONSTRUCTION OF SECTION.**

**FOR PURPOSES OF APPLYING § 2–314 OF THIS ARTICLE:**



**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION BY THE LICENSE HOLDER IS CONSIDERED CASH; AND**

**(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A LICENSE HOLDER AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A VIOLATION BY THE WHOLESALER OF § 2-314 OF THIS ARTICLE.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-217(c), (d), and, as it related to a holder of a wholesaler's license, (f).

In subsection (a)(1) of this section, the phrase "of beer" is added for clarity.

In subsection (a)(2) of this section, the former phrase "in addition to currency" is deleted as surplusage.

In subsection (a)(3) of this section, the phrase "by the wholesaler" is added for clarity.

Also in subsection (a)(3) of this section, the former phrase "in any civil case" is deleted because a proceeding relating to a violation of § 2-314 of this article is an administrative action rather than a civil case.

In subsection (b) of this section, the reference to a "person" is substituted for the former reference to a "wholesaler" for consistency with other similar provisions of the Code.

Defined terms: "Beer" § 1-101

"Person" § 1-101

"License holder" § 1-101

**SUBTITLE 6. BEER LICENSES.**

**26-601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**26-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT ON THE PREMISES DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE HOLDER WHO HELD THIS CLASS OF LICENSE BEFORE JULY 1, 1975, AND WHO HAS BEEN SELLING BEER FOR OFF-PREMISES CONSUMPTION MAY CONTINUE TO DO SO.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the reference to "on-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" in accordance with the rule followed in this revision, that a provision of this article that is applicable to a specific jurisdiction prevails over an inconsistent general provision.

Also in subsection (b)(1) of this section, the former reference to the prohibition that "the Board of License Commissioners for Prince George's County may not issue" a license with other than on-sale privileges is deleted as surplusage.

In subsection (b)(2) of this section, the former reference to "exercising the privilege of" selling beer is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

**26-603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b) of this section, the former reference to "bona fide" members is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"Club" § 1-101

**26-604. CLASS D BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(r) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. LIGHT WINE LICENSES.**

**26-701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(2) A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE THAT APPLIES FOR A CLASS A LIGHT WINE LICENSE IS EXEMPT FROM ANY QUOTA ESTABLISHED BY THE BOARD CONCERNING THE NUMBER OF LICENSES IN THE ELECTION DISTRICT WHERE THE WINERY IS LOCATED.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(14), (b)(1), (c)(1) and (4), and (d)(1).

In subsection (b)(1) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b)(1) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“Light wine” § 26–101

## **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

### **26–801. CLASS A BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(r) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and light wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Light wine” § 26–101

**26–802. CLASS B BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(2) A HOLDER OF THE LICENSE WHO HAS SOLD BEER AND LIGHT WINE SINCE BEFORE JULY 1, 1975, FOR BOTH ON- AND OFF-PREMISES CONSUMPTION MAY CONTINUE TO DO SO.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (r)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to a "holder of the license who has sold beer and light wine since before July 1, 1975, for both on- and off-premises consumption" is substituted for the former phrase "licensees holding this class of license prior to July 1, 1975, who have been exercising the privilege of selling alcoholic beverages for consumption off the licensed premises" for brevity and to state expressly what was only implicit in the former law, that license holders before July 1, 1975, were allowed to sell beer and light wine for both on-sale as well as off-sale consumption.

Also in subsection (b)(2) of this section, the phrase "may continue to do so" is substituted for the former phrase "may continue to exercise this privilege" for clarity.

Former Art. 2B, § 5-201(r)(1), which stated that former Art. 2B, § 5-201(r) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Light wine" § 26-101

"Restaurant" § 1-101

**26-803. CLASS C BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**



**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$245.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(r) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Light wine" § 26-101

**26-804. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$365.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (r)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101  
"Light wine" § 26-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**26-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$910.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(r) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the references to “beer, wine, [or] liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Also in subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” for clarity.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase “for a period of” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**26–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

**(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) HAS A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

**(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

**(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND**

**(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.**

**(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER, WINE, AND LIQUOR:**

**(I) FOR ON-PREMISES CONSUMPTION; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR OFF-PREMISES CONSUMPTION ONLY:**

**1. FROM THE MAIN BAR; AND**

**2. IN THE MAIN PORTION OF THE DINING ROOM FACILITIES.**

**(2) THE OFF-SALE PRIVILEGE SET OUT IN PARAGRAPH (1)(II) OF THIS SUBSECTION IS LIMITED TO THOSE LICENSE HOLDERS WHO HAD THE PRIVILEGE ON JULY 1, 1970.**

**(D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED PROMPTLY.**

**A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE RESTAURANT OPERATIONS ARE INTERRUPTED.**

**(E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.**

**IF THE NEW LICENSED ESTABLISHMENT MEETS THE STANDARDS SET OUT IN THIS SECTION, THE BOARD MAY:**

**(1) ISSUE A NEW CLASS B BEER, WINE, AND LIQUOR LICENSE;**

**(2) APPROVE A TRANSFER OF THE LICENSE BY THE SAME LICENSE HOLDER TO A NEW LOCATION; AND**

**(3) APPROVE A TRANSFER OF THE LICENSE FROM ONE LICENSE HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,455.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (r)(1)(ii)3 and (2)(i) and (iv) through (vii).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to incorporate the substance of the former defined term “restaurant” for concision.

In subsection (b)(1)(vi) of this section, the reference to “wait staff” is substituted for the former “waiters or waitresses” for gender neutrality.

In the introductory language of subsection (c)(1) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in the introductory language of subsection (c)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and sell” for brevity.

In subsection (c)(2) of this section, the reference to the privilege “set out in paragraph (1)(ii) of this subsection” is substituted for the former vague reference to “any off-sale privileges referred to in this subsection” for clarity.

Also in subsection (c)(2) of this section, the reference to “July 1, 1970” is substituted for the former erroneous reference to “May 28, 1969”, which was the result of an error made in Ch. 5, Acts of 1989.

In subsection (d) of this section, the language “[a] license holder shall report” is added to state expressly what was only implicit in the former law, that the license holder has the responsibility to report a restaurant closing to the Board.

Also in subsection (d) of this section, the former phrase “for any reason” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the former phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

In subsection (e)(3) of this section, the former reference to the establishment “where it is proposed to locate or transfer the license” is deleted as surplusage.

Former Art. 2B, § 6–201(r)(1)(i), which stated that the provisions of former Art. 2B, § 6–201(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(r)(1)(ii)1, which was the standard introduction to a definition section, is deleted as unnecessary because no words are defined in this section.

Former Art. 2B, § 6-201(r)(1)(ii)2, which defined “Board” as meaning the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 26-101 of this title.

Defined terms: “Beer” § 1-101

“Board” § 26-101

“Hotel” § 1-101

“Off-sale” § 1-101

“Restaurant” § 1-101

“Wine” § 1-101

**26-903. CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B-PLUS BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE LICENSE MAY BE ISSUED FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT’S HOURS OF OPERATION;**

**(II) HAS THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEETS THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAS A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) IS EQUIPPED WITH A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

**(VI) EMPLOYS A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

**(VII) MAINTAINS AND DISPLAYS A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND**

**(VIII) MAINTAINS SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.**

**(2) A DRUG, CANDY, OR CONFECTIONERY STORE IS NOT A RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER, AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, TO SELL BEER, WINE, AND LIQUOR FOR:**

**(1) ON-PREMISES CONSUMPTION; AND**

**(2) OFF-PREMISES CONSUMPTION BY MAINTAINING “OFF-SALE” SHELVES OR COUNTERS THAT SHALL BE IN AN AREA THAT IS PARTITIONED OR OTHERWISE PARTLY SEPARATED FROM THE MAIN BAR AND THE USUAL SERVING AREA FOR ON-PREMISES CONSUMPTION.**

**(D) INTERRUPTION OF RESTAURANT OPERATIONS TO BE REPORTED PROMPTLY.**

**A LICENSE HOLDER SHALL REPORT PROMPTLY TO THE BOARD WHEN THE RESTAURANT OPERATIONS ARE INTERRUPTED.**

**(E) RESTRICTIONS ON ISSUANCE OR TRANSFER OF LICENSE.**

**IF THE ESTABLISHMENT FOR WHICH A LICENSE IS SOUGHT TO BE ISSUED OR TRANSFERRED MEETS THE STANDARDS SET OUT IN THIS SECTION, THE BOARD MAY:**

**(1) ISSUE A NEW LICENSE UNDER THIS SECTION;**

**(2) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION BY THE SAME LICENSE HOLDER TO A NEW LOCATION; AND**

**(3) APPROVE A TRANSFER OF A LICENSE UNDER THIS SECTION FROM ONE LICENSE HOLDER TO ANOTHER AT THE SAME OR DIFFERENT LOCATION.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 26-2004(B) OF THIS TITLE.**



**(G) FEE.****THE ANNUAL LICENSE FEE IS \$2,420.**

REVISOR'S NOTE: Subsections (a) through (e) and (g) of this section are new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (r)(1)(ii)3 and (2)(ii) and (v) through (vii).

Subsection (f) of this section is new language added for clarity.

Subsection (a) of this section is standard language used throughout this article to establish a license. In the former law, a Class B–Plus license was categorized as a variation of a Class B beer, wine, and liquor license, but it is set out in this revision as a separate license for clarity. The name “Class B–Plus” license is the name commonly used in the County for the license, which is a regular Class B beer, wine, and liquor license with an added off–sale privilege.

In subsection (b)(1)(vi) of this section, the reference to “wait staff” is substituted for the former “waiters or waitresses” for gender neutrality.

In subsection (c)(2) of this section, the former reference to “off–sale” shelves or counters “not contained within and an integral part of the main bar and in the main dining facilities where the majority of the meals are served and consumed in the licensed premises” is deleted as unnecessary in light of the requirement that the shelves or counters “be in an area that is partitioned or otherwise partly separated from the main bar and the usual serving area for on–premises consumption”.

Also in subsection (c)(2) of this section, the former reference to an “enclosed or open” area is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to the usual serving area “within these premises for the sale of alcoholic beverages” is deleted as surplusage.

In subsection (d) of this section, the language “[a] license holder shall report” is added to state expressly what was only implicit in the former law, that the license holder has the responsibility to report a restaurant closing to the Board.

Also in subsection (d) of this section, the former phrase “for any reason” is deleted as surplusage.

In the introductory language of subsection (e) of this section, the former phrase “[o]n and after May 1, 1966” is deleted as unnecessary.

In subsection (e)(3) of this section, the former reference to the establishment “where it is proposed to locate or transfer the license” is deleted as surplusage.

In subsection (g) of this section, the former language allowing a fee to be charged “whenever the applicant for or holder of a Class B (on–sale) beer, wine and liquor license proposes to or in fact establishes and conducts on the licensed premises” sales of beer, wine, and liquor for off–premises 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

(V) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN WHICH THE CAPITAL INVESTMENT IS AT LEAST \$30,000 PER BEDROOM, INCLUDING:

1. THE BUILDING AND ALL OF THE BUILDING'S ACCOMPANYING FIXTURES AND SYSTEMS;

2. THE PARKING COMPOUND;

3. SWIMMING POOL AND OTHER RECREATIONAL AREAS;

4. LANDSCAPING;

5. SITE PREPARATION AND IMPROVEMENTS; AND

6. INFRASTRUCTURE, ENGINEERING, ARCHITECTURAL, AND OTHER SIMILAR COSTS.

(2) FOR PURPOSES OF PARAGRAPH (1)(V) OF THIS SUBSECTION, THE CAPITAL INVESTMENT IN THE HOTEL MAY NOT INCLUDE THE COST OF LAND FURNISHINGS, REMOVABLE EQUIPMENT, AND PERSONAL PROPERTY.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:

(1) INCLUDING BY THE DRINK FROM THE BAR OR A COCKTAIL LOUNGE FOR ON-PREMISES CONSUMPTION; AND

(2) TO A HOTEL GUEST WHO IS AT LEAST 21 YEARS OLD IF THE:

**(I) LIQUOR IS SOLD IN A SEALED CONTAINER OF 200 MILLILITERS OR LESS;**

**(II) BEER, WINE, OR LIQUOR IS SOLD IN A SEALED CONTAINER FROM A LOCKED, PRE-STOCKED, PRIVATE BAR IN AN INDIVIDUAL GUEST ROOM; AND**

**(III) CHARGE FOR THE BEER, WINE, OR LIQUOR SOLD IS INDICATED ON THE GUEST ROOM BILL.**

**(D) UNDERAGE GUESTS AT HOTEL.**

**(1) HOTEL MANAGEMENT IS RESPONSIBLE FOR REMOVING THE BAR KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER 21 YEARS OF AGE.**

**(2) A LICENSE HOLDER THAT OBTAINS AN ENTERTAINMENT PERMIT UNDER § 26-1103 OF THIS TITLE MAY ALLOW AN INDIVIDUAL UNDER 21 YEARS OF AGE TO BE PRESENT ON THE PREMISES WHILE AN ALCOHOLIC BEVERAGE IS BEING SERVED DURING ANY OF THE FOLLOWING EVENTS:**

**(I) ANNIVERSARY PARTY;**

**(II) BABY SHOWER;**

**(III) BAPTISM RECEPTION;**

**(IV) BAR MITZVAH;**

**(V) BAT MITZVAH;**

**(VI) BEAUTILLION;**

**(VII) BIRTHDAY PARTY;**

**(VIII) BOOK SIGNING;**

**(IX) CHURCH EVENT;**

**(X) CONFIRMATION RECEPTION;**

**(XI) CORPORATE RECEPTION;**

- (XII) COTILLION;**
- (XIII) ENGAGEMENT PARTY;**
- (XIV) FAITH BASED EVENT;**
- (XV) FAMILY REUNION;**
- (XVI) FAMILY THEMED THEATRICAL;**
- (XVII) GRADUATION PARTY;**
- (XVIII) PERFORMANCE;**
- (XIX) POLITICAL EVENT;**
- (XX) RETIREMENT PARTY;**
- (XXI) RIGHTS OF PASSAGE EVENT;**
- (XXII) SCHOLARSHIP AWARD CEREMONY;**
- (XXIII) SCHOOL EVENT;**
- (XXIV) TEA PARTY;**
- (XXV) WEDDING;**
- (XXVI) WEDDING RECEPTION;**
- (XXVII) WEDDING SHOWER; AND**

**(XXVIII) FAMILY-ORIENTED EVENT, AS DEFINED IN REGULATIONS OF THE BOARD.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 26-2004(E) OF THIS TITLE.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(G) FEE.****THE ANNUAL LICENSE FEE IS \$5,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(4) and, except for the reference to Class B beer, wine, and liquor licenses with a special Sunday “on–sale” permit, the fourth sentence of (5)(iv).

Subsection (a) of this section is standard language used throughout this article to establish a license.

Subsection (b) of this section is revised to incorporate the substance of the former defined term “hotel” for concision.

The introductory language of subsection (b)(1) of this section states expressly what was only implicit in the former law, that the Board is the license issuing authority.

In subsection (b)(1)(i) of this section, the former phrases “recognized as a hotel” and “providing services ordinarily found in hotels” are deleted as surplusage.

In subsection (b)(1)(ii)3 of this section, the reference to a “seating facility” is substituted for the former reference to “seating facilities” in light of GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b)(1)(iii) of this section, the reference to “sale of a right to occupy a room” is substituted for the former antiquated reference to “hire of rooms”.

In subsection (b)(1)(iv) of this section, the references to “renting” and “occupying” are added to clarify the individuals who are taxed and for consistency with § 10–218.01 of the Public Local Laws for Prince George’s County.

In subsection (b)(1)(v) of this section, the reference to “at least” is substituted for the former reference to “not less than” to conform to the terminology used throughout this article.

In subsection (b)(1)(v)1 of this section, the former reference to “buildings” is deleted in light of the reference to a “building” and GP § 1–202, which provides that the singular generally includes the plural.

In the introductory language of subsection (c)(2) of this section, the former phrase “[i]n addition to the other privileges granted under this paragraph” is deleted as unnecessary in light of the revised subsection.

In subsection (c)(2)(i) of this section, the reference to “liquor” is substituted for the former reference to “alcoholic beverages, other than beer and wine” for brevity.

Also in subsection (c)(2)(i) of this section, the reference to “a sealed container” is substituted for the former reference to “sealed containers” in light of GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2)(iii) of this section, the former reference to the “respective” guest is deleted as surplusage.

In subsection (e) of this section, the former reference to “except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere in this article do not apply” is deleted as unnecessary in light of the revised subsection.

In subsection (f) of this section, the reference to “carry out” this section is substituted for the former reference to “establish compliance with” this section to conform to the terminology used throughout the article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Hotel” § 1–101

“Wine” § 1–101

**26–905. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

**26–906. CLASS D BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(r).

Defined terms: “Beer” § 26–101

“County” § 26–101

“Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**26–1001. ARTS AND ENTERTAINMENT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY AN ESTABLISHMENT IN THE COUNTY ARTS AND ENTERTAINMENT DISTRICT AS APPROVED BY THE COUNTY COUNCIL IN COUNCIL RESOLUTION CR–83–2001.**

**(2) A PERSON MAY NOT HOLD MORE THAN TWO CLASS B–AE LICENSES.**

**(3) THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,750.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(18).

In subsection (b)(1) of this section, the reference to the issuance of the license “for use by” an establishment is substituted for the former reference to issuance of the license “to” an establishment for accuracy.

In subsection (b)(3) of this section, the former reference to consumption on the premises “only” is deleted as unnecessary because the license does not authorize consumption off the premises.

Defined terms: “Board” § 26–101



“County” § 26–101

“Person” § 1–101

**26–1002. CONCESSIONAIRE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (CONCESSIONAIRE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A PERSON OPERATING A CONCESSION THAT IS:**

**(I) SUBJECT TO CONTRACTUAL AGREEMENT WITH THE COUNTY; AND**

**(II) ON THE PREMISES OF A GOLF AND COUNTRY CLUB OR COUNTRY CLUB OWNED BY THE COUNTY.**

**(2) THE LICENSE HOLDER:**

**(I) MAY BE AN INDIVIDUAL, ASSOCIATION, FIRM, PARTNERSHIP, OR CORPORATION APPROVED BY THE COUNTY COUNCIL; AND**

**(II) SHALL BE A RESIDENT OF THE STATE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY THE DRINK OR BOTTLE.**

**(2) THE BOARD SHALL:**

**(I) REGULATE THE MANNER OF PROVIDING BEER, WINE, AND LIQUOR; AND**

**(II) AUTHORIZE THE NUMBER OF OUTLETS THAT MAY PROVIDE BEER, WINE, AND LIQUOR ON THE LICENSED PREMISES.**

**(D) HOURS AND DAYS OF SALE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,815.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-301(r)(7)(i), (iii) through (vi), and the first sentence of (ii) and, as it related to the Board issuing the license, the first sentence of (a)(1) and 11-517(b)(1)(i) and (g)(1) and, as it related to Class C licenses, § 11-403(a)(1)(ii) and (7).

In the introductory language of subsection (b)(1) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In the introductory language of subsection (b)(2) of this section, the reference to the "license holder" is substituted for the former reference to the "concessionaire" for clarity.

In subsection (b)(2)(i) of this section, the reference to an "individual" is substituted for the former reference to a "natural person" for clarity.

Also in subsection (b)(2)(i) of this section, the former phrase "as such" is deleted as surplusage.

In subsection (c)(1) and (2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(1) of this section, the reference to the “license holder” is substituted for the former reference to the “concessionaire holding the license” for brevity.

Also in subsection (c)(1) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Also in subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former reference to selling “at retail” is deleted as surplusage.

The second sentence of former Art. 2B, § 6–301(r)(7)(ii), which required that the license fee be paid before the license is issued, regardless of any terms or conditions in any contractual agreement between the concessionaire and the County, is deleted as redundant of § 4–311 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(2)(ii) of this section, the requirement that an applicant be a resident of the State 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: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“State” § 1–101

“Wine” § 1–101

## **26–1003. CONVENTION CENTER LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CC (CONVENTION CENTER) BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE ONLY FOR USE BY A HOTEL THAT HAS:**

**(1) AT LEAST 1,500 BEDROOMS;**

**(2) AT LEAST THREE DINING AREAS WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**(3) ROOMS FOR MEETINGS, DISPLAYS, BANQUETS, BALLS, DANCING, AND LIVE ENTERTAINMENT; AND**

**(4) A BAR AND ENTERTAINMENT OR DANCING AREA COMMONLY RECOGNIZED AS A NIGHTCLUB.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(I) FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS, VERANDAS, QUAYS, AND GREEN SPACES; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FROM LOCKED, PRESTOCKED PRIVATE BARS IN INDIVIDUAL GUEST ROOMS IF THE CHARGES FOR THE BEER, WINE, AND LIQUOR SOLD ARE INDICATED ON THE GUEST ROOM BILL.**

**(2) THE MANAGEMENT OF THE ESTABLISHMENT SHALL REMOVE THE BAR KEY FROM A ROOM THAT IS RENTED TO A GUEST UNDER THE AGE OF 21 YEARS.**

**(D) DANCING AND LIVE ENTERTAINMENT ALLOWED.**

**THE LICENSE AUTHORIZES DANCING AND LIVE ENTERTAINMENT THROUGHOUT THE LICENSED PREMISES.**

**(E) DAILY RECEIPTS REQUIREMENT.**

**THE TOTAL AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER FROM THE RENTAL OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD ARE REQUIRED TO EXCEED THE AVERAGE DAILY RECEIPTS OF THE LICENSE HOLDER FROM THE SALE OF BEER, WINE, AND LIQUOR.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 3 A.M. THE FOLLOWING DAY.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$22,000.**

**(H) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PRECLUDE A LICENSE HOLDER FROM HAVING AN INTEREST IN ANY OTHER ALCOHOLIC BEVERAGES LICENSES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(17).

In subsections (c), (e), and (f) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In the introductory language of subsection (b) of this section, the reference to a “hotel” is substituted for the former reference to an “establishment that is recognized as a hotel for the accommodation of the public that provides services ordinarily provided in hotels” in light of the definition of “hotel” in § 1–101 of this article.

In subsections (c)(1)(i) and (d) of this section, the references to a licensed “premises” are substituted for the former references to a licensed “establishment” to conform to the terminology used throughout this article.

In subsection (e) of this section, the references to receipts of “the license holder” are substituted for the former reference to receipts of “a Class B–CC licensed establishment” for brevity.

Also in subsection (e) of this section, the reference to “rental” of meeting rooms is substituted for the former reference to the “hire” of meeting rooms for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“Hotel” § 1–101

**26–1004. COUNTRY CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY CLUB THAT:**

**(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(II) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:**

**1. AT LEAST TWO TENNIS COURTS;**

**2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;**

**AND**

**3. AT LEAST 15 ACRES THAT ARE USED IN CONNECTION WITH THE LICENSED PREMISES; OR**

**(2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND**

**(II) HAS AT LEAST 15 ACRES THAT ARE USED IN CONNECTION WITH THE LICENSED PREMISES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR MONDAY THROUGH SUNDAY FOR ON-PREMISES CONSUMPTION, EXCLUDING THE GROUNDS OF THE COUNTRY CLUB.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26–2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(r)(6) and (5)(iii) and (vi) and, as it related to the establishment of a Class C beer, wine, and liquor license, the first sentence of (a)(1).

In subsection (c)(1)(i) and (2)(i) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c)(1)(ii)3 and (2)(ii) of this section, the former reference to 15 acres “of ground” is deleted as surplusage.

In subsections (d) and (e) of this section, the references to “beer, wine, and liquor” are substituted for the former, broader references to “alcoholic beverages” for clarity.

In subsection (d) of this section, the reference to “sell[ing] beer, wine, and liquor Monday through Sunday for on–premises consumption, excluding the grounds of the country club” is substituted for the former prohibition that “[a]lcoholic beverages may not be consumed off their premises or on the grounds of the club” for brevity and clarity.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “[l]icensees are subject to restrictions appearing in § 11–517 of this article as to the sale of alcoholic beverages on Sunday” for clarity and consistency with similar provisions on hours and days of sale in this 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 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: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

**26–1005. COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIREMENT FOR LICENSE APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE COUNTRY AND GOLF CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:**

**(1) (I) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS:**

**1. AT LEAST TWO TENNIS COURTS;**

**2. A SWIMMING POOL THAT IS AT LEAST 30 BY 80 FEET;**

**AND**

**3. A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST 9 HOLES; OR**

**(2) (I) HAS AT LEAST 500 MEMBERS WHO PAY DUES; AND**

**(II) AT THE TIME OF THE APPLICATION FOR THE LICENSE, MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST 18 HOLES.**

**(D) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(1) FROM MONDAY TO SATURDAY, TO ANY CUSTOMER OF THE CLUB FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION; AND**

**(2) ON SUNDAY, ONLY TO A MEMBER OF THE GOLF AND COUNTRY CLUB AND A GUEST OF A MEMBER FOR ON-PREMISES CONSUMPTION ON THE GROUNDS OF THE CLUB USED IN CONNECTION WITH THE CLUB.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS AGAINST THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,815.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(5)(i) through (vi) and (vii)<sup>2</sup> and, as it related to the Board issuing the license, the first sentence of (a)(1) and, as it related to hours and days of sale, (r)(5)(vii)<sup>1</sup>.

In the introductory language of subsection (c) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In subsections (c)(1)(i) and (2)(i) and (d)(2) of this section, the former references to "bona fide" members are deleted as surplusage.

In the introductory language of subsection (d) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in the introductory language of subsection (d) of this section, the former reference to selling "at retail" is deleted as surplusage.

Also in the introductory language of subsection (d) of this section, the former phrase "at the place described in the license" is deleted as surplusage.

Also in the introductory language of subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “alcoholic beverages” for clarity.

In subsection (d)(1) of this section, the reference to any customer “of the club” is added for clarity.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “license [being] subject to all the provisions of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–301(r)(5)(vii)1, which provided that the license is subject to all the provisions of this article, is deleted as an unnecessary statement of common practice except as it related to hours and days of sale.

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 of 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: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

## **26–1006. COUNTRY INN LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CI LICENSE.**

### **(B) ISSUANCE OF LICENSE.**

**THE BOARD MAY DETERMINE:**

#### **(1) TO WHOM THE LICENSE SHALL BE ISSUED;**

**(2) THE NUMBER OF LICENSES TO BE ISSUED; AND**

**(3) WHETHER A PERSON WHO ALREADY HOLDS A LICENSE ISSUED IN THE COUNTY MAY ALSO HAVE AN INTEREST IN A CLASS B–CI LICENSE.**

**(c) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A COUNTRY INN THAT:**

**(1) ACCOMMODATES THE PUBLIC;**

**(2) IS EQUIPPED WITH A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**(3) HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND**

**(4) IS IN A BUILDING THAT MEETS THE REQUIREMENTS OF SUBSECTIONS (E) AND (F) OF THIS SECTION.**

**(d) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR ON–PREMISES CONSUMPTION.**

**(e) BUILDING REQUIREMENTS.**

**A COUNTRY INN FOR WHICH THE LICENSE IS ISSUED SHALL BE IN A BUILDING THAT:**

**(1) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;**

**(2) HAS HISTORIC, CULTURAL, OR ARCHITECTURAL SIGNIFICANCE BECAUSE IT:**

**(i) 1. HAS CHARACTER, INTEREST, OR VALUE AS PART OF THE DEVELOPMENT, HERITAGE, OR CULTURAL CHARACTERISTICS OF THE COUNTY, STATE, OR NATION;**

**2. IS THE SITE OF A SIGNIFICANT HISTORIC EVENT;**

**3. IS IDENTIFIED WITH A PERSON OR A GROUP OF PERSONS WHO INFLUENCED SOCIETY;**

**4. EXEMPLIFIES THE CULTURAL, ECONOMIC, INDUSTRIAL, SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;**

**5. EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A TYPE, PERIOD, OR METHOD OF CONSTRUCTION;**

**6. REPRESENTS AN ESTABLISHED AND FAMILIAR VISUAL FEATURE OF THE NEIGHBORHOOD, COMMUNITY, OR COUNTY DUE TO ITS SINGULAR PHYSICAL CHARACTERISTIC OR LANDSCAPE; AND**

**(II) POSSESSES HIGH ARTISTIC VALUES; OR**

**(3) (I) HAS BEEN CONSTRUCTED OR RECONSTRUCTED ON A SITE CLASSIFIED AS A HISTORIC SITE IN THE HISTORIC SITES AND DISTRICTS' PLAN FOR THE COUNTY;**

**(II) EXEMPLIFIES THE CULTURAL, ECONOMIC, INDUSTRIAL, SOCIAL, POLITICAL, OR HISTORICAL HERITAGE OF THE COMMUNITY;**

**(III) EMBODIES THE DISTINCTIVE CHARACTERISTICS OF A TYPE, PERIOD, OR METHOD OF CONSTRUCTION; AND**

**(IV) POSSESSES HIGH ARTISTIC VALUES.**

**(F) ADDITIONAL REQUIREMENTS.**

**IN ADDITION TO THE REQUIREMENTS IN SUBSECTION (D) OF THIS SECTION, A COUNTRY INN SHALL MEET THE FOLLOWING REQUIREMENTS:**

**(1) THE EXTERIOR OF THE BUILDING SHALL GIVE THE APPEARANCE OF APPROPRIATE AGE;**

**(2) THE GROUNDS SHALL INCLUDE APPROPRIATE LANDSCAPING, GARDENS, AND APPURTENANCES;**

**(3) EXCEPT FOR RESTROOMS, THE INTERIOR OF THE BUILDING IN ALL AREAS OPEN TO THE PUBLIC SHALL BE DECORATED AND FURNISHED IN THE STYLE APPROPRIATE TO THE PERIOD IN WHICH THE BUILDING WAS CONSTRUCTED, OR THE PERIOD THE BUILDING WAS CONSTRUCTED TO EXEMPLIFY, EXCEPT THAT**

**ELECTRIC LIGHTING MAY BE USED IF THE LIGHTING FIXTURES ARE OF A STYLE COMPATIBLE WITH THE DECOR OF THE INN;**

**(4) THE EMPLOYEES OF THE COUNTRY INN WHO REGULARLY AND CUSTOMARILY ARE IN VIEW OF PATRONS IN THE DINING AREA SHALL BE ATTIRED IN CLOTHING OR COSTUME APPROPRIATE TO THE PERIOD EXEMPLIFIED BY THE INN; AND**

**(5) ENTERTAINMENT PROVIDED BY THE COUNTRY INN SHALL EXEMPLIFY THE KIND OF ENTERTAINMENT TYPICAL OF THE PERIOD REPRESENTED BY THE INN.**

**(G) LIMIT ON NUMBER OF LICENSES.**

**(1) A LICENSE HOLDER MAY HOLD NOT MORE THAN TWO CLASS B-CI LICENSES.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN TWO CLASS B-CI LICENSES.**

**(H) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,515.**

REVISOR'S NOTE: Subsections (a) through (g) and (i) of this section are new language derived without substantive change from former Art. 2B, § 6-201(r)(10)(i) through (iii), (v) through (viii), and (iv)1 and 2.

Subsection (h) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Prince George's County.

In subsection (a) of this section, the former phrase "special Class B license known as" Class B-CI is deleted as surplusage.

In subsection (d) of this section, the phrase "authorizes the license holder to sell" is substituted for the former phrase "are limited and restricted to the purpose of providing" for brevity.

Also in subsection (d) of this section, the former reference to consumption on the licensed premises “only, with no off-sale privileges to be exercised therewith” is deleted as redundant.

Former Art. 2B, § 6–201(r)(10)(iv)3, which stated that “the Board may adopt regulations that specify additional standards and criteria not inconsistent with this section”, is deleted as unnecessary because the Board has power to adopt regulations under § 23–208 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Board” 26–101

“County” § 26–101

“Person” § 1–101

## **26–1007. DRAFTHOUSE LICENSE.**

### **(A) “DRAFTHOUSE” DEFINED.**

**IN THIS SECTION, “DRAFTHOUSE” MEANS A THEATER WHERE:**

**(1) A MOTION PICTURE IS SHOWN TO THE PUBLIC; AND**

**(2) PATRONS CAN PURCHASE FOOD, BEER, AND WINE TO CONSUME ON THE PREMISES WHILE WATCHING THE MOTION PICTURE.**

### **(B) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY IN THE CITY OF GREENBELT.**

### **(C) ESTABLISHED.**

**THERE IS A CLASS B–DH (DRAFTHOUSE) LICENSE.**

### **(D) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A DRAFTHOUSE THAT:**

**(I) HAS A MINIMUM AUDITORIUM SIZE OF 3,500 SQUARE FEET;**

**(II) HAS A MINIMUM INVESTMENT OF AT LEAST \$150,000 IN TANGIBLE PROPERTY, INCLUDING KITCHEN EQUIPMENT, FURNITURE, AND INTERIOR IMPROVEMENTS;**

**(III) PRESENTS A FAMILY MATINEE EVERY SATURDAY AND HOLIDAY THAT THE DRAFTHOUSE IS OPEN FOR BUSINESS;**

**(IV) INTENDS TO PROVIDE BEER AND WINE AT TABLES AND SEATS IN THE DRAFTHOUSE;**

**(V) DOES NOT HAVE A BAR OTHER THAN A SERVICE BAR; AND**

**(VI) EXCEPT AS PROVIDED IN SUBSECTION (F)(2) OF THIS SECTION, INTENDS TO MAKE BEER AND WINE AVAILABLE FOR PURCHASE ONLY BEFORE AND DURING A MOTION PICTURE AND ENDS SERVICE AT THE END OF THE MOTION PICTURE.**

**(2) BEFORE THE BOARD MAY ISSUE THE LICENSE, THE APPLICANT SHALL OBTAIN THE BOARD'S WRITTEN APPROVAL OF THE MENU THE DRAFTHOUSE INTENDS TO OFFER, WHICH SHALL INCLUDE BOTH HOT AND COLD FOOD.**

**(E) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL IN THE DRAFTHOUSE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) THE LICENSE HOLDER MAY NOT MAKE ALCOHOLIC BEVERAGES AVAILABLE FOR PURCHASE WHEN SHOWING A FAMILY MATINEE.**

**(F) HOURS AND DAYS OF SALE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE:**

**(I) ON MONDAYS THROUGH FRIDAYS THAT ARE NOT HOLIDAYS, FROM 11 A.M. TO 1:30 A.M. THE FOLLOWING DAY; AND**

**(II) ON SATURDAYS, SUNDAYS, AND HOLIDAYS, FROM 5 P.M. TO 1:30 A.M. THE FOLLOWING DAY.**

**(2) IF A FAMILY MATINEE CONTINUES AFTER 5 P.M., THE LICENSE HOLDER MAY NOT SELL BEER OR WINE UNTIL 15 MINUTES FOLLOWING THE END OF THE MATINEE.**

**(G) NUMBER OF LICENSES.**

**THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.****(H) FEE.****(1) THE ANNUAL LICENSE FEE IS \$245.****(2) THE LICENSE FEE ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:****(I) PAID BEFORE THE LICENSE IS ISSUED; AND****(II) DISTRIBUTED AS PROVIDED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–702 and 11–517(k).

In subsection (b) of this section, the former reference to the City of Greenbelt being located in “Prince George’s County” is deleted as unnecessary in light of the organization of this revised title.

In the introductory language of subsection (d)(1) of this section, the reference to the authority of “[t]he Board” to issue the license is substituted for the former requirement that the license “be issued by the office where Class B licenses are issued in the county in which the drafthouse is located” for brevity and to state expressly that the Board is the license issuing authority.

Also in the introductory language of subsection (d)(1) of this section, the phrase “for use in a drafthouse that” meets certain requirements is substituted for the former reference to “applicants for this license shall” meet certain requirements for clarity.

In subsection (d)(1)(iv) and (vi) of this section, the references to “intends to provide” beer and wine and “intends to make” beer and wine available are substituted for the former references to “provide” and “make” because the activities cannot actually be done until the drafthouse is licensed.

In subsection (d)(1)(vi) of this section, the references to a “motion picture” are substituted for the former references to a “motion picture show” and “the program” to conform to the terminology used in subsection (a) of this section.

In subsection (d)(2) of this section, the requirement that “[b]efore the Board may issue the license, the applicant shall obtain the Board’s written approval” is substituted for the former requirement that the applicant “[s]ubmit to the Board of License Commissioners for its prior written approval” for brevity.



In subsection (e)(1) of this section, the former reference to “keep for sale” is deleted as included in the reference to “sell”.

In subsection (f) of this section, the reference to the authority of the “license holder” to “sell beer and wine” is substituted for the former reference to the “hours and days of sale” for clarity and consistency with other similar provisions on hours and days of sale in this article.

In subsection (h)(2)(i) of this section, the requirement that the annual license fee be paid as a prerequisite to “the” drafthouse license being issued is substituted for the former reference to “any” license being issued for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 23–101

“Wine” § 1–101

#### **26–1008. EDUCATIONAL CONFERENCE FACILITY LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) BEER, WINE, AND LIQUOR LICENSE FOR THE UNIVERSITY COLLEGE CENTER OF ADULT EDUCATION OF THE UNIVERSITY OF MARYLAND.**

##### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY THE UNIVERSITY COLLEGE CENTER OF ADULT EDUCATION TO:**

**(I) ACT ON ITS BEHALF;**

**(II) ASSUME ALL RESPONSIBILITY; AND**

**(III) BE SUBJECT TO ALL THE PENALTIES, CONDITIONS, AND RESTRICTIONS IMPOSED ON LICENSES; AND**

**(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

##### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK IN THE UNIVERSITY COLLEGE CENTER FOR ADULT EDUCATION, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION TO AN INDIVIDUAL AUTHORIZED TO USE THE CENTER.**

**(D) LICENSE APPLICATION.**

**THE POLICIES OF THE UNIVERSITY COLLEGE CENTER FOR ADULT EDUCATION THAT PERTAIN TO THE SPONSORSHIP OF EVENTS WHERE ALCOHOLIC BEVERAGES MAY BE SOLD SHALL BE FILED WITH THE APPLICATION.**

**(E) PROFITS FROM BEER, WINE, AND LIQUOR SALES.**

**ALL PROFITS FROM THE SALE OF BEER, WINE, AND LIQUOR SHALL BE DEPOSITED INTO THE FOOD SERVICES INCOME FUND.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS CONCERNING THE MANNER OF DISPENSING BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,325.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(9)(i), (ii), (iii)1, (iv), (v)1 and 2, the first sentence of (iii)2, and the first sentence of (vi).

In subsection (a) of this section, the former phrase “[n]otwithstanding the provisions of § 9-217(e)(1) of this article” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the former reference to “persons” is deleted as unnecessary in light of the reference to a “person” and § 1-202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsections (e) and (f) of this section, the references to “beer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

The second sentence of former Art. 2B, § 6–201(r)(9)(iii)2, which stated that the application for the license shall be filed and processed in the normal manner, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 6–201(r)(9)(v)3, which stated that the residency requirements specified in former Art. 2B, § 9–101 as they pertained to Prince George’s County do not apply to Class B/ECF licenses, is deleted as redundant of § 26–1405(a)(6) of this title.

The second sentence of former Art. 2B, § 6–201(r)(9)(vi), which stated that the holder of a Class B/ECF license is subject to all the provisions of this article and to the regulations of the Board, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (b)(2) of this section 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 classifies 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” § 26–101

“County” § 26–101

“Wine” § 1–101

**26–1009. EDUCATION CONFERENCE FACILITY/DINING SERVICE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–ECF/DS (EDUCATION CONFERENCE FACILITY/DINING SERVICE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN INDIVIDUAL WHO IS:**

**(1) AUTHORIZED BY THE UNIVERSITY OF MARYLAND, COLLEGE PARK TO:**

**(I) ACT ON ITS BEHALF UNDER THE LICENSE; AND**

**(II) BE SUBJECT TO THE PENALTIES, CONDITIONS, AND RESTRICTIONS UNDER THIS TITLE; AND**

**(2) A RESIDENT AND REGISTERED VOTER OF THE COUNTY.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM MULTIPLE DESIGNATED OUTLETS ON THE UNIVERSITY'S CAMPUS ONLY AT UNIVERSITY-RELATED FUNCTIONS CATERED BY THE DEPARTMENT OF DINING SERVICES.**

**(2) BEER, WINE, AND LIQUOR PURCHASED AT A DESIGNATED OUTLET ARE TO BE CONSUMED IN THE CONFINES OF THAT OUTLET AND MAY NOT BE TRANSPORTED TO ANOTHER OUTLET.**

**(D) PROFITS FROM BEER, WINE, AND LIQUOR SALES.**

**ALL PROFITS FROM THE RETAIL SALE OF BEER, WINE, AND LIQUOR SHALL BE DEPOSITED IN THE DINING SERVICES INCOME FUND OF THE UNIVERSITY OF MARYLAND.**

**(E) AUTHORITY AND DUTIES OF BOARD.**

**THE BOARD:**

**(1) MAY REGULATE THE MANNER IN WHICH BEER, WINE, AND LIQUOR ARE DISPENSED UNDER THE LICENSE;**

**(2) BEFORE ISSUING THE LICENSE, SHALL DESIGNATE THE EXACT CAMPUS LOCATIONS FOR THE OUTLETS FOR THE SALE OF BEER, WINE, AND LIQUOR;**

**(3) SHALL MAINTAIN A MAP AND DESCRIPTION OF THE DESIGNATED OUTLETS FOR VERIFICATION ON THE RENEWAL OF THE LICENSE; AND**

**(4) SHALL REQUIRE THE DEPARTMENT OF DINING SERVICES OF THE UNIVERSITY OF MARYLAND, COLLEGE PARK TO REPORT TO THE BOARD AT LEAST 5 DAYS BEFORE A UNIVERSITY-RELATED CATERED FUNCTION AT WHICH BEER, WINE, OR LIQUOR IS INTENDED TO BE SOLD OR SERVED.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$7,425.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(12)(i) through (x).

In the introductory language of subsection (b) of this section, the former reference to issuing the license “only” to an individual is deleted as surplusage.

In subsection (c)(1) of this section, the phrase “for on-premises consumption,” on the licensed premises is substituted for the former phrase “restricted to on-sale privileges only” to conform to the terminology used throughout this article.

In subsections (c)(2), (d), and (e)(1) of this section, the references to “[b]eer, wine, and liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (e) of this section, the former authority of the Board to “regulate the manner in which alcoholic beverages are dispensed under a Class B-ECF/DS license” is deleted as an unnecessary statement of an implicit power of the Board.

Also in subsection (e) of this section, the former requirement that the Board “process the license in the same manner as any other license issued by the Board” is deleted as an unnecessary statement of common practice.

In subsection (f) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 26-2004 of this title” is substituted for the former reference to the “hours and days of sale under this license are as provided in § 11-517 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirement in subsection (b)(2) of this section 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

classifies 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: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

**26–1010. EQUESTRIAN CENTER RESTAURANT LICENSE.**

**(A) “COMMISSION” DEFINED.**

**IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B–ECR (EQUESTRIAN CENTER RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE COMMISSION ON THE APPLICATION AND QUALIFICATION OF THE COMMISSION.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FOR ON–PREMISES CONSUMPTION IN THE COMMISSION’S EQUESTRIAN CENTER RESTAURANT BY THE LICENSE HOLDER OR A PRIVATE CONCESSIONAIRE UNDER CONTRACT WITH THE LICENSE HOLDER TO OPERATE THE LICENSED PREMISES.**

**(E) PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR.**

**PROFIT FROM THE SALE OF BEER, WINE, AND LIQUOR BY THE LICENSE HOLDER MAY BE FOR THE USE OF THE COMMISSION.**

**(F) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 26–2004 OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,420.**

REVISOR’S NOTE: Subsections (a) through (e) and (g) of this section are new language derived without substantive change from former Art. 2B, § 6–201(r)(11)(i) through (iv), (v)1, and (vi).

Subsection (f) of this section is new language added to provide a cross–reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Prince George’s County.

In subsection (b) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In subsection (d) of this section, the former limitation that the license authorizes the license holder to sell beer, wine, and liquor “for the exclusive use” on the premises of the Equestrian Center restaurant is deleted as implicit in the word “authorizes”.

Also in subsection (d) of this section, the former reference to the Equestrian Center restaurant “located within Prince George’s County” is deleted as unnecessary in light of the organization of this revised article.

In subsection (e) of this section, the former reference to the use “and benefit” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, subsection (c) of this section, which authorizes the Board to issue the license to the Commission “on the application and qualification of the Commission” appears to vary from the usual Board practice of issuing licenses to individuals and not entities.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Restaurant” § 1–101

“Wine” § 1–101

**26–1011. FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:**

**(1) IS COMPOSED SOLELY OF INDUCTED MEMBERS;**

**(2) WAS OPERATING IN THE COUNTY BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER; AND**

**(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY A MEMBER OR GUEST ACCOMPANIED BY A MEMBER.**

**(2) THE LICENSE HOLDER MAY ALLOW A PERSON THAT HAS LEASED A PRIVATE ROOM OR OTHER AREA OF THE LICENSED PREMISES FOR A PRIVATE SOCIAL GATHERING TO BRING BEER, WINE, AND LIQUOR ONTO THE LICENSED PREMISES FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE, EXCEPT THAT RESTRICTIONS ON THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY DO NOT APPLY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$910.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(3) and, as it related to the Board issuing the license, the first sentence of (a)(1).

In subsection (a) of this section, the reference to a fraternal/sororal/service "organization" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to "sororal" is added for consistency with subsection (a) of this section.

Also in the introductory language of subsection (b) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a "bona fide" organization is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to a "bona fide" membership is deleted.

In subsection (b)(1) of this section, the reference to "inducted" members is substituted for the former reference to members "duly elected and initiated in accordance with the rites and customs of the fraternal, sororal, or service organization" for brevity.

In subsection (b)(2) of this section, the former reference to a club "in existence" for 1 year is deleted as included in the reference to a club "operating" for 1 year.

In subsection (b)(4) of this section, the former requirement that an organization "not [be] directly or indirectly owned or operated as a public business" is deleted as unnecessary because the organization must be nonprofit.

In subsections (c) and (d) of this section, the references to "beer, wine, and liquor" are substituted for the former, broader references to "alcoholic beverages" for clarity.

In subsection (c)(1) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c)(1) of this section, the former reference to selling "at retail" is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for

a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “licensee [being] subject to all the provisions of this article relating to beer, wine and liquor license, Class C, in force and effect in Prince George’s County” for clarity and consistency with other similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“Wine” § 1–101

## **26–1012. GOLF COURSE LICENSE.**

### **(A) “COMMISSION” DEFINED.**

**IN THIS SECTION, “COMMISSION” MEANS THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

### **(B) ESTABLISHED.**

**THERE IS A CLASS B–GC (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE FOR USE ON THE LICENSED PREMISES OF A GOLF COURSE IN THE COUNTY UNDER THE JURISDICTION OF THE COMMISSION.**

### **(C) AUTHORIZED HOLDER.**

**(1) THE BOARD SHALL ISSUE A LICENSE TO EACH MANAGER OF A GOLF COURSE OF THE COMMISSION WHO APPLIES AND QUALIFIES AS A LICENSE HOLDER.**

**(2) A SEPARATE LICENSE IS REQUIRED FOR EACH GOLF COURSE.**

### **(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM ONE OR MORE OUTLETS FOR ON–PREMISES CONSUMPTION ON THE GOLF COURSE.**

### **(E) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE HOURS AND DAYS OF SALE FOR BEER, WINE, AND LIQUOR ARE FROM 9 A.M. TO 10 P.M. DAILY, MONDAY THROUGH SUNDAY.**

**(2) THE COMMISSION MAY:**

**(I) REDUCE THE HOURS OF SALE OF BEER, WINE, AND LIQUOR;**

AND

**(II) DISCONTINUE THE SALE OF BEER, WINE, AND LIQUOR FROM LABOR DAY THROUGH MEMORIAL DAY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–505(b) and (a)(1) and (3).

Subsection (b) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

Also in subsection (b) of this section, the former reference to “the exclusive” use is deleted as surplusage.

In subsection (c)(2) of this section, the former reference to each “applicable” golf course is deleted as surplusage.

In subsection (e)(2) of this section, the former references to the sale of beer, wine, and liquor “under this license” are deleted as surplusage.

Former Art. 2B, § 8–505(a)(2), which defined “Board” to mean the Prince George’s County Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 26–101 of this article.

- Defined terms: “Beer” § 1–101
- “Board” § 26–101
- “County” § 26–101
- “Jurisdiction” § 1–101
- “Wine” § 1–101

**26–1013. RACETRACK LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A B-RT (RACETRACK) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED FOR:**

**(1) AN AGRICULTURAL ASSOCIATION, AGRICULTURAL FAIR ASSOCIATION, OR OTHER ASSOCIATION AUTHORIZED TO CONDUCT RACING UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE WHERE RESTAURANT FACILITIES ARE AVAILABLE;**

**(2) AN AUTHORIZED CONCESSIONAIRE OF AN ASSOCIATION SPECIFIED IN ITEM (1) OF THIS SUBSECTION; OR**

**(3) AN ORGANIZATION, ON A DAY OTHER THAN A RACING DAY, WHEN THE PREMISES AND FACILITIES OF AN ASSOCIATION SPECIFIED IN ITEM (1) OF THIS SUBSECTION ARE USED FOR A LIMITED TIME FOR:**

**(I) A LEGITIMATE THEATRICAL PRODUCTION;**

**(II) A SOCIAL RECEPTION; OR**

**(III) AN ENTERTAINMENT EVENT CONDUCTED BY:**

**1. A CLUB, A SOCIETY, OR AN ASSOCIATION;**

**2. A RELIGIOUS, FRATERNAL, CIVIC, WAR VETERANS, OR CHARITABLE ORGANIZATION; OR**

**3. A HOSPITAL SUPPORTING ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) RESIDENCY REQUIREMENT.**

**TO OBTAIN THE LICENSE, AT LEAST ONE OFFICER OF THE APPLICANT SHALL BE A RESIDENT OF THE STATE.**

**(E) FEE.**

**THE LICENSE FEE IS \$60 PER DAY FOR EACH DAY THE LICENSE IS USED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language to a license section.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 6–201(r)(3)(i) and the first sentence of (ii) and, as it related to a Class B beer, wine, and liquor license in Prince George's County, (a)(1).

In the introductory language of subsection (b) of this section, the reference to a license issued “for” the listed entities is substituted for the former reference to a license issued “to” the listed entities for accuracy.

In subsection (b)(1) of this section, the reference to “Title 11 of the Business Regulation Article” is substituted for the former reference to “the provisions of the Maryland Horse Racing Act” for clarity.

In subsection (b)(1) and (2) of this section, the former references to a “duly” authorized association and concessionaire are deleted as surplusage.

In subsection (b)(2) of this section, the reference to “an association specified in item (1) of this subsection” is substituted for the former references to “any association” and “any other association” for clarity. Similarly, in subsection (b)(3) of this section, the reference to “an association specified in item (1) of this subsection” is substituted for the former reference to “this association”.

In the introductory language of subsection (b)(3) of this section, the reference to “a day other than a racing day” is substituted for the former reference to “any other day, exclusive of racing days” for clarity.

In the introductory language of subsection (b)(3)(iii) of this section, the reference to an entertainment “event” is added for clarity.

Also in the introductory language of subsection (b)(3)(iii) of this section, the former reference to “bona fide” entertainment is deleted as surplusage. Similarly, in subsection (b)(3)(iii)2 of this section, the former reference to a “bona fide” religious organization is deleted.

In subsection (b)(3)(iii)3 of this section, the reference to a hospital “supporting” organization is added for clarity and to conform to the terminology used throughout this article.

In subsection (d) of this section, the reference to “the applicant” is substituted for the former reference to the “corporation or the concessionaire, whichever applies for the license” for brevity.

In subsection (e) of this section, the phrase “for each day the license is used” is substituted for the former phrase “per day for the period of this license” for clarity.

The second sentence of former Art. 2B, § 6–201(r)(3)(ii), which stated that the residency requirements specified in former Art. 2B, § 9–101 as they “pertain[ed] to Prince George’s County do not apply to an issuance, renewal or transfer” of a B–RT license, is deleted as redundant of § 26–1403(a) of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Club” § 1–101

“Restaurant” § 1–101

“State” § 1–101

#### **26–1014. STADIUM BEER AND LIGHT WINE LICENSE.**

##### **(A) ESTABLISHED.**

**THERE IS A CLASS B–STADIUM (BASEBALL STADIUM) BEER AND LIGHT WINE LICENSE.**

##### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

**(1) THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION; OR**

**(2) A PRIVATE CONCESSIONAIRE THAT IS UNDER CONTRACT WITH THE COMMISSION.**

##### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT RETAIL TO CONSUMERS FOR ON–PREMISES CONSUMPTION IN A BASEBALL**

**STADIUM OWNED OR OPERATED BY THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(D) PROFITS FROM BEER AND LIGHT WINE SALES.**

**PROFIT FROM THE SALE OF BEER OR LIGHT WINE MADE BY A LICENSE HOLDER MAY ACCRUE TO THE USE OF THE COMMISSION OR THE CONCESSIONAIRE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,420.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(r)(4)(i) through (v) and (vii).

In subsection (a) of this section, the former reference to a “7–day” license is deleted for consistency in license names throughout this article.

In the introductory language of subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (c) of this section, the former phrase “only for exclusive use” is deleted as surplusage.

Also in subsection (c) of this section, the reference to “beer and light wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (d) of this section, the former reference to the use and “benefit” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

**26–1015. STADIUM BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR STADIUM LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION.**

**(2) THE LICENSE MAY BE EXERCISED ONLY AT A STADIUM LOCATED IN LANDOVER OCCUPIED BY A NATIONAL FOOTBALL LEAGUE FRANCHISE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$21,780.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(13).

In subsection (a) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In subsection (b)(2) of this section, the reference to "a stadium located in Landover occupied by a National Football League franchise" is substituted for the former reference to "the Redskins Stadium" for accuracy.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**26-1016. THEME PARK LICENSE.****(A) "THEME PARK" DEFINED.**

**IN THIS SECTION, "THEME PARK" MEANS AN ENTERTAINMENT COMPLEX THAT INCLUDES ROLLER COASTERS AND OTHER RIDES, SHOWS, A WATER PARK, RESTAURANTS, AND SHOPS.**

**(B) ESTABLISHED.**

**THERE IS A CLASS B-TP (THEME PARK) BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**



**THE BOARD MAY ISSUE THE LICENSE FOR A THEME PARK IN MITCHELLVILLE TO AN APPLICANT WHO FILES:**

**(1) AN APPLICATION ON A FORM THAT THE BOARD PROVIDES; AND**

**(2) THE POLICIES OF THE THEME PARK FOR THE SPONSORSHIP OF SPECIAL EVENTS HELD WHEN:**

**(I) THE THEME PARK IS CLOSED TO THE PUBLIC; AND**

**(II) BEER, WINE, AND LIQUOR IS SOLD.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK IN THE THEME PARK, FROM ONE OR MORE OUTLETS, FOR ON-PREMISES CONSUMPTION.**

**(E) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS RELATING TO THE SERVING OF BEER, WINE, AND LIQUOR AND THE HOURS AND DAYS OF SALE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,290.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(16).

In subsection (b) of this section, the former reference to a "7-day" license is deleted for consistency in license names throughout this article.

In the introductory language of subsection (c) of this section, the reference to the authority of the Board to "issue the license for a theme park" is substituted for the former reference to "[t]he license privileges may be exercised only at a theme park" to conform to the terminology used throughout this article.

In subsections (c)(2)(ii) and (e) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former reference to consumption on the licensed premises "only" is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Board” § 26–101  
“Restaurant” § 1–101  
“Wine” § 1–101

**26–1017. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD SHALL ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT VETERANS’ ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) HAS A CHARTER FROM A NATIONAL VETERANS’ ORGANIZATION THAT WAS GRANTED BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER;**

**(4) OPERATES ONLY FOR ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(5) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$910.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(r)(2)(i) through (iii) and, as it related to hours and days of sale, (iv) and, as it related to Prince George's County, (a)(1).

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to a "veterans" club is added for clarity.

Also in the introductory language of subsection (b) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a "bona fide" organization or club is deleted as surplusage. Similarly, in subsection (b)(1)(iii) of this section, the former reference to "bona fide" members is deleted.

In subsection (b)(2) of this section, the reference to a charter "that was granted" before the license application was made is added for clarity.

In subsection (b)(5) of this section, the reference to a clubhouse used for "its members and guests when accompanied by members" is substituted for the former reference to "no other purpose" for clarity.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former, broader reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former reference to "at any club" is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 26–2004 of this title” is substituted for the former reference to the “licensee is subject to all other provisions of this article relating to beer, wine and liquor licenses, Class C, in force and effect in Prince George’s County” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 6–301(r)(1), which stated that former Art. 2B, § 6–301(r) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(r)(2)(iv), which stated that the license holder is subject to all other provisions of this article relating to Class C beer, wine, and liquor licenses in force and effect in Prince George’s County, except as it related to hours and days of sale for this license, is deleted as an unnecessary statement of common practice.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Club” § 1–101

“Wine” § 1–101

## **26–1018. WATERFRONT LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS D (WATERFRONT) BEER AND WINE LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY AN ESTABLISHMENT IN A WATERFRONT ENTERTAINMENT RETAIL COMPLEX, AS DEFINED IN THE COUNTY ZONING ORDINANCE.**

### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES OR OFF–PREMISES CONSUMPTION.**

### **(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND WINE FOR ON-PREMISES AND OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$660.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(r)(2)(ii), (iii), (v), and (vi) and, as it related to Prince George's County, the second sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to a "special" Class D license is deleted as surplusage.

In subsection (c) of this section, the reference to "on-premises and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (c) of this section, the former reference to selling "at retail" is deleted as surplusage.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer and wine" from 9 a.m. to 2 a.m. the following day is substituted for the former reference to the "hours of operation are" from 9 a.m. to 2 a.m. the following day for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 5-401(r)(2)(i), which stated that former Art. 2B, § 5-401(r)(2) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5-401(r)(2)(iv), which stated that a license holder need not meet any food requirements, is deleted as surplusage.

Defined terms: "Beer" § 1-101

"County" § 26-101

"Wine" § 1-101

**26-1019. YACHT CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (YACHT CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SIGNATORY REQUIRED FOR LICENSE APPLICATION.**

**THE APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST ONE OFFICER OF THE YACHT CLUB WHO IS A RESIDENT, REGISTERED VOTER, AND TAXPAYER OF THE COUNTY.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF A YACHT CLUB THAT:**

**(1) HAS AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$75 PER YEAR PER MEMBER; AND**

**(2) AT THE TIME OF APPLICATION FOR THE LICENSE, MAINTAINS:**

**(I) A CLUBHOUSE WITH A SEATING CAPACITY OF AT LEAST 100;**

**(II) SLIPS OR BERTHS FOR AT LEAST 75 BOATS; AND**

**(III) AT LEAST 5 ACRES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION BY A MEMBER OF THE YACHT CLUB OR A GUEST WHEN ACCOMPANIED BY A MEMBER.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 26-2004 OF THIS TITLE.**

**(F) SUNDAY SALES.**

**THE LICENSE HOLDER IS NOT SUBJECT TO THE RESTRICTIONS ON THE SALE OF BEER, WINE, AND LIQUOR ON SUNDAY IN § 26-1004(I)(2) OF THIS TITLE.**

**(G) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,575.**

REVISOR'S NOTE: Subsections (a) through (d), (f), and (g) of this section are new language derived without substantive change from former Art. 2B, § 6-301(r)(4)(i) through (v), the second sentence of (vi), and (vii), and, as it related to the Board issuing the license, the first sentence of (a)(1).

Subsection (e) of this section is new language added for clarity.

In subsection (b) of this section, the former reference to a license "filed on behalf of any such yacht club" is deleted as surplusage.

In the introductory language of subsection (c) of this section, the reference to the "Board" is substituted for the former reference to the "license issuing authority of the county in which the place of business is located" for brevity and clarity.

In subsection (c)(1) of this section, the former reference to "bona fide" members is deleted as surplusage.

In subsection (c)(2)(i) of this section, the reference to a seating capacity "of at least 100" is substituted for the former reference to a seating capacity "sufficient to accommodate at one time at least 100 persons" for brevity.

In subsection (c)(2)(iii) of this section, the former reference to 5 acres "of ground" is deleted as surplusage.

In subsection (d) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (d) of this section, the former references to selling "at retail" and "at the place described in the license" are deleted as surplusage.

Also in subsection (d) of this section, the former reference to consumption "only" on the licensed premises is deleted as surplusage.

The first sentence of former Art. 2B, § 6-301(r)(4)(vi), which stated that the license holder is subject to all other provisions of this article relating to Class C beer, wine, and liquor licenses in force and effect in Prince George's County, is deleted as an unnecessary statement of common practice.

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 of 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 classifies 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” § 26–101

“County” § 26–101

“Wine” § 1–101

#### **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

##### **26–1101. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

###### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

###### **(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26–1102 OF THIS SUBTITLE.**



REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: "Beer" § 1-101

"County" § 26-101

"License" § 1-101

"License holder" § 1-101

"Wine" § 1-101

**26-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH OFF-SALE PRIVILEGES.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEE.**

**THE BOARD SHALL SET AN ANNUAL PERMIT FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217.1(d) through (g).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (b) of this section, the former language “[b]efore the Board issues a refillable container permit to an applicant” is deleted because it merely states the normal practice of the Board.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 8–103(a)(1)(vi), which stated that former Art. 2B, § 8–103 applied with respect to draft beer in Prince George’s County, and former Art. 2B, § 8–217.1(a), which stated that former Art. 2B, § 8–217.1 applied only in Prince George’s County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–217.1(b), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 26–101 of this title.

Former Art. 2B, § 8–217.1(c), which stated that there is a refillable container permit in Prince George’s County, is deleted as unnecessary in light of § 26–1101(c) of this subtitle.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Wine” § 1–101

## **26–1103. ENTERTAINMENT PERMIT.**

### **(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A LICENSE HOLDER THAT SEEKS TO PROVIDE ENTERTAINMENT IF:**

**(1) THE LICENSE OF THE LICENSE HOLDER IS ISSUED UNDER § 26–1003, § 26–1006, § 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, OR § 26–1016 OF THIS TITLE;**

**(2) THE BOARD DETERMINES THAT THE LICENSE HOLDER’S PRINCIPAL BUSINESS IS TO PROVIDE FAMILY ENTERTAINMENT;**

**(3) THE LICENSE IS A CLASS B (ON-SALE) LICENSE ISSUED FOR A RESTAURANT, AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT FOR ADULTS AND CHILDREN THAT:**

(I) IS ANCILLARY TO THE OPERATION OF THE BUSINESS; AND

(II) IS NOT THE PRIMARY FOCUS OF MARKETING OR PROMOTION FOR THE BUSINESS; OR

(4) THE LICENSE IS A VETERANS OR FRATERNAL CLASS C LICENSE AND THE LICENSE HOLDER PROVIDES ENTERTAINMENT THAT:

(I) IS UNDER THE DIRECT SUPERVISION OF THE LICENSE HOLDER;

(II) IS FOR ADULTS, CHILDREN, AND FAMILIES OF THE ORGANIZATION OR THE PUBLIC; AND

(III) WHEN OFFERED, ENDS NOT LATER THAN MIDNIGHT.

(B) ESTABLISHED.

THERE IS AN ENTERTAINMENT PERMIT.

(C) AUTHORIZED HOLDER.

THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B (ON-SALE) LICENSE IN ACCORDANCE WITH THIS SECTION.

(D) SCOPE OF AUTHORIZATION.

(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PERMIT AUTHORIZES THE PERMIT HOLDER TO IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, AND PROVIDE ENTERTAINMENT.

(II) THE PERMIT HOLDER SHALL COMPLY WITH ALL REQUIREMENTS UNDER COUNTY LAW, INCLUDING ZONING AND USE AND OCCUPANCY LAWS.

(2) THE BOARD SHALL DETERMINE THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER MAY EXERCISE THE PRIVILEGES OF THE PERMIT.

(3) THE PERMIT IS IN EFFECT FROM 9 P.M. TO 2 A.M. THE FOLLOWING DAY.

(E) REQUIREMENTS FOR APPLICANT.

**BEFORE BEING ISSUED THE PERMIT, AN APPLICANT SHALL:****(1) SUBMIT EVIDENCE TO THE SATISFACTION OF THE BOARD THAT:****(I) THE APPLICANT HOLDS A CLASS B (ON-SALE) LICENSE;****(II) THERE ARE NO UNPAID TAXES DUE FROM THE APPLICANT TO THE STATE, THE COUNTY, OR A MUNICIPAL CORPORATION; AND****(III) THE APPLICANT MEETS ALL OTHER REQUIREMENTS FOR THE PERMIT; AND****(2) (I) DEVELOP A SECURITY PLAN TO PREVENT THE PREMISES FOR WHICH THE PERMIT IS SOUGHT FROM POSING A THREAT TO THE PEACE AND SAFETY OF THE SURROUNDING AREA; AND****(II) SUBMIT THE PLAN FOR REVIEW TO THE BOARD AND THE CHIEF OF THE COUNTY POLICE DEPARTMENT.****(F) SECURITY PLAN.****(1) THE CHIEF OF THE COUNTY POLICE DEPARTMENT MAY SUBMIT COMMENTS TO THE BOARD ON THE ADEQUACY OF THE SECURITY PLAN WITHIN 30 DAYS AFTER RECEIPT OF THE SECURITY PLAN.****(2) THE BOARD SHALL CONSIDER THE COMMENTS, IF ANY, OF THE CHIEF OF THE COUNTY POLICE DEPARTMENT AND SUBSEQUENTLY ISSUE THE PERMIT, REFUSE TO ISSUE THE PERMIT, OR CONDITION THE ISSUANCE OF THE PERMIT ON CHANGES TO THE SECURITY PLAN.****(3) IF THE BOARD ISSUES THE PERMIT WITH A SECURITY PLAN THAT THE CHIEF OF THE COUNTY POLICE DEPARTMENT DOES NOT SUPPORT, THE BOARD SHALL SPECIFY IN WRITING TO THE CHIEF OF THE COUNTY POLICE DEPARTMENT THE REASONS WHY THE BOARD HAS DETERMINED THAT THE SECURITY PLAN IS ADEQUATE.****(G) PUBLIC HEARING REQUIRED.****(1) BEFORE ISSUING THE PERMIT, THE BOARD SHALL HOLD A PUBLIC HEARING IN ACCORDANCE WITH THE REQUIREMENTS FOR A PUBLIC HEARING ON AN APPLICATION FOR A LICENSE UNDER § 26-1511 OF THIS TITLE.**

**(2) AT THE PUBLIC HEARING, THE BOARD SHALL GIVE THE APPLICANT, SUPPORTERS OF THE APPLICANT, AND OPPONENTS OF THE APPLICANT AN OPPORTUNITY TO BE HEARD.**

**(3) IN MAKING ITS DETERMINATION WHETHER TO APPROVE THE APPLICATION AND ISSUE THE PERMIT, THE BOARD SHALL CONSIDER WHETHER:**

**(I) APPROVAL AND ISSUANCE OF THE PERMIT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;**

**(II) THE APPLICANT IS A FIT PERSON TO RECEIVE THE PERMIT;**

**(III) THE APPLICANT HAS MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**(IV) THE APPLICANT HAS COMMITTED ANY FRAUDULENT ACT IN CONNECTION WITH THE APPLICATION;**

**(V) THE OPERATION OF THE BUSINESS, IF THE PERMIT IS ISSUED, WILL UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD WHERE THE PLACE OF BUSINESS IS LOCATED OR TO BE LOCATED; AND**

**(VI) THERE ARE ANY OTHER REASONS THAT JUSTIFY THE DISAPPROVAL OF THE APPLICATION OR THE REFUSAL TO ISSUE THE PERMIT.**

**(4) THE BOARD SHALL HOLD A SIMILAR PUBLIC HEARING ON RECEIPT OF A PETITION TO:**

**(I) REVOKE THE PERMIT; OR**

**(II) PROTEST THE RENEWAL OF THE PERMIT.**

**(H) IMPLEMENTATION OF SECURITY PLAN.**

**THE PERMIT HOLDER:**

**(1) SHALL IMPLEMENT AND FOLLOW THE APPROVED SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION AT ALL TIMES WHEN THE PERMIT HOLDER EXERCISES THE PRIVILEGES OF THE PERMIT;**

**(2) WHEN THE PRIVILEGES AUTHORIZED BY THE PERMIT ARE BEING EXERCISED, MAY NOT ALLOW AN INDIVIDUAL WHO IS UNDER THE AGE OF 21 YEARS**

ON THE PREMISES FOR WHICH THE PERMIT IS ISSUED UNLESS THE INDIVIDUAL IS EMPLOYED BY OR IS AN IMMEDIATE FAMILY MEMBER OF THE PERMIT HOLDER; AND

(3) MAY EMPLOY SWORN SECURITY PERSONNEL AS PART OF THE SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION IF THE SWORN SECURITY PERSONNEL HAVE FULL POLICE POWERS IN THE JURISDICTION WHERE THE PREMISES OF THE PERMIT HOLDER IS LOCATED.

(I) RESTRICTIONS ON ENTERTAINMENT.

THE BOARD AT ANY TIME MAY PROHIBIT, CONDITION, OR RESTRICT THE TYPE OF ENTERTAINMENT OFFERED BY A PERMIT HOLDER, INCLUDING LEWD, EXOTIC, LOUD, OR RAUCOUS ENTERTAINMENT, IF AFTER A HEARING THE BOARD DETERMINES THAT THE ENTERTAINMENT:

(1) ADVERSELY IMPACTS OR UNDULY DISTURBS THE COMMUNITY;  
AND

(2) IS NOT CONDUCTIVE TO THE PEACE, HEALTH, WELFARE, OR SAFETY OF THE RESIDENTS OF THE COUNTY.

(J) SUSPENSION OR REVOCATION OF PERMIT.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY IMMEDIATELY SUSPEND THE PERMIT IF THE BOARD REASONABLY BELIEVES THAT THE PERMIT HOLDER:

(I) VIOLATED THIS SECTION; OR

(II) IS NOT IN COMPLIANCE WITH A COUNTY ZONING PROPERTY STANDARD OR USE AND OCCUPANCY REQUIREMENT.

(2) IF THE BOARD IMMEDIATELY SUSPENDS A PERMIT, THE BOARD SHALL:

(I) GIVE THE PERMIT HOLDER NOTICE OF THE SUSPENSION AND A HEARING ON THE SUSPENSION AT WHICH THE PERMIT HOLDER MAY BE HEARD AND PRESENT EVIDENCE; AND

(II) HOLD THE HEARING WITHIN 30 DAYS AFTER THE SUSPENSION IS IMPOSED.

**(K) HEARING ON SUSPENSION.**

**(1) AT THE HEARING, THE BOARD SHALL DETERMINE:**

**(I) WHETHER THE PERMIT HOLDER VIOLATED THIS SECTION OR OTHER LAW; AND**

**(II) IF A VIOLATION OCCURRED, WHAT PENALTY TO IMPOSE AMONG THOSE LISTED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION.**

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF THE BOARD FINDS THAT A PERSON HAS VIOLATED THIS SECTION OR ANY OTHER LAW, THE BOARD:**

**(I) MAY REVOKE OR CONTINUE THE SUSPENSION OF THE PERMIT; AND**

**(II) SHALL IMPOSE ON THE PERSON A PENALTY OF:**

**1. FOR A FIRST OFFENSE, AT LEAST \$1,000 BUT NOT MORE THAN \$12,500; AND**

**2. FOR EACH SUBSEQUENT OFFENSE, AT LEAST \$5,000.**

**(3) THE BOARD:**

**(I) SHALL REVOKE THE PERMIT OF A PERSON WHO THE BOARD DETERMINES VIOLATED THIS SECTION OR ANY OTHER LAW TWICE IN 24 MONTHS; AND**

**(II) MAY NOT CONSIDER AN APPLICATION FROM THE PERSON FOR A NEW PERMIT OR AN APPLICATION FOR A NEW PERMIT FOR THE PREMISES THAT WAS THE SUBJECT OF THE REVOCATION UNTIL AT LEAST 12 MONTHS AFTER THE ORDER OF REVOCATION IS ISSUED.**

**(4) IF THE BOARD DETERMINES THAT THE PERMIT HOLDER DID NOT VIOLATE THIS SECTION, THE BOARD SHALL IMMEDIATELY REINSTATE THE PERMIT.**

**(L) TEMPORARY RESTRAINING ORDER.**

**(1) THE CIRCUIT COURT MAY ISSUE A TEMPORARY RESTRAINING ORDER TO IMMEDIATELY CLOSE TO THE PUBLIC THE ENTIRE OPERATION OF THE PREMISES IF THE COUNTY ESTABLISHES THAT:**

**(I) THE SECURITY PLAN DESCRIBED UNDER SUBSECTION (E)(2) OF THIS SECTION HAS NOT BEEN IMPLEMENTED; AND**

**(II) THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

**(2) ON ISSUANCE OF A TEMPORARY RESTRAINING ORDER UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COUNTY SHALL GIVE THE PERMIT HOLDER WRITTEN NOTICE OF AND REASONS FOR THE CLOSURE.**

**(3) THE PERMIT HOLDER PROMPTLY SHALL BE GIVEN AN OPPORTUNITY FOR A HEARING IN CIRCUIT COURT ON THE GRANTING OF THE TEMPORARY RESTRAINING ORDER IN ACCORDANCE WITH TITLE 15, CHAPTER 500 OF THE MARYLAND RULES.**

**(M) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(N) FEE.**

**THE ANNUAL FEE FOR THE PERMIT IS \$1,500, WHICH IS IN ADDITION TO THE ANNUAL FEE FOR THE CLASS B LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(19).

In subsection (d)(1)(ii) of this section, the former reference to "regulations" is deleted as included in the reference to "laws".

In subsection (g)(1) of this section, the former phrase "approving an application" is deleted as implicit in the phrase "issuing the permit".

Defined terms: "Board" § 26-101

"County" § 26-101

"License" § 1-101

"License holder" § 1-101

"On-sale" § 1-101

"Person" § 1-101

"Restaurant" § 1-101

"State" § 1-101

**26-1104. SUNDAY OFF-SALE PERMIT.**



**(A) ESTABLISHED.**

**THERE IS A SUNDAY OFF-SALE PERMIT.**

**(B) AUTHORIZED HOLDER.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE PERMIT TO THE HOLDER OF:**

**(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE.**

**(2) THE BOARD MAY NOT ISSUE A SUNDAY OFF-SALE PERMIT TO A LICENSE HOLDER THAT THE BOARD FINDS TO HAVE SOLD LIQUOR ON SUNDAY WITHOUT A SUNDAY OFF-SALE PERMIT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE HOLDER TO SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION ON SUNDAY FROM 8 A.M. TO MIDNIGHT.**

**(D) REQUIRED REINVESTMENT.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN APPLICANT FOR THE PERMIT SHALL COMMIT IN THE APPLICATION TO REINVESTING A MINIMUM OF \$50,000 IN THE BUSINESS WITHIN 1 YEAR AFTER THE PERMIT IS ISSUED.**

**(2) THE BOARD MAY WAIVE THE REINVESTMENT REQUIREMENT.**

**(3) THE BOARD SHALL REVOKE THE PERMIT IF:**

**(I) THE BOARD DID NOT WAIVE THE REINVESTMENT REQUIREMENT UNDER ITEM (II) OF THIS PARAGRAPH; AND**

**(II) THE PERMIT HOLDER FAILS TO MAKE THE REQUIRED REINVESTMENT.**

**(E) WAIVER OF RESTAURANT OR FOOD REQUIREMENTS.**

**IF THE PERMIT IS ISSUED TO THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE, THE HOLDER NEED NOT COMPLY WITH ANY RESTAURANT OR FOOD REQUIREMENT.**

**(F) LIMIT ON PERMITS.**

**NOT MORE THAN 100 SPECIAL SUNDAY OFF-SALE PERMITS MAY BE IN EFFECT AT ANY ONE TIME.**

**(G) FEES.**

**(1) THE APPLICATION FEE FOR THE PERMIT IS \$750.**

**(2) THE ANNUAL FEES FOR THE PERMIT ARE:**

**(I) \$2,590 FOR THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE; AND**

**(II) \$1,080 FOR THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE.**

**(3) THE FEES LISTED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE IN ADDITION TO THE ANNUAL FEE FOR THE CLASS A BEER, WINE, AND LIQUOR LICENSE OR CLASS B BEER, WINE, AND LIQUOR LICENSE TO WHICH IT IS ATTACHED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-517(l)(1) through (3) and (5) through (10).

In subsection (b)(1) of this section, the former reference to a Class B beer, wine and liquor license with an off-sale privilege "under 6-201(r)(2)(ii) of this article" is deleted as surplusage.

Former Art. 2B, § 11-517(l)(4), which prohibited the Board from issuing a special Sunday off-sale permit to persons who violated a restriction on selling liquor on Sunday between July 1, 2014, and June 30, 2015, is deleted as obsolete.

Former Art. 2B, § 11-517(l)(11), which authorized the Board to adopt regulations to implement the provisions of this section relating to the issuance of a Sunday off-sale permit, is deleted as unnecessary because the Board has the power to adopt regulations under § 26-208 of this title.

Defined terms: "Board" § 26-101

“License” § 1-101

“Off-sale” § 1-101

“Restaurant” § 1-101

**26-1105. SUNDAY ON-SALE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A SUNDAY ON-SALE PERMIT.**

**(B) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE WHO MEETS THE STANDARDS SET OUT IN §§ 26-902 AND 26-903 OF THIS TITLE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE PERMIT HOLDER ON SUNDAY TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM THE BAR OR A COCKTAIL LOUNGE FOR ON-PREMISES CONSUMPTION.**

**(D) HOURS OF SALE.**

**THE HOURS OF SALE ARE FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(E) PERMIT REQUIREMENTS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR THE BOARD TO ISSUE THE PERMIT, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD SHALL BE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF “ON-SALE” FOOD AND ALCOHOLIC BEVERAGES AT THE APPLICANT’S LICENSED PREMISES FOR AT LEAST 6 MONTHS BEFORE THE APPLICATION IS SUBMITTED.**

**(2) THE BOARD MAY IMMEDIATELY ISSUE THE PERMIT FOR A NEWLY LICENSED ESTABLISHMENT IF:**

**(I) THE BOARD DETERMINES THAT THE APPLICANT MEETS THE SPECIFICATIONS OF §§ 26-902 AND 26-903 OF THIS TITLE FOR THE PREPARATION, SERVING, AND SALE OF FOOD; AND**

**(II) THE LICENSE HOLDER COMPLIES WITH THIS SECTION.**

**(3) AN APPLICANT FOR THE PERMIT SHALL PROVIDE THE BOARD WITH THE EVIDENCE THAT THE BOARD REQUIRES INDICATING THE QUALIFICATIONS OF THE APPLICANT.**

**(F) STATEMENT FROM PERMIT HOLDER REQUIRED.**

**A PERMIT HOLDER SHALL PROVIDE THE BOARD, AT REGULAR INTERVALS THAT THE BOARD ESTABLISHES, A STATEMENT INDICATING IN DETAIL THE RATIO OF FOOD SALES TO THE SALES OF ALCOHOLIC BEVERAGES.**

**(G) REVOCATION.**

**IF THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FAIL FOR 3 SUCCESSIVE MONTHS TO AT LEAST EQUAL 40% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES, THE BOARD SHALL REVOKE THE PERMIT.**

**(H) FEE.**

**THE ANNUAL PERMIT FEE IS \$850.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(5)(i) through (iii) and the second, third, and, except as it related to Class BH license holders, fourth sentences of (iv).

In subsection (c) of this section, the former phrase “to keep for sale” is deleted as included in the phrase “to sell”.

In subsection (e) of this section, the reference to “the applicant’s licensed premises” is substituted for the former reference to “the establishments where it is proposed to locate this permit” for brevity.

In subsection (f) of this section, the former phrase “from time to time” is deleted as surplusage.

In subsection (h) of this section, the former reference to the \$850 “which is in addition to the annual fee for the Class B beer, wine and liquor license to which it is attached” is deleted because it is implicit in the reference to a “permit fee”.

The first sentence of former Art. 2B, § 6–201(r)(5)(iv), which stated that the permit is subject to all other provisions of this article “except that any restrictions on the sale of alcoholic beverages on Sunday appearing in §

11–517 of this article and elsewhere may not apply”, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(r)(5)(v), which authorized the Board to adopt regulations it considered necessary relating to special Sunday “on–sale” permits, is deleted as unnecessary because the Board has the power to adopt regulations under § 26–208 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“On–sale” § 1–101

“Wine” § 1–101

## **SUBTITLE 12. CATERER’S LICENSES.**

### **26–1201. CLASS BCE CATERER’S LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS BCE (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CATERING ESTABLISHMENT.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE BOARD SHALL ADOPT REGULATIONS THAT DEFINE A CATERING ESTABLISHMENT.**

**(II) THE REGULATIONS ADOPTED BY THE BOARD SHALL REQUIRE A CATERING ESTABLISHMENT TO HAVE:**

**1. A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, EXCLUDING THE COST OF LAND, BUILDINGS, OR A LEASE; AND**

**2. A MINIMUM SEATING CAPACITY OF 150 INDIVIDUALS.**

**(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION BY PARTICIPANTS OF CATERED EVENTS ONLY.**

#### **(C) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL SERVE FOOD WITH THE BEER, WINE, AND LIQUOR.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,630.**

**(E) HOURS AND DAYS OF SALE.**

**THE BOARD SHALL ADOPT REGULATIONS SPECIFYING THE HOURS AND DAYS OF SALE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(8).

In subsection (a) of this section, the former reference to a "special Class B ... license ... to be known as Class BCE" is deleted as surplusage in light of the revised structure of this article.

In subsection (b)(2)(i) of this section, the requirement that the Board "adopt" regulations is added for clarity.

In subsection (c) of this section, the requirement that the "license holder" serve food is added for clarity.

Defined terms: "Beer" § 1-101

"Board" § 26-101

"On-sale" § 1-101

"Wine" § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**26-1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1202 ("PER DIEM LICENSES");**

(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);

(3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);

(4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);

(5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

(B) EXCEPTION.

SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1314 OF THIS SUBTITLE.

(C) VARIATION.

SECTION 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 26-1311 AND 26-1313 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 26-101

**26-1302. RESERVED.**

**26-1303. RESERVED.**

## **PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**26-1304. WINE FESTIVAL LICENSE.**

(A) “FESTIVAL” DEFINED.

IN THIS SECTION, “FESTIVAL” MEANS THE PRINCE GEORGE’S COUNTY WINE FESTIVAL.

(B) ESTABLISHED.

**(1) THERE IS A PRINCE GEORGE’S COUNTY WINE FESTIVAL LICENSE.**

**(2) THE BOARD MAY ISSUE ONE LICENSE EACH YEAR.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(E) TIME AND CONDITIONS FOR DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**(1) THE BOARD SHALL:**

**(I) CHOOSE A LOCATION FOR THE FESTIVAL THAT:**

**1. IS NOT IN THE 24TH LEGISLATIVE DISTRICT; AND**

**2. IS NOT ALREADY LICENSED; AND**

**(II) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**



**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EACH YEAR THE BOARD MAY CHOOSE 1 WEEKEND, FRIDAY THROUGH SUNDAY, INCLUSIVE, FOR THE FESTIVAL.**

**(3) THE WEEKEND CHOSEN FOR THE FESTIVAL MAY NOT:**

**(I) BE WITHIN 14 DAYS BEFORE OR AFTER THE DATES CHOSEN FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; OR**

**(II) CONFLICT WITH THE DATES CHOSEN FOR THE:**

- 1. ANNE ARUNDEL COUNTY BEER AND WINE FESTIVAL;**
- 2. CALVERT COUNTY WINE FESTIVAL;**
- 3. CHARLES COUNTY BEER AND WINE FESTIVAL; OR**
- 4. HOWARD COUNTY WINE FESTIVAL.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–310.2(c) through (i), (a)(1) and (3), and (b)(2).

Subsection (b)(1) 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 a “retail” license is substituted for the former reference to a “retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the license holder to display and sell wine that” meets specified criteria is substituted for the former reference to the requirement that the “wine shall” meet the criteria for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations that the Comptroller adopts” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(1)(i)2 of this section, the reference to a location that “is not already licensed” is substituted for the former reference to a location “which is not licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(1)(i)2 of this section, the former reference to the Board being required to choose a location for the Festival “in the county” is deleted as surplusage.

In subsection (f)(3) of this section, the former requirement that the weekend for the Festival not “[b]e longer than 3 days” is deleted as unnecessary in light

of the language in (f)(2) authorizing the Board to choose “1 weekend, Friday through Sunday, inclusive, for the Festival”.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder of a wine festival license from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a wine festival license is issued under this section” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to acceptance of returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–310.2(a)(2), which defined “Board” as meaning the Prince George’s County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 26–101 of this title.

Former Art. 2B, § 8–310.2(b)(1), which stated that former Art. 2B, § 8–310.2 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Code Revision Committee notes, for consideration by the General Assembly, that in subsection (f)(1)(i)1 of this section, it is unclear whether the reference to “the 24th Legislative District” refers to the legislative district as constituted on the date when the provision was enacted or as constituted today.

Defined terms: “Beer” § 1–101  
“Board” § 26–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**26–1305. BEER TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER TASTING LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER (B) LICENSE, 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 BEER FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE A QUANTITY OF NOT MORE THAN 3 OUNCES FROM EACH OFFERING OF BEER TO AN INDIVIDUAL.**

**(E) FEE.**

**(1) IN ADDITION TO THE COST OF THE BEER AND WINE LICENSE OR BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$120.**

**(2) IN ADDITION TO THE COST OF A BEER LICENSE, THE ANNUAL LICENSE FEE IS \$110.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(a)(1), (2)(ii), (3)(ii), (4)(ii), and (5)(i), as they related to the beer 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 beer 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 “brand” for clarity.

Also in subsection (d) of this section, the reference to an “individual” is 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.

Also in subsection (c) of this section, the former reference to a “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 reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Defined terms: “Beer” § 1-101

“Board” § 26-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

## **26-1307. BEER AND WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A BEER AND 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, FOR TASTING, THE CONSUMPTION OF:**

#### **(1) BEER; OR**

**(2) WINE CONTAINING NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE FROM EACH OFFERING OF WINE; OR**

**(2) 3 OUNCES FROM EACH OFFERING OF BEER.**

**(E) FEE.**

**THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–409(a)(5) and, as they related to the beer and wine tasting license, (1), (2)(i) and (ii)1, (3), and (4).

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 beer or wine is added for clarity.

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 an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Also in subsection (d) of this section, the references to each “offering” are substituted for the former references to each “brand” or each “given brand” for clarity.

- Defined terms: “Beer” § 1–101
- “Board” § 26–101
- “License” § 1–101
- “License holder” § 1–101
- “Wine” § 1–101

**26–1308. BEER, WINE, AND LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER, WINE, AND LIQUOR TASTING (BWLTT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR FOR TASTING.**

**(D) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY SERVE TO AN INDIVIDUAL A QUANTITY OF NOT MORE THAN:**

**(1) 0.5 OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS OF LIQUOR IN A DAY;**

**(2) 1 OUNCE FROM EACH OFFERING OF WINE; AND**

**(3) 3 OUNCES FROM EACH OFFERING OF BEER.**

**(E) FEE.**

**THE BOARD SHALL SET THE ANNUAL LICENSE FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-409(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 beer, wine, and liquor 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 the introductory language of subsection (d) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

Also in subsection (d) of this section, the references to “1 ounce from each offering of wine” and “3 ounces from each offering of beer” are substituted for the former reference to “the limitations on the consumption of beer and wine under subsection (a)(4) of this section” for clarity.

Defined terms: “Beer” § 1–101  
“Board” § 26–101  
“License” § 1–101  
“License holder” § 1–101  
“Wine” § 1–101

**26–1309. RESERVED.**

**26–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**26–1311. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) NOTICE TO GOVERNMENT OFFICIALS.**

**WHEN THE BOARD ISSUES A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, THE BOARD SHALL PROVIDE NOTICE OF THE EVENT FOR WHICH THE LICENSE IS ISSUED TO:**

**(1) THE COUNTY POLICE CHIEF;**

**(2) THE COUNTY FIRE CHIEF;**

**(3) THE DIRECTOR OF THE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES; AND**

**(4) IF APPLICABLE, THE CHIEF ADMINISTRATIVE OFFICER OF THE MUNICIPALITY IN WHICH THE EVENT IS TO BE HELD.**

**(B) NOTICE REQUIREMENTS.**

**THE NOTICE SHALL INCLUDE THE TIME, PLACE, AND EXPECTED SIZE OF THE EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(d)(13)(iv).

In subsection (a) of this section, the reference to “[t]he Board” determining that the applicant is unqualified is added for clarity.

Former Art. 2B, § 7–101(d)(13)(i), which stated that former Art. 2B, § 7–101(d)(13) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 7–101(d)(13)(v), which stated that the Board may deny an application for the license if it is determined that the applicant does not qualify under this article, is deleted as an unnecessary statement of common practice.

Defined terms: “Board” § 26–101  
 “County” § 26–101

**26–1312. CLASS D PER DIEM BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D PER DIEM BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE:**

**(I) TO AN INDIVIDUAL; OR**

**(II) ON BEHALF OF AN ENTITY THAT HOLDS AN EVENT IN THE PROPERTY OF A CONCEPTUAL SITE PLAN, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) AT LEAST PART OF THE PROPERTY OF THE CONCEPTUAL SITE PLAN SHALL INCLUDE A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS DEFINED UNDER THE COUNTY ZONING ORDINANCE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY DISPLAY AND SELL BEER AND WINE AT RETAIL FOR ON–PREMISES AND OFF–PREMISES CONSUMPTION DURING THE HOURS AND DAYS DESIGNATED FOR THE EVENT FOR WHICH THE LICENSE WAS ISSUED.**

**(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR A PERIOD LONGER THAN 7 CONSECUTIVE DAYS.**

**(D) ADDITIONAL LICENSES.**

**A LICENSE HOLDER MAY HOLD ANOTHER ALCOHOLIC BEVERAGES LICENSE OF A DIFFERENT CLASS OR NATURE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(b)(11)(iv)1 through 4.

Former Art. 2B, § 7–101(b)(11)(iii), which stated that the Board may deny an application for the license if it is determined that the applicant does not qualify under this article, is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 7–101(b)(11)(iv)5, which stated that the Board “may adopt regulations to carry out this subparagraph”, is deleted as unnecessary because the Board has the power to adopt regulations under § 26–208 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“County” § 26–101

“License” § 1–101

“Wine” § 1–101

**26–1313. CLASS C (3–DAY) BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (3–DAY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

**(C) LICENSE PERIOD.**

**THE BOARD MAY NOT ISSUE A LICENSE TO AN ORGANIZATION:**

**(1) FOR MORE THAN 3 CONSECUTIVE DAYS IN A SINGLE CALENDAR YEAR; OR**

**(2) IN 2 CONSECUTIVE YEARS.**

**(D) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY SELL BEER, WINE, OR LIQUOR AT NATIONAL HARBOR FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(E) PURCHASES FROM AND DONATIONS BY LICENSED WHOLESALER.**

**(1) A LICENSE HOLDER MAY PURCHASE BEER, WINE, OR LIQUOR ONLY FROM A LICENSED WHOLESALER.**

**(2) A LICENSED WHOLESALER MAY DONATE ALCOHOLIC BEVERAGES TO THE LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(x)(2) through (4), (6), and (7).

Former Art. 2B, § 7-101(x)(1), which stated that former Art. 2B, § 7-101(x) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 26-101

"License" § 1-101

"Licensed wholesaler" § 1-101

"Wine" § 1-101

## **26-1314. FEES.**

**(A) CLASS C PER DIEM BEER, CLASS C PER DIEM BEER AND WINE, AND CLASS D (3-DAY) BEER AND WINE LICENSES.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE, THE FEE IS \$75 PER DAY.**

**(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$100 PER DAY.**

**(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

**1. PAID BY THE CLUB; AND**

**2. CONSIDERED AS PART OF THE LICENSE FEE OF THE CLUB.**

**(3) FOR A CLASS D (3-DAY) BEER AND WINE LICENSE, THE FEE IS \$100 PER DAY.**

**(B) CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**(1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, THE FEE IS \$200 PER DAY.**

**(2) (I) FOR A CLUB HOLDING A GAMING EVENT, THE FEE IS \$150 PER DAY.**

**(II) THE FEE UNDER THIS PARAGRAPH SHALL BE:**

**1. PAID BY THE CLUB; AND**

**2. CONSIDERED AS PART OF THE LICENSE FEE OF THE CLUB.**

**(3) FOR A CLASS C (3-DAY) BEER, WINE, AND LIQUOR LICENSE, THE FEE IS \$200 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(11)(i), (ii), and (iv)6, (d)(13)(ii) and (iii), and (x)(5).

Throughout this section, former references to "society, or association" are deleted as included in the defined term "club".

Defined terms: "Club" § 1-101

"License" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**26-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (4) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (5) § 4-112 (“DISPOSITION OF LICENSE FEES”); AND**
- (6) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH IS SUPERSEDED BY § 26-1405 OF THIS SUBTITLE;**
- (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;**
- (3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), WHICH IS SUPERSEDED BY § 26-1406 OF THIS SUBTITLE;**
- (4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”); AND**
- (5) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 26-1410 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 26-1403 AND 26-1404 OF THIS SUBTITLE; AND**

**(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”):**

**(I) IN ADDITION TO § 26-1408 OF THIS SUBTITLE; AND**

**(II) SUBJECT TO § 26-1407 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a), (c), and (b)(1) through (3) and (5) of this section are new language added to incorporate by reference general provisions relating to applications for local licenses.

Subsection (b)(4) of this section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(iii), as it related to Prince George’s County.

Defined term: “County” § 26-101

**26-1402. CONSIDERATION OF APPLICATION.**

**(A) APPLICATION NOT PRIMA FACIE EVIDENCE OF RIGHT TO LICENSE.**

**THE BOARD MAY NOT CONSIDER AN APPLICATION FOR A LICENSE TO BE PRIMA FACIE EVIDENCE THAT THE APPLICANT IS ENTITLED TO THE LICENSE.**

**(B) BURDEN OF PROOF.**

**THE BURDEN OF PROOF IS ON THE APPLICANT TO SHOW TO THE BOARD THAT THE ISSUANCE OF A LICENSE TO THE APPLICANT IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC AT THE PREMISES APPLIED FOR.**

**(C) CONSTRUCTION OF LIMITATIONS ON NUMBER OF LICENSES.**

**THE LIMITATIONS ON LICENSES SPECIFIED IN § 26-1601 OF THIS TITLE MAY NOT BE CONSTRUED AS THE NUMBER OF LICENSES THE BOARD IS OBLIGATED TO ISSUE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(i).

Throughout this section, the former reference to an applicant “or applicants” is deleted in light of § 1–202 of the General Provisions Article, which provides that the singular generally includes the plural.

In subsection (a) of this section, the reference to “[t]he Board” considering applications is added for clarity.

In subsection (b) of this section, the former reference to “[b]ecause of the limitation on licenses as set forth in subsection (b) of this section” is deleted as surplusage.

Defined term: “Board” § 26–101  
“License” § 1–101

### **26–1403. OBTAINING CRIMINAL HISTORY RECORD INFORMATION.**

#### **THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1C.

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 26–101  
“License” § 1–101

### **26–1404. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

#### **THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE OR § 26–1403 OF THIS SUBTITLE ON COMPLETION OF ITS NECESSARY USE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)1C and, as it related to Prince George’s County, (i)2.

The reference to “criminal history record information” is substituted for the former reference to “records” to conform to the terminology used in CP § 10–201.



Defined term: "Board" § 26-101

**26-1405. APPLICATION ON BEHALF OF SOLE PROPRIETORSHIP OR PARTNERSHIP.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

- (1) A RACETRACK LICENSE;**
- (2) A CLASS BLX LICENSE;**
- (3) AN ARENA LICENSE;**
- (4) A CLASS BCE (CATERING) LICENSE;**
- (5) A CLASS B-CC (CONVENTION CENTER) LICENSE;**
- (6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) LICENSE;**
- (7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES; OR**
- (8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.**

**(B) IN GENERAL.**

- (1) AN APPLICATION FOR A LICENSE FOR A PROPRIETORSHIP SHALL STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAME AND ADDRESS OF THE APPLICANT.**
- (2) AN APPLICATION FOR A LICENSE FOR A PARTNERSHIP SHALL:**
  - (I) BE MADE BY AND THE LICENSE ISSUED TO EACH PARTNER AS AN INDIVIDUAL; AND**
  - (II) STATE THE NAME AND ADDRESS OF THE PARTNERSHIP AND THE NAMES AND ADDRESSES OF EACH APPLICANT.**

**(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR APPLICANT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-STADIUM BEER AND LIGHT WINE LICENSE OR A 7-DAY CLASS B-ECR ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, A PARTNER SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1 YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS LONG AS THE LICENSE IS IN EFFECT; AND**

**(II) BE A REGISTERED VOTER OF THE STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-201(r)(4)(vi), 6-201(r)(11)(v)2, and 9-101(a)(4) and (d)(6) and, as it related to partnerships, (4)(iii).

In the introductory language of subsection (c)(2) of this section, the phrase “[t]o be eligible to receive a license” is added for clarity.

Former Art. 2B, § 10-103(b)(4)(ii), which stated that the Board shall apply the residency requirements as specified in former Art. 2B, § 9-101, is deleted as unnecessary because those requirements are stated in this section and § 26-1407 of this subtitle.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the State in subsection (c)(2) of this section 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 classifies 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: “License” § 1-101  
“State” § 1-101

**26-1406. APPLICATION ON BEHALF OF CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

- (1) A RACETRACK LICENSE;
- (2) A CLASS BLX LICENSE;
- (3) AN ARENA LICENSE;
- (4) A CLASS BCE (CATERING) LICENSE;
- (5) A CLASS B-CC (CONVENTION CENTER) LICENSE;
- (6) A CLASS B/ECF (EDUCATIONAL CONFERENCE FACILITY) LICENSE;
- (7) THE ISSUANCE, RENEWAL, OR TRANSFER OF CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES; OR
- (8) A BUSINESS WHOSE STOCK OR INTEREST IS AUTHORIZED FOR SALE BY THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION.

**(B) IN GENERAL.**

(1) AN APPLICATION FOR A LICENSE ON BEHALF OF A CORPORATION, AN INCORPORATED OR UNINCORPORATED CLUB, OR A LIMITED LIABILITY COMPANY SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB OR THREE AUTHORIZED PERSONS OF THE LIMITED LIABILITY COMPANY, AS INDIVIDUALS.

(2) AN APPLICATION FOR A LICENSE SHALL:

(I) STATE THE NAME AND ADDRESS OF EACH OFFICER OF THE CORPORATION OR CLUB OR AUTHORIZED PERSON OF THE LIMITED LIABILITY COMPANY;

(II) STATE THE NAME AND ADDRESS OF THE CORPORATION, CLUB, OR LIMITED LIABILITY COMPANY; AND

(III) BE SIGNED BY:

1. THE PRESIDENT OR VICE PRESIDENT OF THE CORPORATION OR CLUB; OR

**2. THREE OFFICERS OR AUTHORIZED PERSONS TO WHOM THE LICENSES ARE TO BE ISSUED.**

**(3) IF A CORPORATION OR CLUB HAS FEWER THAN THREE OFFICERS OR DIRECTORS OR A LIMITED LIABILITY COMPANY HAS FEWER THAN THREE AUTHORIZED PERSONS, EACH OFFICER, DIRECTOR, OR AUTHORIZED PERSON SHALL APPLY FOR A LICENSE.**

**(C) RESIDENCY AND VOTER REGISTRATION REQUIREMENTS FOR APPLICANT.**

**(1) THIS SUBSECTION DOES NOT APPLY TO A CLASS B-STADIUM BEER AND LIGHT WINE LICENSE OR A 7-DAY CLASS B-ECR ON-SALE BEER, WINE, AND LIQUOR LICENSE.**

**(2) TO BE ELIGIBLE TO RECEIVE A LICENSE, AN APPLICANT SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE STATE FOR AT LEAST 1 YEAR BEFORE THE APPLICATION IS FILED AND CONTINUE TO BE A RESIDENT AS LONG AS THE LICENSE IS IN EFFECT; AND**

**(II) BE A REGISTERED VOTER OF THE STATE.**

**(D) OWNERSHIP REQUIREMENTS.**

**(1) A LICENSE MAY NOT BE ISSUED, RENEWED, OR TRANSFERRED TO AN INDIVIDUAL APPLYING FOR A LICENSE FOR A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY, UNLESS RESIDENTS OF THE STATE OWN:**

**(I) 25% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR UNINCORPORATED ASSOCIATION; OR**

**(II) 25% OF THE INTEREST IN THE LIMITED LIABILITY COMPANY.**

**(2) IF A CLOSE CORPORATION DOES NOT HAVE OFFICERS OR DIRECTORS:**

**(I) AT LEAST 25% OF THE STOCK SHALL BE HELD BY RESIDENTS OF THE STATE;**

**(II) THERE SHALL BE AN AFFIRMATIVE VOTE OF THE MAJORITY STOCKHOLDERS;**

**(III) AT LEAST ONE STOCKHOLDER SHALL APPLY FOR THE LICENSE AS PROVIDED IN THIS SECTION; AND**

**(IV) EACH YEAR, THE APPLICANTS OR CORPORATION SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT INCLUDES THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION AND THE NUMBER OF SHARES THAT EACH STOCKHOLDER OWNS AND HAS A RIGHT TO VOTE AT A STOCKHOLDERS MEETING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-201(r)(4)(vi), 6-201(r)(11)(v)2, and 9-101(a)(4) and (d)(2), (3), (5), (6), and (4)(i), (ii), (iv), and, except as it related to partnerships, (iii).

Throughout this section, the former phrase "as the case may be" is deleted as surplusage.

In subsection (b)(2)(ii) of this section, the former reference to an "association" is deleted as included in the defined term "club".

Also in subsection (b)(2)(ii) of this section, the former phrase "as well as the names and addresses of the applicants" is deleted as repetitive in light of the inclusion in the application of the names and addresses of the officers and authorized persons.

In the introductory language of subsection (d)(2) of this section, the former phrase "in order to make the application" is deleted as surplusage.

Former Art. 2B, § 9-101(d)(1), which stated that the provisions of former Art. 2B, § 9-101(d) applied only in Prince George's 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 the requirements that an applicant reside and be a registered voter in the State in subsection (c)(2) of this section 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 classifies 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: “Board” § 26–101

“Club” § 1–101

“State” § 1–101

### **26–1407. RESIDENT STATUS.**

**AN APPLICANT FOR A LICENSE IN THE COUNTY SHALL INCLUDE ON THE APPLICATION:**

**(1) A STATEMENT WHETHER THE APPLICANT IS A NATURAL–BORN OR NATURALIZED CITIZEN; OR**

**(2) IF THE APPLICANT IS NOT A CITIZEN OF THE UNITED STATES:**

**(I) A STATEMENT THAT THE APPLICANT’S IMMIGRATION STATUS IS IN ACCORDANCE WITH FEDERAL LAW; AND**

**(II) EVIDENCE TO VERIFY THE IMMIGRATION STATUS OF THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(3)(ii) and (b–1).

In this section, the references to “immigration status” are substituted for the former references to “legal status” to conform to the terminology used throughout this article.

Item (1) of this section is new language added to state expressly what was only implied in the former law, that an applicant who is a citizen of the United States is required to state that fact in the application.

In item (2)(ii) of this section, the reference to “evidence to verify” the immigration status of the applicant is substituted for the former reference to “proof of” the applicant’s legal status to conform to the terminology used throughout this article.

Defined terms: “County” § 26–101

“License” § 1–101

“United States” § 1–101

### **26–1408. FELONY CONVICTIONS.**

**IN ADDITION TO THE STATEMENT REQUIRED UNDER § 4–109(A)(9) OF THIS ARTICLE, AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT**

**THAT IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, THAT NEITHER THE APPLICANT NOR ANY OF THE STOCKHOLDERS OF THE CORPORATION HAVE BEEN CONVICTED OF A FELONY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(iv)1, as it related to Prince George's County.

Defined term: "License" § 1-101

**26-1409. APPLICATION FEE.**

**(A) IN GENERAL.**

**THE BOARD SHALL CHARGE AN APPLICATION FEE FOR A NEW LICENSE.**

**(B) NOT APPLICABLE TO RENEWAL OR TRANSFER.**

**THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

**(C) COST.**

**THE APPLICATION FEE IS \$300 AND IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE.**

**(D) FEE NOT REFUNDABLE.**

**THE APPLICATION FEE MAY NOT BE REFUNDED WHETHER THE LICENSE IS ISSUED OR DENIED.**

**(E) USE.**

**THE BOARD SHALL USE THE APPLICATION FEE TO COVER ITS EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(r).

In subsection (a) of this section, the former reference to a license "of any class" is deleted as surplusage.

In subsection (b) of this section, the reference to the "application fee" is substituted for the former reference to the "provisions of this subsection" for brevity.

Also in subsection (b) of this section, the former phrase “by way of” is deleted as surplusage.

In subsection (e) of this section, the former reference to the expenses of the Board “in connection with its functions” is deleted as surplusage.

Defined terms: “Board” § 26–101

“License” § 1–101

#### **26–1410. REFUND OF LICENSE FEES.**

##### **(A) PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A REFUND OF ANY PART OF A LICENSE FEE IS NOT ALLOWED.**

##### **(B) EXCEPTION.**

**(1) A LICENSE FEE REFUND MAY BE MADE ON THE DEATH OF THE LICENSE HOLDER BEFORE THE LICENSE EXPIRES.**

**(2) A PERSONAL REPRESENTATIVE MAY APPLY FOR A REFUND.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–205(d).

In subsection (b)(2) of this section, the reference to a “personal representative” is substituted for the former reference to the “executor or administrator of the decedent” to conform to the terminology used in the Estates and Trusts Article.

Defined terms: “License” § 1–101

“License holder” § 1–101

#### **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

#### **26–1501. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**SECTION 4–207 (“LICENSES ISSUED TO MINORS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**



**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LICENSE APPLICATIONS”) DO NOT APPLY IN THE COUNTY:**

**(1) § 4-206 (“LIMITATIONS ON RETAIL FLOOR SPACE”) AND IS SUPERSEDED BY § 26-1504 OF THIS SUBTITLE;**

**(2) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”) AND IS SUPERSEDED BY § 26-1513 OF THIS SUBTITLE; AND**

**(3) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”) AND IS SUPERSEDED BY § 26-1516 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), IN ADDITION TO §§ 26-1502 AND 26-1503 OF THIS SUBTITLE;**

**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 26-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 26-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**

**(4) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”), SUBJECT TO § 26-1509 OF THIS SUBTITLE;**

**(5) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 26-1512 OF THIS SUBTITLE;**

**(6) § 4-209 (“HEARING”), IN ADDITION TO § 26-1511 OF THIS SUBTITLE;**

**(7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”), IN ADDITION TO § 26-1508 OF THIS SUBTITLE;**

**(8) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 26-1506 OF THIS SUBTITLE; AND**

**(9) § 4-213 (“REPLACEMENT LICENSES”), SUBJECT TO § 26-1517 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a), (c), and (b)(2) and (3) of this section are new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 9-108(a).

Defined terms: “County” § 26-101  
 “License” § 1-101  
 “Local licensing board” § 1-101

**26-1502. ISSUANCE OF LICENSE BEFORE COMPLETION OF CONSTRUCTION OR ALTERATION OF PREMISES.**

**THE BOARD MAY ISSUE A LICENSE BEFORE THE CONSTRUCTION OR ALTERATION OF THE PREMISES TO BE LICENSED IS COMPLETED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217(a)(4).

The former references to the authority of the Board to “prescribe rules and regulations” are deleted in light of § 26-208 of this title, which grants the Board the authority to adopt regulations to carry out its duties under this article.

The former prohibition against construing this section “to prevent the issuance, or renewal, of a license previously issued, or authorized for issuance, where the premises licensed or to be licensed are under construction or the alterations to be made therein are in progress” is deleted as unnecessary.

The former phrase “in addition to the other powers and duties conferred upon them” is deleted as surplusage.

The reference to “before the construction or alteration of the premises” is substituted for the former reference to “when the actual use of the license is to be deferred until the completion of ... [the] licensed premises and the use thereof” for brevity.

Defined terms: “Board” § 26-101

“License” § 1-101

**26-1503. TAX PAYMENTS.**

**(A) PAYMENT OF TAXES REQUIRED BEFORE ISSUANCE OF LICENSE.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE TO AN APPLICANT UNLESS THE BOARD IS PROVIDED VERIFICATION FROM THE COMPTROLLER AND THE COUNTY THAT THE APPLICANT HAS:**

**(1) PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER AND THE COUNTY; OR**

**(2) PROVIDED FOR PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.**

**(B) LICENSE APPLICATION ON BEHALF OF ENTITY.**

**IF AN APPLICATION FOR THE ISSUANCE OF A LICENSE IS MADE ON BEHALF OF A CORPORATION, A CLUB, OR ANY OTHER ENTITY, THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(i-1)(2) and (3).

Former Art. 2B, § 10-202(i-1)(1), which stated that former Art. 2B, § 10-202(i-1) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26-101

“Club” § 1-101

“Comptroller” § 1-101

“County” § 26-101

“License” § 1-101

**26-1504. RESTRICTIONS ON FLOOR SPACE FOR OFF-SALE USE.**

**(A) MAXIMUM SPACE RESTRICTED TO 10,000 SQUARE FEET.**

**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A LICENSE HOLDER MAY NOT DEVOTE MORE THAN 10,000 SQUARE FEET OF FLOOR SPACE TO OFF-SALE USE.**

**(B) DETERMINATION OF FLOOR SPACE.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, FLOOR SPACE IS THE SPACE DEVOTED TO THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION, INCLUDING:**

**(I) A BASEMENT ON THE LICENSED PREMISES; AND**

**(II) ANY OTHER AREA OFF THE LICENSED PREMISES WHERE THE ALCOHOLIC BEVERAGES ARE LAWFULLY STORED.**

**(2) FOR A LICENSE WITH ONLY AN OFF-SALE PRIVILEGE, FLOOR SPACE IS THE SPACE WITHIN THE FOUR WALLS OF THE BUILDING FROM WHICH THE LICENSED ESTABLISHMENT OPERATES.**

**(3) FOR A LICENSE WITH ON-SALE AND OFF-SALE PRIVILEGES, FLOOR SPACE IS THE SPACE ACTUALLY USED FOR THE SALE, DISPLAY, OR STORAGE OF ALCOHOLIC BEVERAGES.**

**(C) EXPANSION OF FLOOR SPACE FOR OFF-SALE USE.**

**(1) THE FLOOR SPACE USED FOR THE SALE, DISPLAY, OR STORAGE OF ALCOHOLIC BEVERAGES MAY NOT BE EXPANDED BEYOND 10,000 SQUARE FEET.**

**(2) THE BOARD IS NOT REQUIRED TO APPROVE A REQUEST BY A LICENSE HOLDER TO EXPAND THE FLOOR SPACE DEVOTED TO OFF-SALE USE UP TO 10,000 SQUARE FEET UNLESS THE BOARD FINDS EVIDENCE, BASED ON THE EVIDENCE PRESENTED TO THE BOARD, THAT:**

**(I) THE EXPANSION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND**

**(II) THE LICENSE HOLDER OTHERWISE CONTINUES TO MEET THE CRITERIA FOR THE ISSUANCE OR TRANSFER OF A LICENSE AND ANY OTHER CONDITION THAT THE BOARD IMPOSES.**

**(D) FOOD STORES WITH A LICENSE ON OR BEFORE JANUARY 1, 1995.**

**(1) A FOOD STORE FOR WHICH A LICENSE WAS ISSUED ON OR BEFORE JANUARY 1, 1995:**

**(I) IS EXEMPT FROM THE 10,000 SQUARE FOOT FLOOR SPACE RESTRICTION UNDER SUBSECTION (A) OF THIS SECTION;**

**(II) MAY HAVE THE LICENSE RENEWED OR OWNERSHIP OR LOCATION OF THE LICENSE TRANSFERRED EVEN IF THE FOOD STORE HAD MORE THAN 10,000 SQUARE FEET DEVOTED TO OFF-SALE USE; BUT**

**(III) MAY NOT EXPAND THE SQUARE FOOTAGE OF ITS ALCOHOLIC BEVERAGES DEPARTMENT, INCLUDING SALES, DISPLAY, AND STORAGE AREAS, BEYOND 10,000 SQUARE FEET.**

**(2) THE 10,000 SQUARE FOOT LIMIT SPECIFIED UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION IS TO BE DETERMINED WITHOUT REGARD TO THE TOTAL AREA AVAILABLE WITHIN THE FOUR WALLS OF THE ESTABLISHMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(m)(2) through (4) and (1)(iii).

Throughout this section, the references to an "establishment" are substituted for the former references to a "business" or "business premises" to conform to the terminology used throughout this article.

In subsection (a) of this section, the former phrase "[w]ithout regard to its class of license" is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the former phrase "[i]n all cases" is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the former reference to the licensed premises on which alcoholic beverages are "at any time" lawfully stored is deleted as surplusage.

In subsection (c)(2) of this section, the reference to the evidence presented to "the Board" is substituted for the former reference to the evidence presented to "them" for clarity.

In subsection (d)(1)(iii) of this section, the former reference to "actual" square footage is deleted as surplusage. Similarly, in the same subsection, the former reference to "a total of" 10,000 square feet is deleted.

In subsection (d)(2) of this section, the reference to "[t]he 10,000 square foot limit" is substituted for the former reference to the "[t]his size" for clarity.

Former Art. 2B, § 9–217(m)(1)(i), which was the standard introductory language for a definition subsection, is deleted as surplusage because this revised section does not contain a definition subsection.

Former Art. 2B, § 9–217(m)(1)(ii), which defined “Board” to mean “the Board of License Commissioners”, is deleted as unnecessary in light of the definition of “Board” in § 26–101 of this title.

Former Art. 2B, § 9–217(m)(1)(iv), which defined “off–sale” to mean “the sale of alcoholic beverages that are to be consumed off the licensed premises”, is deleted as unnecessary in light of the definition of “off–sale” in § 1–101 of this article.

Former Art. 2B, § 9–217(m)(1)(v), which defined “on–sale” to mean “the sale of alcoholic beverages that are to be consumed only on the licensed premises”, is deleted as unnecessary in light of the definition of “on–sale” in § 1–101 of this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that two provisions in subsection (b) seem in conflict. Subsection (b)(1)(ii) states that floor space includes any other area off the licensed premises on which alcoholic beverages are stored. Subsection (b)(2), however, states that for a license with only an off–sale privilege, floor space is within the four walls of the building from which the licensed establishment operates.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Off–sale” § 1–101

“On–sale” § 1–101

## **26–1505. MULTIPLE LICENSES FOR PERSONS AND PREMISES.**

### **(A) INTEREST IN MORE THAN ONE LICENSE.**

**UNLESS OTHERWISE AUTHORIZED BY THIS ARTICLE, A PERSON MAY NOT HAVE AN INTEREST IN MORE THAN ONE LICENSE ISSUED BY THE BOARD, REGARDLESS OF WHETHER THE PERSON ACTS ON THE PERSON’S OWN BEHALF OR ON BEHALF OF ANOTHER PERSON.**

### **(B) EXCEPTION FOR BOWLING ESTABLISHMENTS.**

**THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY DOES NOT APPLY IF:**

**(1) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS; AND**

**(2) THE LICENSES WERE ISSUED BEFORE JUNE 1, 1982.**

**(c) EXCEPTION FOR CLASS B-ECF/DS LICENSES.**

**THE PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR THE SAME PERSON OR PREMISES DOES NOT APPLY TO A CLASS B-ECF/DS LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-201(r)(12)(xii), 9-217(f)(1)(i), and 9-102(b-1)(3) and (2)(v).

In subsection (a) of this section, the former reference to "entity, corporation, association, partnership, limited partnership or other combination of persons (natural or otherwise)" is deleted as included in the defined term "person".

Also in subsection (a) of this section, the former phrase "for whatever reason formed" is deleted as surplusage.

Also in subsection (a) of this section, the former reference to a license "authorizing the retail or wholesale sale of alcoholic beverages" is deleted as included in the defined term "license".

In subsection (b) of this section, the former statement that "[t]hese provisions do not authorize the issuance of new or additional licenses in violation of subsection (a) of this section" is deleted as unnecessary because this section does not expressly state or imply that the authorization is given.

Defined terms: "Board" § 26-101

"License" § 1-101

"Person" § 1-101

**26-1506. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) EXCEPT AS PROVIDED IN § 26–1507 OF THIS SUBTITLE, A DISTRAINT FOR RENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(b)(2).

In item (2) of this section, the phrase “except as provided in § 26–1507 of this subtitle” is added for clarity.

Defined terms: “License” § 1–101

“License holder” § 1–101

**26–1507. CREATION OF SECURITY INTEREST.**

**(A) ALLOWED.**

**A LICENSE HOLDER MAY CREATE A SECURITY INTEREST IN THE LICENSE IN FAVOR OF A LANDLORD OR A CREDITOR OF THE LICENSE HOLDER.**

**(B) PERFECTION OF SECURITY INTEREST.**

**THE SECURITY INTEREST SHALL BE PERFECTED IN ACCORDANCE WITH THE COMMERCIAL LAW ARTICLE.**

**(C) COPY OF SECURITY AGREEMENT TO BE DELIVERED TO BOARD.**

**THE LICENSE HOLDER SHALL DELIVER TO THE BOARD A COPY OF THE UNDERLYING SECURITY AGREEMENT THAT IS SIGNED BY OR ON BEHALF OF THE INDIVIDUAL OR ENTITY THAT HOLDS THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(b)(4)(i) and (ii).

In subsection (c) of this section, the phrase “to the Board” is added to state expressly what was only implied in the former law, that the Board is the recipient of the copy of the security agreement that a license holder is required to deliver.

Former Art. 2B, § 10–501(b)(1), which stated that former Art. 2B, § 10–501(b) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 26–101



“License” § 1-101  
“License holder” § 1-101

**26-1508. LICENSE EXPIRATION DATE.**

**A LICENSE SHALL EXPIRE:**

**(1) FOR A CLASS B LICENSE, ON THE NEXT MAY 31 AFTER ITS ISSUANCE; AND**

**(2) FOR A CLASS C OR CLASS D LICENSE, ON THE NEXT JUNE 30 AFTER ITS ISSUANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-206(d) and, as it related to the expiration of licenses, 10-302(a)(2).

The former reference to the April 30 expiration date for Class A licenses is deleted as included in § 3-410(c) of this article, which sets April 30 for the expiration date for all licenses except as otherwise provided in this article.

For renewal application dates, *see* Subtitle 18 of this title.

Defined term: “License” § 1-101

**26-1509. RESTRICTIONS ON ISSUANCE TO CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE THAT HAS AN OFF-SALE PRIVILEGE TO:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

**(B) EFFECT OF SECTION.**

**AN ESTABLISHMENT DESCRIBED IN SUBSECTION (A) OF THIS SECTION THAT HELD A LICENSE ON JULY 1, 1973:**

**(1) MAY CONTINUE TO HOLD THE LICENSE; AND**

**(2) AT THE DISCRETION OF THE BOARD, MAY CHANGE THE CLASS OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(h)(1), as it related to the issuance of a license to a chain store, supermarket, or discount house.

In the introductory language of subsection (a) of this section, reference to the “Board” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to a license “of any class” is deleted as included in the defined term “license”.

In subsection (a)(1) of this section, the former reference to a “business” establishment is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “[a]n establishment described in subsection (a) of this section” is substituted for the former reference to “those establishments” for clarity.

Also in the introductory language of subsection (b) of this section, the reference to a business establishment that held a license “on July 1, 1973” is substituted for the former reference to a business establishment that held a license “at the time of enactment of this section” for clarity and brevity. *See* Chapter 462 of the Acts of 1973, which enacted former Art. 2B, § 53(7) (recodified as former Art. 2B, § 9–217(h)) effective July 1, 1973.

Defined terms: “Board” § 26–101

“License” § 1–101

“Off–sale” § 1–101

## **26–1510. EXTINGUISHING CLASS A LICENSE.**

**(A) IN GENERAL.**

**(1) A PERSON MAY OBTAIN A CLASS A LICENSE OF ANY KIND TO HAVE THE BOARD DECLARE THE LICENSE TO BE EXTINGUISHED.**

**(2) (I) THE PERSON SHALL INFORM THE BOARD OF THE PURPOSE FOR OBTAINING THE LICENSE.**

**(II) THE BOARD SHALL DECLARE THE LICENSE TO BE EXTINGUISHED WHEN THE PERSON COMES INTO POSSESSION OF THE LICENSE.**

**(3) A PERSON THAT OBTAINS A LICENSE UNDER THIS SECTION MAY NOT EXERCISE THE PRIVILEGES OF, SELL, ASSIGN, OR APPLY FOR TRANSFER OF THE LICENSE.**

**(4) A LICENSE THAT IS EXTINGUISHED UNDER THIS SECTION:**

**(I) MAY NOT BE REPLACED BY THE BOARD; AND**

**(II) COUNTS AS ONE OF THE NUMBER OF LICENSES IN THE APPROPRIATE CLASS LISTED IN § 26-1601 OF THIS ARTICLE.**

**(B) PROCEDURES.**

**WITHIN 10 DAYS AFTER COMING INTO POSSESSION OF THE LICENSE FROM A TRANSFER, THE PERSON SHALL:**

**(1) SURRENDER THE LICENSE TO THE BOARD; AND**

**(2) PROVIDE EVIDENCE TO SATISFY THE BOARD THAT ALL TAXES OR OBLIGATIONS OWED BY THE TRANSFERORS TO WHOLESALERS OR OTHER PERSONS HAVE BEEN PAID.**

**(C) PENALTY.**

**THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES THIS SECTION A PENALTY NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(b-1).

In the introductory language of subsection (b) of this section, the reference to possession of the license "from a transfer" is added for clarity. Similarly, in subsection (b)(2) of this section, the reference to taxes or obligations "owed by the transferors" is added.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is not clear how the process of extinguishing a license under this section works in practice. The General Assembly may want to clarify how a license may be extinguished.

Defined terms: "Board" § 26-101

“License” § 1-101

“Person” § 1-101

**26-1511. CALENDAR OF HEARING AND FILING DATES FOR LICENSE APPLICATIONS.**

**(A) IN GENERAL.**

**(1) THE BOARD MAY ADOPT A CALENDAR THAT ESTABLISHES:**

**(I) FILING DATES BY WHICH LICENSE APPLICATIONS ARE REQUIRED TO BE FILED; AND**

**(II) HEARING DATES FOR LICENSE APPLICATION HEARINGS.**

**(2) A FILING DATE FOR A LICENSE APPLICATION SHALL BE AT LEAST 60 DAYS BEFORE THE HEARING AT WHICH THE APPLICATION IS TO BE HEARD.**

**(B) NUMBER OF LICENSES THAT MAY BE APPLIED FOR A HEARING.**

**(1) THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES OF EACH CLASS THAT MAY BE APPLIED FOR AT A HEARING.**

**(2) THE NUMBER OF LICENSES THAT THE BOARD MAKES AVAILABLE FOR ISSUANCE AT A HEARING MAY BE LESS THAN THE TOTAL NUMBER OF LICENSES IN EACH CLASS THAT REMAINS UNISSUED BY THE BOARD.**

**(3) IF, AFTER A HEARING, THE APPLICANTS WHO ARE QUALIFIED FOR THE ISSUANCE OF A LICENSE OF A CERTAIN CLASS OUTNUMBER THE LICENSES OF THAT CLASS AUTHORIZED TO BE ISSUED AT THE HEARING, THE BOARD SHALL DETERMINE THE APPLICANTS WHO ARE BEST QUALIFIED TO BE LICENSE HOLDERS.**

**(4) THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF ANY CLASS THAT WERE NOT DETERMINED AND PUBLISHED AS AVAILABLE FOR THE HEARING.**

**(C) HEARING NOTICE TO BE PUBLISHED IN NEWSPAPER; CONTENTS.**

**(1) BEFORE HOLDING A HEARING, THE BOARD SHALL PUBLISH A NOTICE OF THE HEARING IN AT LEAST TWO NEWSPAPERS OF GENERAL CIRCULATION IN THE COUNTY.**

**(2) THE NOTICE SHALL BE PUBLISHED AT LEAST 30 DAYS BEFORE THE DATE BY WHICH LICENSE APPLICATIONS ARE REQUIRED TO BE FILED FOR CONSIDERATION AT THE HEARING.**

**(3) THE NOTICE SHALL CONTAIN:**

**(I) THE NUMBER OF LICENSES OF EACH CLASS THAT ARE AVAILABLE FOR ISSUANCE;**

**(II) A DESCRIPTION OF EACH CLASS;**

**(III) THE DATE BY WHICH LICENSE APPLICATIONS MUST BE FILED TO BE CONSIDERED AT THE LICENSE APPLICATION HEARING; AND**

**(IV) THE DATE OF THE HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(i)(3) and, as it related to the issuance of licenses, (2).

In subsection (a)(1)(i) of this section, the reference to “filing dates by which license applications are required to be filed” is substituted for the former references to an “application filing date” and an “application deadline filing date” for clarity.

In subsection (a)(1)(ii) of this section, the reference to hearing dates “for license application hearings” is added for clarity.

In subsection (a)(2) of this section, the reference to the requirement that “[a] filing date for a license application ... be” at least 60 days before a hearing is substituted for the former reference to the requirement that “[a]n application ... be submitted” at least 60 days before a hearing for clarity.

Also in subsection (a)(2) of this section, the reference to the hearing “at which the application is to be heard” is substituted for the former reference to the hearing “for a new license” for consistency with terminology used throughout this article.

In subsections (b)(4) and (c)(1) of this section, the references to the requirement to “publish[ed]” a notice are substituted for the former references to “post” a hearing notice for accuracy. Similarly, in subsection (c)(2) of this section, the reference to “published” is substituted for the former reference to “post” a hearing notice for accuracy.

In subsection (c)(2) of this section, the reference to the “date by which license applications are required to be filed for consideration at the hearing” is substituted for the former reference to the “filing deadline date for the hearing” for clarity. Similarly, in subsection (c)(3)(iii) of this section, the

reference to the “date by which license applications must be filed to be considered at the license application hearing” is substituted for the former reference to the “filing deadline for the hearing”.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

## **26–1512. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

### **(A) AT LOCATION DESCRIBED IN LICENSE.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

### **(B) CONTENTS.**

**A NOTICE UNDER SUBSECTION (A) OF THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

### **(C) STANDING OF MUNICIPALITIES AT APPLICATION HEARING.**

**(1) IF THE LOCATION DESCRIBED IN THE APPLICATION IS IN A MUNICIPALITY, WRITTEN NOTICE OF THE APPLICATION SHALL BE MADE TO THE GOVERNING BODY OF THE MUNICIPALITY.**

**(2) A MUNICIPALITY THAT RECEIVES WRITTEN NOTICE UNDER THIS SUBSECTION HAS STANDING TO APPEAR AT THE APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(i)7 and (ii) and the first and second sentences of (i)(1).

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to

“caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with language used in subsection (b) of this section. Similarly, in subsection (c) of this section, the reference to an “application hearing” is substituted for the former reference to “any hearing before the Board of License Commissioners”.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

In subsection (c) of this section, the reference to the “location described in the application” is substituted for the former reference to the “applicant propos[ing] to do business” for consistency with terminology used throughout this article.

Defined terms: “Board” § 26–101

“License” § 1–101

## **26–1513. FACTORS IN DECIDING WHETHER TO APPROVE LICENSE APPLICATION.**

### **(A) IN GENERAL.**

**THE BOARD SHALL APPROVE AN APPLICATION AND ISSUE THE LICENSE FOR WHICH APPLICATION IS MADE IF THE BOARD DETERMINES THAT:**

**(1) ISSUING THE LICENSE IS NECESSARY FOR THE ACCOMMODATION OF THE PUBLIC;**

**(2) THE APPLICANT IS A FIT PERSON TO RECEIVE THE LICENSE FOR WHICH APPLICATION IS MADE;**

**(3) THE APPLICANT HAS NOT MADE A MATERIAL FALSE STATEMENT IN THE APPLICATION;**

**(4) THE APPLICANT HAS NOT ACTED FRAUDULENTLY IN CONNECTION WITH THE APPLICATION OR THE OPERATION OF THE UNDERLYING BUSINESS;**

**(5) IF THE LICENSE IS ISSUED, THE OPERATION OF THE BUSINESS WILL NOT UNDULY DISTURB THE PEACE OF THE RESIDENTS OF THE NEIGHBORHOOD IN WHICH THE BUSINESS IS TO BE LOCATED; AND**

**(6) THERE ARE NO OTHER REASONS, IN THE DISCRETION OF THE BOARD, WHY THE LICENSE SHOULD NOT BE ISSUED.**

**(B) RECORD KEEPING REQUIREMENT.**

**THE BOARD SHALL MAINTAIN A RECORD OF LICENSES ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(a)(3)(v).

In subsection (a) of this section, the former references to a “certificate of approval” and “presentation of the certificate” are deleted as obsolete. Similarly, in subsection (a) of this section, the former prohibition against making payment of license fees to “the clerk of the court” is deleted as obsolete, as it is not now the practice of paying license fees to the clerk of the court. Similarly, in subsection (a) of this section, the former reference to “payment of the required fee to the County Treasurer” is deleted as unnecessary and obsolete.

Also in the introductory language of subsection (a) of this section, the reference that if “the Board” makes specified determinations it shall issue a license is substituted for the former references that specified determinations be made by “at least three members of the Board” before issuing a license for clarity and brevity, as three of the five members of the Board constitute a majority.

In subsection (a)(4) of this section, the reference to “act[ing] fraudulently” is substituted for the former reference to “practice[ing] fraud” for consistency with terminology throughout this article.

Defined terms: “Board” § 26–101

“License” § 1–101

“Person” § 1–101

**26–1514. BOARD RESTRICTIONS ON LICENSE HOLDERS.**

**THE BOARD MAY IMPOSE RESTRICTIONS ON A LICENSE HOLDER TO ENABLE THE BOARD TO CARRY OUT THE DUTIES IMPOSED ON IT BY THIS ARTICLE IF THE BOARD DEVELOPS:**

**(1) WRITTEN RESTRICTIONS THAT ARE REASONABLE, CLEAR, AND UNDERSTANDABLE; AND**

**(2) WRITTEN REGULATIONS TO ENFORCE THE RESTRICTIONS THAT COMPLY WITH DUE PROCESS, INCLUDING PROVIDING FOR NOTICE AND A HEARING.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-501(b)(3).

In item (1) of this section, the reference to written restrictions that are "understandable" is substituted for the former reference to written restrictions that are "ascertainable" for clarity.

Defined terms: "Board" § 26-101  
"License holder" § 1-101

**26-1515. OPPOSITION TO ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT APPROVE A LICENSE APPLICATION AND SHALL DENY THE LICENSE IF THE BOARD DETERMINES THAT MORE THAN 50% OF THE OWNERS OF REAL OR LEASEHOLD PROPERTY WITHIN 1,000 FEET OF THE LOCATION DESCRIBED IN THE APPLICATION ARE OPPOSED TO THE ISSUANCE OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 10-202(i)(1).

The reference to the "Board" is added for clarity.

Defined terms: "Board" § 26-101  
"License" § 1-101

**26-1516. WAITING PERIOD AFTER DENIAL.**

**(A) SIX-MONTH WAITING PERIOD.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF A LICENSE IS DENIED, ANOTHER LICENSE APPLICATION FOR THE SAME LOCATION MAY NOT BE MADE FOR 6 MONTHS AFTER THE DENIAL.**

**(B) EXCEPTIONS.**

**THIS SECTION DOES NOT APPLY TO:**

- (1) AN APPLICATION FOR THE TRANSFER OF A LICENSE; OR**
- (2) A LICENSE APPLICATION THAT IS DENIED:**
  - (I) BECAUSE OF A LEGAL DEFECT OR OMISSION;**

**(II) IF THE BOARD EXPRESSLY STATES THAT THE DENIAL WAS DIRECTED SOLELY AGAINST THE APPLICANT AND NOT AGAINST THE LOCATION DESCRIBED IN THE APPLICATION; OR**

**(III) IF, AFTER A HEARING, THE BOARD DETERMINES THAT ANOTHER APPLICANT IS BETTER QUALIFIED TO BE A LICENSE HOLDER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-208(h)(2) and (3).

In subsection (a) of this section, the reference to the "location" is substituted for the former reference to the "premises" for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to "6 months after" the denial is substituted for the former reference to "a period of six months has expired from the date of" the denial for brevity.

In subsection (b)(2)(ii) of this section, the reference to an "applicant" is substituted for the former reference to "person or persons applying for the prior license" for brevity.

Also in subsection (b)(2)(ii) of this section, the reference to the "location described in the application" is substituted for the former reference to the "premises in question" for consistency with terminology used throughout this article.

Former Art. 2B, § 10-208(h)(1), which stated that former Art. 2B, § 10-208(h) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"License" § 1-101

"License holder" § 1-101

## **26-1517. REPLACEMENT LICENSE FEE.**

**THE FEE FOR A REPLACEMENT LICENSE IS \$10.**

REVISOR'S NOTE: This section is new language revised without substantive change from former Art. 2B, § 10-502(b).

Defined term: "License" § 1-101

## **GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 9–217(j), which stated in part that the residency requirement in former Art. 2B, § 9–101 applies to any issuance of a license, is deleted as redundant of §§ 26–1405 and 26–1406 of this title.

Former Art. 2B, § 8–217(e), which concerned the total number of licenses that may be held by a single successor corporation formed between September 1, 2007, and June 1, 2008, is deleted as obsolete. No substantive change is made by this deletion. In accordance with the general rule noted in Section 11 of this Act, a successor corporation licensed by the Board before the effective date of this Act is considered for all purposes to be licensed by the Board after the effective date of this Act and may renew that authorization in accordance with the appropriate renewal provisions of this article.

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

#### **26–1601. LIMIT ON LICENSES ISSUED BY BOARD.**

##### **(A) MAXIMUM NUMBER PER CLASS.**

**(1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE NUMBER OF LICENSES IN A CLASS ISSUED BY THE BOARD MAY NOT EXCEED:**

- (I) CLASS A BEER, 19;**
- (II) CLASS B BEER, 23;**
- (III) CLASS C BEER, 3;**
- (IV) CLASS D BEER, 76;**
- (V) CLASS A BEER AND LIGHT WINE, 26;**
- (VI) CLASS B BEER AND LIGHT WINE, 45;**
- (VII) CLASS B–GC BEER AND LIGHT WINE, 4;**
- (VIII) CLASS B–STADIUM BEER AND LIGHT WINE, 1;**
- (IX) CLASS C BEER AND LIGHT WINE, 8;**
- (X) CLASS D BEER AND LIGHT WINE, 55;**

**(XI) CLASS A BEER, WINE, AND LIQUOR, 143;**

**(XII) CLASS B BEER, WINE, AND LIQUOR, 185;**

**(XIII) CLASS B-AE BEER, WINE, AND LIQUOR, 8;**

**(XIV) CLASS BCE BEER, WINE, AND LIQUOR, 8;**

**(XV) CLASS B-CI BEER, WINE, AND LIQUOR, 2;**

**(XVI) CLASS B-DD BEER, WINE, AND LIQUOR:**

**1. UNDER § 26-1614(A)(1) OF THIS SUBTITLE, 4;**

**2. UNDER § 26-1614(A)(2) OF THIS SUBTITLE, 4;**

**3. UNDER § 26-1614(A)(3) OF THIS SUBTITLE, 6; AND**

**4. SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,  
UNDER § 26-1614(A)(4) OF THIS SUBTITLE, 6;**

**(XVII) CLASS B/ECF BEER, WINE, AND LIQUOR, 1;**

**(XVIII) CLASS B-ECF/DS BEER, WINE, AND LIQUOR, 1;**

**(XIX) CLASS B-ECR BEER, WINE, AND LIQUOR, 1;**

**(XX) CLASS B-STADIUM BEER, WINE, AND LIQUOR, 1; AND**

**(XXI) CLASS C BEER, WINE, AND LIQUOR:**

**1. UNDER § 26-1002 OF THIS TITLE, 30;**

**2. UNDER § 26-1005 OF THIS TITLE, 25;**

**3. UNDER § 26-1011 OF THIS TITLE, 12;**

**4. UNDER § 26-1017 OF THIS TITLE, 1; AND**

**5. UNDER § 26-1019 OF THIS TITLE, 4.**

**(2) THE BOARD MAY NOT ISSUE A NEW CLASS A LICENSE FOR OR APPROVE THE TRANSFER OF A CLASS A LICENSE TO A LOCATION WITHIN THREE-FOURTHS OF A MILE OF A CORRECTIONAL FACILITY, AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE, IN UPPER MARLBORO.**

**(B) EFFECT OF SECTION.**

**THIS SECTION DOES NOT INVALIDATE A LICENSE IN A CLASS THAT EXCEEDED THE MAXIMUM NUMBER FOR THE CLASS AS OF JUNE 1, 1955.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(b), (c), (d), and (e-1).

In the introductory language of subsection (a) of this section, the phrase "the following maximum amounts" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

Also in subsection (a)(2) of this section, the former reference to the transfer of an "existing" license is deleted as implicit.

In subsection (b) of this section, the phrase "as of June 1, 1955" is substituted for the former phrase "at the time of effective date of this provision" for clarity since the effective date of Chapter 697 of 1955, which added former Art. 2B, § 9-217(c), became effective on June 1, 1955.

Also in subsection (b) of this section, the former reference to the prohibition against replacing an expiring license that was in excess of the number provided in this section is deleted as an unnecessary statement of normal statutory interpretation.

Former Art. 2B, § 9-217(a), which stated that former Art. 2B, § 9-217 applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"License" § 1-101

**26-1602. LICENSES IN HYATTSVILLE.**

**(A) LICENSE ISSUANCE RESTRICTED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN HYATTSVILLE, THE BOARD MAY ISSUE A LICENSE ONLY FOR:**

- (1) BEER;
- (2) LIGHT WINE; AND
- (3) LIQUOR FOR CONSUMPTION ON THE PREMISES OF A HOLDER OF A CLASS B LICENSE.

**(B) LICENSE TRANSFER RESTRICTED.**

**(1) THE BOARD MAY APPROVE THE TRANSFER OF ONE CLASS B BEER, WINE, AND LIQUOR LICENSE WITH AN OFF-SALE PRIVILEGE FOR USE IN HYATTSVILLE.**

**(2) THE ANNUAL FEE FOR A LICENSE TRANSFERRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217(b).

Throughout this section, the former references to "the City of" Hyattsville are deleted as surplusage.

In subsection (a) of this section, the former phrase "as defined in § 6-201(r) of this article" is deleted as surplusage in light of the defined term "off-sale".

In subsection (b) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

Also in subsection (b) of this section, the former phrase "within the corporate limits of" is deleted as surplusage.

The former first sentence of Art. 2B, § 8-217(b), which prohibited a person from selling or giving away at a place of business in Hyattsville any alcoholic beverage other than beer, light wine, or liquor for consumption on the immediate premises of a Class B license, is deleted as redundant.

Defined terms: "Beer" § 1-101

"Board" § 26-101

"License" § 1-101

"Off-sale" § 1-101

**26-1603. RESTRICTIONS ON ISSUANCE AND TRANSFER OF LICENSES IN 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, AND 47TH ALCOHOLIC BEVERAGES DISTRICTS.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE A NEW LICENSE WITH AN OFF-SALE PRIVILEGE IN, OR APPROVE THE TRANSFER OF A LICENSE WITH AN OFF-SALE PRIVILEGE INTO, A PART OF THE 21ST, 22ND, 23RD, 24TH, 25TH, 26TH, 27TH, OR 47TH ALCOHOLIC BEVERAGES DISTRICT IN THE COUNTY.**

**(2) THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO AN AREA SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE OFF-SALE PRIVILEGE OF THE LICENSE IS WAIVED.**

**(3) THE BOARD MAY CONVERT ONE CLASS D (ON-SALE) BEER AND WINE LICENSE ISSUED FOR PREMISES IN THE 7100 BLOCK OF BALTIMORE AVENUE IN COLLEGE PARK TO A CLASS D (ON- AND OFF-SALE) BEER AND WINE LICENSE FOR PREMISES IN THE 7100 TO 7200 BLOCK OF BALTIMORE AVENUE IN COLLEGE PARK.**

**(B) ALCOHOLIC BEVERAGES DISTRICTS COTERMINOUS WITH LEGISLATIVE DISTRICTS.**

**THE ALCOHOLIC BEVERAGES DISTRICTS DESCRIBED IN THIS SECTION AT ALL TIMES ARE COTERMINOUS WITH THE LEGISLATIVE DISTRICTS, OR PARTS OF THE LEGISLATIVE DISTRICTS LOCATED IN THE COUNTY, AS ORDERED BY THE MARYLAND COURT OF APPEALS ON JUNE 21, 2002.**

**(C) AREAS INCLUDED IN 21ST ALCOHOLIC BEVERAGES DISTRICT.**

**THE PART OF THE 21ST ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE COUNTY CONSISTS OF:**

- (1) ELECTION DISTRICT 1;**
- (2) ELECTION DISTRICT 10, PRECINCTS 1 THROUGH 5, 9, 12, AND 13;**
- (3) ELECTION DISTRICT 21, PRECINCTS 1, 2, 4, 14, 15, AND 17;**
- (4) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING OF CENSUS TRACT 8073.05, BLOCK 1014; AND**
- (5) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING OF:**

- (I) CENSUS TRACT 8067.03, BLOCKS 1010, 1011, AND 1014;
  - (II) CENSUS TRACT 8069.00, BLOCKS 1000 THROUGH 1019 AND 3000 THROUGH 3021;
  - (III) CENSUS TRACT 8070.00, BLOCKS 1000 THROUGH 1025; AND
  - (IV) CENSUS TRACT 8074.08, BLOCKS 4015 AND 4016.
- (D) AREAS INCLUDED IN 22ND ALCOHOLIC BEVERAGES DISTRICT.

**THE 22ND ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

- (1) ELECTION DISTRICT 19;
- (2) ELECTION DISTRICT 2, PRECINCTS 6 AND 10;
- (3) ELECTION DISTRICT 14, PRECINCT 8;
- (4) ELECTION DISTRICT 16, PRECINCTS 2 THROUGH 5;
- (5) ELECTION DISTRICT 17, PRECINCTS 9 AND 12;
- (6) ELECTION DISTRICT 20, PRECINCTS 1, 2, 6, 7, AND 11;
- (7) ELECTION DISTRICT 21, PRECINCTS 3, 6 THROUGH 9, 11 THROUGH 13, AND 16;
- (8) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:
  - (I) CENSUS TRACT 8039.00, BLOCKS 1000 THROUGH 1013, 2000 THROUGH 2007, AND 3000 THROUGH 3015;
  - (II) CENSUS TRACT 8040.01, BLOCKS 2001 AND 2002; AND
  - (III) CENSUS TRACT 8040.02, BLOCKS 1003, 1010, 2000 THROUGH 2002, AND 2004;
- (9) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF CENSUS TRACT 8063.00, BLOCK 2016;



**(10) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING OF:**

**(I) CENSUS TRACT 8040.02, BLOCKS 2049 AND 2995;**

**(II) CENSUS TRACT 8063.00, BLOCKS 1000, 1012 THROUGH 1035, 1996 THROUGH 1999, 2001, 2003 THROUGH 2015, AND 2997 THROUGH 2999; AND**

**(III) CENSUS TRACT 8065.01, BLOCKS 2996, 2997, 3011 THROUGH 3015, 3996, AND 3997; AND**

**(11) THE PART OF ELECTION DISTRICT 21, PRECINCT 10 CONSISTING OF:**

**(I) CENSUS TRACT 8067.03, BLOCK 1001; AND**

**(II) CENSUS TRACT 8074.08, BLOCK 4014.**

**(E) AREAS INCLUDED IN 23RD ALCOHOLIC BEVERAGES DISTRICT.**

**THE 23RD ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

**(1) DELEGATE DISTRICT 23A (TWO MEMBER DELEGATE DISTRICT) CONSISTING OF:**

**(I) ELECTION DISTRICT 7, PRECINCTS 1 THROUGH 5;**

**(II) ELECTION DISTRICT 10, PRECINCTS 6 THROUGH 8, 10, AND 11;**

**(III) ELECTION DISTRICT 14, PRECINCTS 1 THROUGH 7, 9, AND 10;**

**(IV) ELECTION DISTRICT 20, PRECINCTS 9 AND 10; AND**

**(V) THE PART OF ELECTION DISTRICT 20, PRECINCT 5 CONSISTING OF:**

**1. CENSUS TRACT 8004.08, BLOCKS 2013, 2020, 2021, AND 2022;**

**2. CENSUS TRACT 8036.07, BLOCKS 3009 THROUGH 3011; AND**

**3. CENSUS TRACT 8036.08, BLOCKS 1000 THROUGH 1002, 1005 THROUGH 1009, 1011 THROUGH 1015, 2000 THROUGH 2006, AND 2008 THROUGH 2010; AND**

**(2) DELEGATE DISTRICT 23B (SINGLE MEMBER DELEGATE DISTRICT) CONSISTING OF:**

**(I) ELECTION DISTRICT 3, PRECINCTS 2 AND 3; AND**

**(II) ELECTION DISTRICT 7, PRECINCTS 6 THROUGH 11.**

**(F) AREAS INCLUDED IN 24TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE 24TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

**(1) ELECTION DISTRICT 6, PRECINCTS 3, 6, 9, 12, 15, AND 19;**

**(2) ELECTION DISTRICT 13, PRECINCTS 1, 3, 5, 7, 8, 10, AND 14 THROUGH 17;**

**(3) ELECTION DISTRICT 18, PRECINCTS 1 THROUGH 4 AND 7 THROUGH 11;**

**(4) ELECTION DISTRICT 20, PRECINCTS 4 AND 8;**

**(5) THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING OF:**

**(I) CENSUS TRACT 8031.00, BLOCKS 1003 THROUGH 1015, 1021, 1022, 1024 THROUGH 1029, AND 2000 THROUGH 2017; AND**

**(II) CENSUS TRACT 8033.00, BLOCKS 3006 AND 3008; AND**

**(6) THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF CENSUS TRACT 8028.04, BLOCKS 4005 AND 4006.**

**(G) AREAS INCLUDED IN 25TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE 25TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

- (1) ELECTION DISTRICT 3, PRECINCT 4;
- (2) ELECTION DISTRICT 6, PRECINCTS 1, 4, 5, 7, 10, 11, 14, 16, 18, AND 20 THROUGH 23;
- (3) ELECTION DISTRICT 7, PRECINCT 12;
- (4) ELECTION DISTRICT 9, PRECINCTS 1, 3, 10, AND 11;
- (5) ELECTION DISTRICT 13, PRECINCTS 4, 6, 9, AND 11 THROUGH 13;
- (6) ELECTION DISTRICT 15, PRECINCT 2; AND
- (7) THE PART OF ELECTION DISTRICT 18, PRECINCT 6 CONSISTING OF CENSUS TRACT 8028.04, BLOCKS 1006 THROUGH 1009, 2000 THROUGH 2003, 3000 THROUGH 3021, 4000, AND 4002 THROUGH 4004.

**(H) AREAS INCLUDED IN 26TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE 26TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

- (1) ELECTION DISTRICT 12;
- (2) ELECTION DISTRICT 5, PRECINCTS 2, 3, AND 5 THROUGH 7;
- (3) ELECTION DISTRICT 6, PRECINCTS 2, 8, 13, AND 17; AND
- (4) ELECTION DISTRICT 9, PRECINCTS 2 AND 5.

**(I) AREAS INCLUDED IN 27TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE PART OF THE 27TH ALCOHOLIC BEVERAGES DISTRICT LOCATED IN THE COUNTY IS IN DELEGATE DISTRICT 27A (TWO MEMBER DELEGATE DISTRICT) AND CONSISTS OF:**

- (1) ELECTION DISTRICTS 4, 8, AND 11;
- (2) ELECTION DISTRICT 3, PRECINCT 1;
- (3) ELECTION DISTRICT 5, PRECINCTS 1, 4, AND 8;
- (4) ELECTION DISTRICT 9, PRECINCTS 4 AND 6 THROUGH 9; AND

**(5) ELECTION DISTRICT 15, PRECINCTS 1, 3, AND 4.**

**(J) AREAS INCLUDED IN 47TH ALCOHOLIC BEVERAGES DISTRICT.**

**THE 47TH ALCOHOLIC BEVERAGES DISTRICT CONSISTS OF:**

**(1) ELECTION DISTRICT 2, PRECINCTS 1 THROUGH 4, 7, AND 9;**

**(2) ELECTION DISTRICT 13, PRECINCT 2;**

**(3) ELECTION DISTRICT 17, PRECINCTS 1 THROUGH 8, 10, 11, 13, AND 14;**

**(4) ELECTION DISTRICT 20, PRECINCT 3;**

**(5) THE PART OF ELECTION DISTRICT 2, PRECINCT 5 CONSISTING OF:**

**(I) CENSUS TRACT 8040.01, BLOCK 2000; AND**

**(II) CENSUS TRACT 8040.02, BLOCK 2003;**

**(6) THE PART OF ELECTION DISTRICT 2, PRECINCT 8 CONSISTING OF:**

**(I) CENSUS TRACT 8039.00, BLOCKS 3016 AND 3017;**

**(II) CENSUS TRACT 8040.01, BLOCKS 1000 THROUGH 1006, 2003, AND 2004;**

**(III) CENSUS TRACT 8040.02, BLOCKS 1000, 1001, 1002, 1004 THROUGH 1009, 1011 THROUGH 1017, 2005, 2006, 2007, 2009 THROUGH 2034, 2040, 2047, 2048, 2994, AND 2996 THROUGH 2999; AND**

**(IV) CENSUS TRACT 8043.00, BLOCKS 1000 THROUGH 1005, 1011, AND 1014 THROUGH 1018;**

**(7) THE PART OF ELECTION DISTRICT 16, PRECINCT 1 CONSISTING OF CENSUS TRACT 8040.02, BLOCK 2008;**

**(8) THE PART OF ELECTION DISTRICT 18, PRECINCT 5 CONSISTING OF:**

**(I) CENSUS TRACT 8031.00, BLOCKS 1000, 1001, 1002, 1016 THROUGH 1020, AND 1023; AND**

**(II) CENSUS TRACT 8033.00, BLOCK 3007;**

**(9) THE PART OF ELECTION DISTRICT 20, PRECINCT 5 CONSISTING OF:**

**(I) CENSUS TRACT 8036.01, BLOCKS 1001 THROUGH 1005; AND**

**(II) CENSUS TRACT 8036.08, BLOCKS 1003, 1004, 1010, 2007, 3000 THROUGH 3005, 4000, AND 4002 THROUGH 4011; AND**

**(10) THE PART OF ELECTION DISTRICT 21, PRECINCT 5 CONSISTING OF:**

**(I) CENSUS TRACT 8073.01, BLOCK 1001; AND**

**(II) CENSUS TRACT 8073.05, BLOCKS 1002 THROUGH 1013, 2001 THROUGH 2009, AND 2011 THROUGH 2014.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(l).

In subsection (a)(1) and (2) of this section, the former references to “the boundaries of” certain alcoholic beverages districts are deleted as surplusage.

In subsection (a)(1) of this section, the former reference to approving the transfer of an “additional” license into certain alcoholic beverages districts is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “as long as the license remains within the boundaries of the district” is deleted as obsolete because the waiver applies to all licenses whether or not the license is in the alcoholic beverages district.

In subsection (a)(2) of this section, the former reference to any off-sale privileges of a license being “permanently” waived is deleted for accuracy since the privileges are waived only while the license is in the alcoholic beverages district.

In subsection (a)(3) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsection (a)(3) of this section, the former phrase “[n]otwithstanding any provision of this section” is deleted as surplusage.

Also in subsection (a)(3) of this section, the former phrase “on or after July 1, 2015” is deleted as obsolete.

Also in subsection (a)(3) of this section, the former references to “the City of College Park are deleted as surplusage.

Subsection (b) of this section is revised to clarify that certain legislative districts, and not alcoholic beverages districts, were ordered by the Maryland Court of Appeals.

In subsection (b) of this section, the reference to the alcoholic beverages districts “described in this section” is substituted for the former references to specific alcoholic beverages districts contained in the first sentence of the introductory language of former Art. 2B, § 9–217(l)(i) through (viii) for brevity.

Also in subsection (b) of this section, the first sentences of the introductory language of former Art. 2B, § 9–217(l)(i) through (viii) are deleted as included in the reference to “the legislative districts, or parts of legislative districts located in the County, as ordered by the Maryland Court of Appeals on June 21, 2002”.

Throughout subsections (c) through (j) of this section, the former references to a “Prince George’s County” election district are deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (e)(1) and (2) of this section, the references to delegate districts “consist[ing] of” certain election districts are added for clarity.

In the introductory language of subsection (i) of this section, the reference to part of the “27th” alcoholic beverages district being in delegate district 27A is substituted for the former reference to part of the “21st” alcoholic beverages district being in delegate district 27A for accuracy and consistency within subsection (i) of this section. The Alcoholic Beverages Article Review Committee calls this substitution to the attention of the General Assembly. No substantive change is intended.

Defined terms: “Board” § 26–101

“County” § 26–101

“License” § 1–101

“Off-sale” § 1–101

## **26–1604. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A HOLDER OF A CLASS B (RT) BEER, WINE, AND LIQUOR LICENSE, A CLASS BH (HOTEL) LICENSE, A CLASS BLX LICENSE, A CLASS BCE LICENSE, A CLASS B-DD (DEVELOPMENT DISTRICT) LICENSE, A CLASS B-TP (THEME PARK) LICENSE, A CLASS B-AE (ARTS AND ENTERTAINMENT) LICENSE, OR A PER DIEM LICENSE;**

**(2) AN ESTABLISHMENT THAT IS WITHIN:**

**(I) THE 500-FOOT RESTRICTED DISTANCE OF A PLACE OF WORSHIP, IF THE GOVERNING BODY OF THE PLACE OF WORSHIP CONSENTS IN WRITING TO THE ISSUANCE OF THE LICENSE AND THE CONSENT IS FILED WITH THE LICENSE APPLICATION; OR**

**(II) THE 1,000-FOOT RESTRICTED DISTANCE OF A PRIVATE KINDERGARTEN OR NURSERY SCHOOL;**

**(3) A RENEWAL OR EXTENSION OF A LICENSE ISSUED FOR AN ESTABLISHMENT THAT IS WITHIN THE 500-FOOT RESTRICTED DISTANCE OF A PLACE OF WORSHIP OR THE 1,000-FOOT RESTRICTED DISTANCE OF A SCHOOL BUILDING;**

**(4) (I) A TRANSFER OF A LICENSE WITHIN 1,000 FEET OF A PLACE OF WORSHIP OR A SCHOOL BUILDING TO ANOTHER ESTABLISHMENT WITHIN THE SAME RESTRICTED DISTANCE; OR**

**(II) AN ASSIGNEE OF A LICENSE WITHIN THE SAME DISTANCE OF THE SAME PLACE OF WORSHIP OR SCHOOL BUILDING;**

**(5) THE ISSUANCE OF A LICENSE FOR AN ESTABLISHMENT TO WHICH A LICENSE OF THE SAME CLASS HAD BEEN ISSUED AND WAS IN EFFECT ON JUNE 1, 1965; AND**

**(6) THE RENEWAL OF A LICENSE IF A PLACE OF WORSHIP OR SCHOOL WAS BUILT WITHIN 1,000 FEET OF THE ESTABLISHMENT AFTER THE ORIGINAL ISSUANCE OF THE LICENSE.**

**(B) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR WITHIN 1,000 FEET OF A SCHOOL BUILDING.**

**(2) THE DISTANCE FROM AN ESTABLISHMENT TO A PLACE OF WORSHIP OR SCHOOL IS TO BE MEASURED FROM THE FRONT DOOR OR MAIN ENTRANCE OF THE ESTABLISHMENT, WHICHEVER IS NEAREST THE STREET ABUTTING THE SITE, ALONG THE NEAREST USUAL PEDESTRIAN ROUTE TO:**

**(I) THE CLOSEST DOOR THAT IS USED AS AN ENTRANCE OR EXIT TO THE SCHOOL; OR**

**(II) THE MAIN ENTRANCE OF THE PLACE OF WORSHIP.**

**(C) CLASS B–ECF/DS LICENSE EXCEPTION.**

**THE RESTRICTION ON THE DISTANCE BETWEEN THE LOCATION OF A SCHOOL AND A LICENSED PREMISES DOES NOT APPLY TO A CLASS B–ECF/DS LICENSE.**

**(D) EXCEPTIONS FOR SPECIFIC LOCATIONS.**

**(1) IN THE PART OF THE GATEWAY ARTS AND ENTERTAINMENT DISTRICT LOCATED IN HYATTSVILLE, AS DESIGNATED BY THE SECRETARY OF COMMERCE, THE FRONT DOOR OR MAIN ENTRANCE OF AN ESTABLISHMENT FOR WHICH A CLASS D BEER AND WINE LICENSE IS ISSUED MAY BE USED IF THE DOOR OR ENTRANCE IS AT LEAST 350 FEET FROM A PLACE OF WORSHIP.**

**(2) IN COLLEGE PARK, THE BOARD MAY ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS MORE THAN 400 FEET FROM A SCHOOL BUILDING IF THE LAND ON WHICH THE ESTABLISHMENT IS LOCATED IS IN A COMMERCIAL DISTRICT.**

**(3) IN LAUREL, THE BOARD MAY ISSUE A LICENSE FOR AN ESTABLISHMENT REGARDLESS OF ITS DISTANCE FROM A PLACE OF WORSHIP.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 9–217(e) and 6–201(r)(12)(xi).

In subsection (a)(1) of this section, the reference to a “holder of a Class B (RT) beer, wine, and liquor license, a Class BH (hotel) license, a Class BLX license, a Class BCE license, a Class B–DD (development district) license, a Class B–TP (theme park) license, a Class B–AE (arts and entertainment) license, or a per diem license” is substituted for the former reference to “any license



issued under § 6–201(r)(3), (4), (6), (8), (15), (16), or (18) or § 7–101 of this article” for clarity.

In subsection (a)(2) of this section, the references to “the 500–foot restricted distance” of a place of worship and “the 1,000–foot restricted distance” of a school are substituted for the references to “[t]his restriction” for clarity. Similarly, in subsection (a)(3) of this section, the references to “the 500–foot restricted distance” of a place of worship and “the 1,000–foot restricted distance” of a school are substituted for the reference to “the requisite distance” for clarity.

In subsections (a)(3), (b)(1), and (d)(2) and (3) of this section, the references to an “establishment” are substituted for the former references to a “building” to conform to the terminology used throughout this article. Similarly, in subsection (a)(4) and (5) of this section, the references to an “establishment” are substituted for the former references to a “place of business”.

In subsection (a)(3) of this section, the former phrase describing a license “of any person or persons or for the use of a corporation or unincorporated association” is deleted as surplusage.

In subsection (a)(4) of this section, the former reference to an “assignment” of a license is deleted as included in the reference to a “transfer” of a license.

In subsection (a)(5) of this section, the former reference to the issuance of a license to an establishment “not having an alcoholic beverage license” is deleted as unnecessary because all establishments for which a license is applied for do not have a license at the time of application.

Also in subsection (a)(5) of this section, the former reference to “force” is deleted as unnecessary in light of the reference to “effect”.

In subsection (a)(6) of this section, the reference to a place of worship or school built within 1,000 feet “of the establishment” is added for clarity.

In subsections (b)(1) and (d)(2) and (3) of this section, the references to the “Board” are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in subsections (b)(1) and (d)(2) and (3) of this section, the former references to a license “to sell alcoholic beverages” are deleted as included in the defined term “license”.

In the introductory language of subsection (b)(2) of this section, the reference to “[t]he distance from an establishment to a place of worship or school” being

measured is substituted for the former reference to “[t]he 1,000 feet, or the 500 feet, as the case may be” for clarity.

Also in the introductory language of subsection (b)(2) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

Also in the introductory language of subsection (b)(2) of this section, the former reference to the “proposed licensed” establishment is deleted as surplusage.

In subsection (d) of this section, the former references to “the City of” Hyattsville, “the City of” College Park, and “the City of” Laurel are deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (a)(2)(i) of this section, which exempts an establishment under certain conditions from the prohibition against being located within 500 feet of a place of worship, may violate the Establishment Clause of the First Amendment of the United States Constitution. The exemption in subsection (a)(2)(i) applies if the governing body of the place of worship consents in writing to the issuance of the license and the consent is filed with the license application. This provision may be seen as giving a religious institution a veto power over the issuance of a license while providing no standards governing the exercise of that veto, thus allowing the power to be exercised for explicitly religious goals. *See Larkin v. Grendel’s Den*, 459 U.S. 116 (1982).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“License” § 1–101

## **26–1605. COMMERCIAL FUEL PUMP RESTRICTION.**

**THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN AN ESTABLISHMENT WITH A COMMERCIAL FUEL PUMP THAT IS:**

- (1) ON THE SITE; AND**
- (2) USED BY THE PUBLIC TO PURCHASE FUEL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–217(d).

In the introductory language of this section, the former phrase “[n]otwithstanding any other law to the contrary” is deleted as unnecessary in light of the organization of this revised article.

In item (1) of this section, the reference to the “site” is substituted for the former reference to the “premises” to conform to the terminology used throughout this article.

In item (2) of this section, the former reference to the “general” public is deleted as surplusage.

Defined terms: “Board” § 26–101  
“License” § 1–101

## **26–1606. LICENSE FOR USE AT MOVIE THEATER.**

### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR USE ON THE SITE OF A MOVIE THEATER.**

### **(B) EFFECT OF SECTION.**

**THIS SECTION DOES NOT PROHIBIT THE ISSUANCE OF A CLASS B–DH (DRAFTHOUSE) LICENSE FOR USE ON THE SITE OF A DRAFTHOUSE, AS DEFINED IN § 26–1007 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(k).

In subsection (a) of this section, the reference to the “site” of a movie theater is substituted for the former reference to the “premises” of a movie theater to conform to the terminology used throughout this article. Similarly, in subsection (b) of this section, the reference to the “site” of a drafthouse is substituted for the former reference to the “premises” of a drafthouse.

Also, in subsection (a) of this section, the reference to a “movie” theater is substituted for the former reference to a “motion picture” theater to conform to the terminology used throughout this article.

Defined terms: “Board” § 26–101  
“License” § 1–101

## **26–1607. RESTRICTED SALES PROHIBITED.**

**(A) IN GENERAL.**

**A LICENSE WITH AN OFF-SALE PRIVILEGE MAY NOT BE ISSUED OR USED IF THE LICENSE APPLICANT OR LICENSE HOLDER PROPOSES OR RESTRICTS THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIFIC GROUP OR LIMITED MEMBERSHIP.**

**(B) DUTY OF LICENSE HOLDER.**

**A LICENSE HOLDER WHO RESTRICTS THE SALE OF ALCOHOLIC BEVERAGES TO A SPECIFIC GROUP OR LIMITED MEMBERSHIP SHALL:**

**(1) REPORT THE RESTRICTION TO THE BOARD WITHIN 30 DAYS AFTER THE RESTRICTED SALE BEGAN; AND**

**(2) SURRENDER THE LICENSE TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217.1.

In subsection (a) of this section, the former phrase "in fact" is deleted as surplusage.

In the introductory language of subsection (b) of this section, the phrase "[a] license holder who restricts the sale of alcoholic beverages" is substituted for the former phrase "the holder conducts his business for the sale of alcoholic beverages" for clarity.

Also in the introductory language of subsection (b) of this section, the former phrase "[i]f after issuance of such a license" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to reporting "the restriction" is substituted for the former reference to reporting "such fact" for clarity.

Also in subsection (b)(1) of this section, the phrase "within 30 days after the restricted sale began" is substituted for the former phrase "within thirty days of the commencement of operation of such business in such manner" for brevity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 26-101

"License" § 1-101

"License holder" § 1-101

"Off-sale" § 1-101

**26-1608. TAKOMA PARK DISTANCE RESTRICTION.**

**WHILE A HOLDER OF A CLASS -TP TYPE LICENSE ISSUED BY THE MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS REMAINS IN THE SAME LOCATION WHERE THE LICENSE WAS LOCATED ON JULY 1, 1997, THE PRINCE GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS MAY NOT ISSUE OR APPROVE THE TRANSFER OF A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THAT LOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-216(d)(3)(iii).

The phrase "issued by the Montgomery County Board of License Commissioners" is added for clarity.

The reference to where "the license" was located is substituted for the former reference to where "it" was located for clarity.

The phrase "the Prince George's County Board of License Commissioners may not issue or approve the transfer of a license for an establishment that is within" a specified distance is substituted for the former phrase "another license issued by Prince George's County may not be granted or transferred to another Prince George's licensee if the premises for which that license was issued is located within" a specified distance for clarity and brevity.

Defined term: "License" § 1-101

**26-1609. RESERVED.**

**26-1610. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**26-1611. DETERMINATION ON INTERESTS IN LICENSES.**

**(A) IN GENERAL.**

**AN INTEREST SHALL BE CONCLUSIVELY PRESUMED TO EXIST BETWEEN TWO LICENSE HOLDERS OR A LICENSE HOLDER AND AN APPLICANT FOR A LICENSE IF ANY OF THE FOLLOWING CONDITIONS EXIST BETWEEN THEM:**

- (1) A FRANCHISE AGREEMENT;**
- (2) A LICENSING AGREEMENT;**

**(3) A CONCESSION AGREEMENT;**

**(4) BOTH ARE PART OF A CHAIN OF BUSINESSES COMMONLY OWNED AND OPERATED AND SO PORTRAYED TO THE PUBLIC;**

**(5) ANY SHARING OF DIRECTORS OR STOCKHOLDERS OR ANY SHARING OF DIRECTORS OR STOCKHOLDERS OF PARENTS OR SUBSIDIARIES;**

**(6) COMMON DIRECT OR INDIRECT SHARING OF PROFIT FROM THE SALE OF ALCOHOLIC BEVERAGES; OR**

**(7) SHARING OF A COMMON TRADE NAME, TRADEMARK, LOGO, OR THEME, OR MODE OF OPERATION IDENTIFIABLE BY THE PUBLIC, EXCEPT HOTELS AND MOTELS.**

**(B) DETERMINATION OF MULTIPLE INTERESTS.**

**(1) THE BOARD SHALL MAKE DETERMINATIONS UNDER THIS SECTION WITHOUT REGARD TO WHETHER A PARTICULAR LICENSE HOLDER OR PROPOSED LICENSE HOLDER IS OR MAY BE AN INDEPENDENT CONTRACTOR FOR PURPOSES OTHER THAN THE APPLICATION OF THIS SECTION.**

**(2) IF THE BOARD DETERMINES AFTER A HEARING THAT AN INTEREST EXISTS IN MORE THAN ONE LICENSE, THE BOARD SHALL REFUSE TO ISSUE A NEW LICENSE OR SHALL REVOKE AN EXISTING LICENSE UNLESS THE LICENSE IS OPERATIONAL AND COMPLIED WITH LAW APPLICABLE AT THE TIME OF THE ISSUANCE OF THE LICENSE.**

**(C) WHOLESALE LICENSE HOLDERS.**

**A WHOLESALE LICENSE HOLDER IS CONSIDERED A LICENSE HOLDER FOR PURPOSES OF THIS SECTION AND MAY NOT HOLD OR HAVE AN INTEREST, DIRECTLY OR INDIRECTLY, IN A LICENSE OF A CLASS THAT AUTHORIZES RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(4) and (1)(ii), (iii), and (iv).

Former Art. 2B, § 9-217(f)(2), which exempted certain licenses from former Art. 2B, § 9-217(f), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

“County” § 26-101

“License” § 1-101

**26-1612. CLASS B LICENSES FOR UNDERSERVED AREAS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A RESTAURANT WITHIN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(B) MORE THAN ONE LICENSE AVAILABLE.**

**THE BOARD MAY ALLOW A PERSON TO HOLD OR HAVE AN INTEREST IN MORE THAN ONE CLASS B BEER, WINE, AND LIQUOR LICENSE IF THE RESTAURANT FOR WHICH THE LICENSE IS SOUGHT IS WITHIN:**

**(1) ANY OF THE FOLLOWING AREAS THAT ARE UNDERSERVED BY RESTAURANTS:**

**(i) SUITLAND BUSINESS DISTRICT, CONSISTING OF PROPERTIES FRONTING ON OR HAVING ACCESS TO SILVER HILL ROAD BETWEEN SUITLAND PARKWAY AND SUNSET LANE, AND ON SUITLAND ROAD BETWEEN ARNOLD ROAD AND EASTERN LANE;**

**(ii) PART OF THE PORT TOWNS BUSINESS DISTRICT, CONSISTING OF PROPERTIES FRONTING ON OR HAVING ACCESS TO RHODE ISLAND AVENUE, BLADENSBURG ROAD, ANNAPOLIS ROAD, OR 38TH STREET, IN LEGISLATIVE DISTRICT 22; OR**

**(iii) LARGO AREA, CONSISTING OF PROPERTIES WITHIN THE AREA BOUNDED BY:**

- 1. THE CAPITAL BELTWAY (I-495) ON THE WEST;**
- 2. CENTRAL AVENUE AND LANDOVER ROAD ON THE SOUTH AND SOUTHEAST;**
- 3. CAMPUS WAY NORTH ON THE EAST; AND**
- 4. ROUTE 214 AND LANDOVER ROAD ON THE NORTH AND NORTHWEST; OR**

**(2) (I) A WATERFRONT ENTERTAINMENT RETAIL COMPLEX AS DEFINED BY A COUNTY ZONING ORDINANCE; OR**

**(II) A COMMERCIAL ESTABLISHMENT ON 100 OR MORE ACRES THAT IS DESIGNATED BY THE COUNTY EXECUTIVE AS A RECREATIONAL, DESTINATION, OR ENTERTAINMENT ATTRACTION.**

**(C) MAXIMUM NUMBER OF CLASS B LICENSES.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER MAY NOT HOLD MORE THAN FOUR CLASS B BEER, WINE, AND LIQUOR LICENSES WITHIN ALL OF THE UNDERSERVED AREAS DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION.**

**(2) (I) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A FIFTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FOURTH LICENSE.**

**(II) A LICENSE HOLDER MAY BE ISSUED OR TRANSFERRED A SIXTH CLASS B BEER, WINE, AND LIQUOR LICENSE ONLY IF THE DATE OF THE APPLICATION FOR THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED OR TRANSFERRED THE FIFTH LICENSE.**

**(D) LIMIT IN INTERESTS OUTSIDE UNDERSERVED AREAS.**

**A PERSON THAT HOLDS OR HAS AN INTEREST IN A LICENSE IN AN UNDERSERVED AREA DESCRIBED IN SUBSECTION (B)(1) OF THIS SECTION MAY NOT HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE LOCATED OUTSIDE ALL THE UNDERSERVED AREAS.**

**(E) COMMERCIAL ESTABLISHMENTS.**

**A PERSON MAY NOT HOLD OR HAVE AN INTEREST IN MORE THAN ONE LICENSE IN A COMMERCIAL ESTABLISHMENT DESCRIBED IN SUBSECTION (B)(2) OF THIS SECTION.**

**(F) NO OFF-SALE PRIVILEGE.**

**A CLASS B LICENSE OBTAINED UNDER THIS SECTION DOES NOT CONFER AN OFF-SALE PRIVILEGE.**

**(G) MAXIMUM NUMBER OF LICENSES.**



**THE LIMIT ON THE MAXIMUM NUMBER OF CLASS B BEER, WINE, AND LIQUOR LICENSES IN THE COUNTY UNDER § 26–1601 OF THIS SUBTITLE APPLIES TO THE ISSUANCE OF LICENSES UNDER THIS SECTION.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE FOR A CLASS B LICENSE OBTAINED UNDER THIS SECTION IS \$2,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(f)(5)(i) through (vii) and (ix).

In subsections (b), (d), and (e) of this section, the defined term “person” is substituted for the former references to “partnership, corporation, unincorporated association, or limited liability company” for brevity and consistency within the article.

In the introductory language of subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this article” is deleted as surplusage.

Former Art. 2B, § 9–217(f)(5)(viii), which established a residency requirement for an applicant for a Class B license, is deleted as unnecessary because the residency requirement applies to all applicants, regardless of license type.

Defined terms: “Board” § 26–101

“License” § 1–101

“Person” § 1–101

**26–1613. CLASS B–DD (DEVELOPMENT DISTRICT) 7–DAY BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–DD (DEVELOPMENT DISTRICT) 7–DAY BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A RESTAURANT IN ANY SINGLE AREA DESIGNATED IN § 26–1614 OF THIS SUBTITLE.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(C) RESTAURANT REQUIREMENTS.**

**(1) AN APPLICANT FOR A LICENSE FOR A RESTAURANT IN A SINGLE AREA DESCRIBED IN § 26-1614 OF THIS SUBTITLE IS NOT ELIGIBLE FOR A CLASS B-DD LICENSE UNLESS:**

**(I) THE RESTAURANT MEETS ALL OF THE REQUIREMENTS SET OUT IN PARAGRAPH (2) OF THIS SUBSECTION; AND**

**(II) THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES EXCEED THE AVERAGE DAILY RECEIPTS OF THE RESTAURANT FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) A RESTAURANT SHALL:**

**(I) BE LOCATED IN A PERMANENT BUILDING WITH SUFFICIENT SPACE AND ACCOMMODATIONS FOR PREPARING, SERVING, AND SELLING HOT MEALS TO THE PUBLIC DURING THE RESTAURANT'S HOURS OF OPERATION;**

**(II) HAVE THE MINIMUM SANITARY FACILITIES REQUIRED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(III) MEET THE MINIMUM HEALTH REQUIREMENTS ADOPTED BY THE COUNTY HEALTH DEPARTMENT REGULATIONS;**

**(IV) HAVE A DINING AREA WITH SUFFICIENT TABLES, CHAIRS, OR BOOTHS TO COMFORTABLY SEAT AND ACCOMMODATE THE PUBLIC;**

**(V) BE EQUIPPED WITH A KITCHEN THAT HAS COMPLETE FACILITIES AND UTENSILS FOR PREPARING HOT AND COLD MEALS FOR THE PUBLIC;**

**(VI) EMPLOY A SUFFICIENT NUMBER OF COOKS AND WAIT STAFF TO SERVE THE PUBLIC USING THE DINING AREA;**

**(VII) MAINTAIN AND DISPLAY A MENU THAT ADVERTISES THE SERVING OF A VARIETY OF HOT MEALS; AND**

**(VIII) MAINTAIN SUFFICIENT FOOD ON THE PREMISES AT ALL TIMES TO FILL AN ORDER MADE FROM THE MENU.**

**(3) THE BOARD MAY REVOKE A LICENSE TO ENFORCE THIS SUBSECTION.**

**(4) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD A MONTHLY REPORT OF THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES AND THE RESTAURANT'S AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES TO VERIFY THAT THE RESTAURANT HAS MET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

**(D) ISSUANCE OF LICENSES.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD SHALL DETERMINE:**

**(I) THE NUMBER OF LICENSES TO BE ISSUED;**

**(II) TO WHOM THE LICENSES MAY BE ISSUED; AND**

**(III) THE NUMBER OF LICENSES EACH RECIPIENT MAY HOLD.**

**(2) THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT IN A SINGLE AREA DESCRIBED IN § 26-1614 OF THIS SUBTITLE IF:**

**(I) SIX RESTAURANTS ARE OPERATING WITH A CLASS B-DD LICENSE IN THE AREA; OR**

**(II) THE APPLICANT IS THE LICENSE HOLDER OF THREE CLASS B-DD LICENSES.**

**(E) ADDITIONAL LICENSES.**

**(1) A LICENSE HOLDER MAY HOLD A CLASS B-DD LICENSE IN ADDITION TO ANY OTHER LICENSE ISSUED UNDER THIS ARTICLE.**

**(2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, FOR EACH CLASS B-DD LICENSE A PERSON IS ISSUED, THE PERSON MAY OBTAIN ONE OTHER CLASS B LICENSE LOCATED ANYWHERE IN THE COUNTY IF ALL REQUIREMENTS FOR THE CLASS B LICENSE ARE MET.**

**(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CLASS B LICENSE THAT IS ISSUED FOR USE IN A RESTAURANT IN A**

**DEVELOPMENT DISTRICT UNDER § 26-1614 OF THIS SUBTITLE TO A HOLDER OF A CLASS B-DD LICENSE REMAINS IN EFFECT ONLY AS LONG AS THE RESTAURANT IN THE DEVELOPMENT DISTRICT REMAINS OPEN FOR BUSINESS AS A RESTAURANT.**

**(II) IF A RESTAURANT IN THE DEVELOPMENT DISTRICT IS CLOSED FOR NOT MORE THAN 6 MONTHS, THE CLASS B LICENSE SHALL REMAIN IN EFFECT.**

**(F) TRANSFER OF LICENSE.**

**THE BOARD MAY APPROVE THE TRANSFER OF THE OWNERSHIP OF A LICENSE FOR USE AT THE SAME LOCATION BUT NOT FOR USE AT A DIFFERENT LOCATION.**

**(G) PROHIBITED LOCATIONS.**

**THE BOARD MAY NOT ISSUE THE LICENSE FOR USE BY A RESTAURANT IN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,025.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(r)(15) and (1)(ii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b)(1) of this section states expressly what was only implicit in the former law, that the Board is the license issuing authority.

Subsection (c)(2) of this section, which states expressly the requirements for a restaurant, is substituted for the former reference to "all of the requirements set forth in paragraph (1)(ii)3 of this subsection" for clarity.

In the introductory language of subsection (d)(2) of this section, the former phrase "at the time of issuance" is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Board" § 26-101

"Restaurant" § 1-101

"Wine" § 1-101

**26-1614. CLASS B-DD LICENSES — LIMITS ON ISSUANCE IN CERTAIN AREAS.****(A) IN GENERAL.****THE BOARD MAY ISSUE:**

**(1) UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE CAPITAL PLAZA COMMERCIAL AREA, CONSISTING OF COMMERCIAL PROPERTIES WITHIN THE AREA BOUNDED BY THE BALTIMORE-WASHINGTON PARKWAY ON THE WEST AND NORTHWEST, MARYLAND ROUTE 450 ON THE SOUTH, AND COOPER LANE ON THE EAST AND NORTHEAST;**

**(2) UP TO FOUR CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE AREA OF GREENBELT STATION, LOCATED INSIDE THE CAPITAL BELTWAY AND ADJACENT TO THE GREENBELT METRO STATION;**

**(3) UP TO SIX CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE AREA OF RITCHIE STATION MARKETPLACE; AND**

**(4) SUBJECT TO SUBSECTION (B) OF THIS SECTION, UP TO SIX CLASS B-DD (DEVELOPMENT DISTRICT) LICENSES FOR RESTAURANTS LOCATED WITHIN THE TOWNE CENTRE AT LAUREL.**

**(B) CONVERTED LICENSE ALLOWED IN TOWNE CENTRE AT LAUREL.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY CONVERT ONE CLASS B-DD LICENSE TO A CLASS A BEER, WINE, AND LIQUOR LICENSE, TO BE ISSUED TO AN ESTABLISHMENT IN THE TOWNE CENTRE AT LAUREL.**

**(2) IF THE BOARD CONVERTS A CLASS B-DD LICENSE TO A CLASS A BEER, WINE, AND LIQUOR LICENSE UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD MAY NOT ISSUE MORE THAN FIVE CLASS B-DD LICENSES UNDER SUBSECTION (A)(4) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(7) and (o).

In the introductory language of subsection (a) of this section, the phrase "[s]ubject to § 6-201(r)(15) of this article," is deleted as surplusage.

Defined term: "Board" § 26-101

**26-1615. BH LICENSES.**

**THE BOARD MAY AUTHORIZE A PERSON TO HOLD OR HAVE AN INTEREST IN AN UNLIMITED NUMBER OF BH LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(3).

The defined term "person" is substituted for the former reference to "individual, partnership, or corporation" for brevity and consistency within this article.

The former phrase "[n]otwithstanding other provisions of this subsection or other provisions of this article," is deleted as surplusage.

Defined terms: "Board" § 26-101  
"Person" § 1-101

**26-1616. CLASS BLX LICENSES.****(A) ESTABLISHED.**

**THERE IS A CLASS BLX LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A LUXURY-TYPE RESTAURANT, AS DEFINED IN REGULATIONS OF THE BOARD, THAT HAS:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$1,000,000 FOR A DINING ROOM FACILITY AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF THE LAND, BUILDING, OR LEASE; AND**

**(II) SEATING FOR AT LEAST 100 INDIVIDUALS.**

**(2) IF THE CRITERIA UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE MET, THE BOARD MAY ISSUE OR TRANSFER ONE CLASS BLX LICENSE ON BEHALF OF:**

**(I) THE COUNTY;**

**(II) THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION; OR**

**(III) A PRIVATE CONCESSIONAIRE UNDER CONTRACT WITH:**

**1. THE COUNTY; OR**

**2. THE MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION.**

**(3) THE BOARD MAY DETERMINE:**

**(I) THE NUMBER OF LICENSES TO BE ISSUED;**

**(II) TO WHOM THE LICENSE MAY BE ISSUED; AND**

**(III) WHETHER A HOLDER OF AN ALCOHOLIC BEVERAGES LICENSE MAY HAVE AN INTEREST IN ONE CLASS BLX LICENSE.**

**(4) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

**(C) 10–LICENSE LIMIT.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A PERSON MAY NOT HOLD MORE THAN 10 CLASS BLX LICENSES.**

**(2) THE BOARD MAY ISSUE:**

**(I) A FIFTH LICENSE TO A LICENSE HOLDER ONLY IF THE DATE OF APPLICATION FOR THE FIFTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED THE FOURTH LICENSE; AND**

**(II) A SIXTH LICENSE ONLY IF THE DATE OF APPLICATION FOR THE SIXTH LICENSE IS AT LEAST 1 YEAR AFTER THE DATE THE LICENSE HOLDER WAS ISSUED THE FIFTH LICENSE.**

**(3) IN DETERMINING WHETHER TO ISSUE A FIFTH, SIXTH, SEVENTH, EIGHTH, NINTH, OR TENTH LICENSE TO A SINGLE LICENSE HOLDER, THE BOARD:**

**(I) SHALL CONSIDER THE NUMBER OF LICENSED ESTABLISHMENTS EXISTING IN THE AREA SURROUNDING THE SITE OF THE PROPOSED LICENSED ESTABLISHMENT; AND**

**(II) MAY ISSUE AN ADDITIONAL LICENSE ONLY IF THE BOARD DETERMINES THAT THE PROPOSED LICENSED ESTABLISHMENT WILL ENHANCE THE RECREATIONAL, BUSINESS, AND ECONOMIC DEVELOPMENT OF THE AREA.**

**(D) USE OF PROFITS.**

**THE PROFIT REALIZED FROM THE SALE OF AN ALCOHOLIC BEVERAGE UNDER A LICENSE ISSUED UNDER SUBSECTION (B)(2) OF THIS SECTION MAY BE FOR THE USE AND BENEFIT OF THE LICENSE HOLDER.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$3,025.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(r)(6)(i), (ii), (iv), (v), and (iii)1 through 9.

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because the provision refers only to human beings.

Also in subsection (b)(1)(ii) of this section, the former reference to seating “capacity” is deleted as surplusage.

In the introductory language of subsection (b)(3) of this section, the reference to “may” is substituted for the former reference to “has complete discretion” for clarity and brevity.

In subsection (b)(3)(iii) of this section, the former reference to an “existing license” holder of an alcoholic beverages license is deleted as implicit in the reference to a “holder of an alcoholic beverages license”.

In subsection (b)(4) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Also in subsection (b)(4) of this section, the language authorizing the license holder “to sell beer, wine, and liquor” is substituted for the former language describing the license as “limited and restricted to the purpose of providing alcoholic beverages” to avoid the misleading implication that the license authorizes the holder only to provide beer, wine, and liquor without charge.

In subsection (c)(1) of this section, the defined term “person” is substituted for the former reference to an “individual or corporation” for brevity.



In subsection (c)(2) of this section, the language stating that “[t]he Board may issue” a license is substituted for the former language that “[a] license holder may be issued” a license to state expressly what was only implicit in the former law, that the Board is the agency that issues licenses.

In subsection (d) of this section, the reference to “the license holder” is substituted for the former reference to “Prince George’s County, the Maryland–National Capital Park and Planning Commission, or a concessionaire under contract as provided under subparagraph (iv) of this paragraph” for brevity.

Former Art. 2B, § 6–201(r)(6)(iii)10, which stated that certain residency requirements do not apply to Class BLX licenses, is deleted as redundant of §§ 26–1405 and 26–1406 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“Person” § 1–101

## **26–1617. CLASS B–RD LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS B–RD (REVITALIZATION DISTRICT) LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

#### **(1) THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT:**

##### **(I) IS LOCATED AND REMAINS IN:**

**1. A DESIGNATED MARYLAND MAIN STREET WITH A LOCAL MANAGEMENT AUTHORITY;**

**2. A DESIGNATED REVITALIZATION AREA; OR**

**3. AN AREA WITH A REVITALIZATION PLAN THAT HAS BEEN ADOPTED LOCALLY;**

##### **(II) HAS GROSS SALES:**

**1. THAT DO NOT EXCEED \$150,000 PER YEAR; AND**

**2. OF WHICH AT LEAST 80% ARE DERIVED FROM THE SALE OF FOOD; AND**

**(III) IS PRIMARILY A RESTAURANT AT WHICH CUSTOMERS ARE SEATED TO EAT.**

**(2) THE LICENSE AUTHORIZES THE HOLDER TO SELL LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION IN ANY PREMISES LICENSED FOR CLASS B-RD SALES.**

**(C) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS FOR SALE ARE AS PROVIDED IN § 26-2005(H) OF THIS TITLE.**

**(D) NUMBER OF LICENSES.**

**THE BOARD SHALL DETERMINE THE NUMBER OF LICENSES TO BE ISSUED.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$725.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-1001(a) and (c) through (h).

In subsection (b)(1) of this section, the definition of the former defined term "district" is revised as a substantive provision for brevity.

Also in subsection (b)(1) of this section, the defined term "Board" is substituted for the former reference to "the office where Class B licenses are issued in the county" for brevity.

Former Art. 2B, § 8-1001(b), which stated that former Art. 2B, § 8-1001 applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101  
"Restaurant" § 1-101

**26-1618. FRANCHISES.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A RESTAURANT LOCATED IN A CHAIN STORE, SUPERMARKET, DISCOUNT HOUSE, DRUG STORE, OR CONVENIENCE STORE.**

**(B) CLASS B LICENSES AUTHORIZED.**

**IN ACCORDANCE WITH THE LICENSE QUOTA LIMITATIONS UNDER § 26-1601 OF THIS SUBTITLE, THE BOARD MAY ISSUE OR TRANSFER A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE FOR USE BY:**

**(1) A FRANCHISEE WHO OPERATES A RESTAURANT UNDER A FRANCHISE AGREEMENT WITH A FRANCHISOR; OR**

**(2) A PERSON WHO OPERATES A RESTAURANT UNDER A BUSINESS LICENSING AGREEMENT THAT:**

**(I) IS MADE WITH A LICENSOR; AND**

**(II) AUTHORIZES A PERSON, IN THE OPERATION OF A RESTAURANT, TO USE A TRADEMARK, TRADE NAME, OR OTHER IDENTIFYING SYMBOL OWNED BY A LICENSOR.**

**(C) EXCEPTION TO GENERAL RULE FOR FRANCHISORS.**

**THE BOARD MAY ISSUE OR TRANSFER A LICENSE UNDER SUBSECTION (B) OF THIS SECTION REGARDLESS OF WHETHER A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE HAS BEEN ISSUED OR TRANSFERRED FOR USE BY:**

**(1) ANOTHER FRANCHISEE OPERATING A RESTAURANT UNDER A FRANCHISE AGREEMENT WITH THE SAME FRANCHISOR; OR**

**(2) ANOTHER PERSON OPERATING A RESTAURANT UNDER A BUSINESS LICENSING AGREEMENT WITH THE SAME LICENSOR.**

**(D) NO OWNERSHIP INTEREST; LICENSOR AND FRANCHISOR FEES.**

**A LICENSOR OR FRANCHISOR:**

**(1) IS PROHIBITED FROM HAVING AN OWNERSHIP INTEREST IN AN ENTITY THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE UNDER THIS SECTION; BUT**

**(2) UNDER A BUSINESS LICENSING AGREEMENT OR FRANCHISE AGREEMENT, MAY BE PAID A FEE THAT IS BASED ON A PERCENTAGE OF REVENUE BY A PERSON THAT RECEIVES A CLASS B BEER (ON-SALE) LICENSE OR CLASS B BEER AND WINE (ON-SALE) LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(f)(6)(i) through (iv) and (vi).

In the introductory language of subsection (c) of this section, the former phrase “[n]otwithstanding paragraph (1) of this subsection or other provisions of this article,” is deleted as surplusage.

Former Art. 2B, § 9-217(f)(6)(v), which prohibited a person that receives a Class B beer (on-sale) or Class B beer and wine (on-sale) license under former § 9-217(f)(6) from holding another Class B beer (on-sale) or Class B beer and wine (on-sale) license unless authorized under another provision of law, is deleted as redundant.

Defined terms: “Board” § 26-101  
 “License” § 1-101  
 “Person” § 1-101

## **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

### **26-1701. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**AND**

**(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

#### **(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1708 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 26–1709 OF THIS SUBTITLE; AND**

**(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 26–1706 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 26–101  
“License” § 1–101

**26–1702. TRANSFER REQUIREMENTS.**

**(A) TWO–YEAR MORATORIUM.**

**THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE FROM ONE LOCATION TO ANOTHER:**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, FOR AT LEAST 2 YEARS AFTER THE ISSUANCE OF A NEW LICENSE; AND**

**(2) UNLESS THE BOARD DETERMINES THAT:**

**(I) THE TRANSFER TO THE NEW LOCATION IS NECESSARY TO ACCOMMODATE THE PUBLIC; AND**

**(II) THE TRANSFEREE HAS COMPLIED WITH THE RESIDENCY REQUIREMENTS SPECIFIED IN § 26–1406(C) OF THIS TITLE.**

**(B) TRANSFER MADE BY RECEIVER OR TRUSTEE.**

**SUBJECT TO THE APPROVAL OF THE BOARD, A RECEIVER OR TRUSTEE MAY TRANSFER OWNERSHIP AND LOCATION OF A LICENSE FOR THE BENEFIT OF CREDITORS OF A LICENSE HOLDER WITHIN 6 MONTHS AFTER:**

**(1) APPOINTMENT AS THE RECEIVER OR TRUSTEE; OR**

**(2) THE DEATH OF THE LICENSE HOLDER.**

**(C) LIMITS ON TIMING OF TRANSFER.**

**(1) THE BOARD MAY APPROVE A TRANSFER OF LOCATION OR OWNERSHIP WITHIN 2 YEARS AFTER A TRANSFER OF LOCATION HAS BEEN AUTHORIZED.**

**(2) THIS PARAGRAPH DOES NOT PROHIBIT A TRANSFER OF OWNERSHIP FOR CONTINUANCE OF A BUSINESS IN THE SAME LOCATION, UNLESS THERE HAS BEEN A TRANSFER OF LOCATION FOR THE LICENSE WITHIN 2 YEARS.**

**(D) SECURITY AGREEMENT.**

**A TRANSFER OF A LICENSE IN ACCORDANCE WITH A SECURITY AGREEMENT IS SUBJECT TO APPROVAL BY THE BOARD LIKE ANY OTHER LICENSE TRANSFER, EXCEPT THAT THE WRITTEN CONSENT AND COOPERATION OF THE EXISTING LICENSE HOLDER IS NOT REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-501(b)(4)(iii) and 10-503(r)(2) and (4).

In the introductory language of subsection (a) of this section, the reference to from "one location to another" is substituted for the former reference to from "the present location to a new location" for clarity.

In subsection (a)(1) of this section, the reference to "at least" 2 years is added to state explicitly what was formerly only implicit in the former law, that 2 years is the minimum time that the Board may not approve a transfer.

Also in subsection (a)(1) of this section, the phrase "except as provided in subsection (b) of this section" is substituted for former Art. 2B, § 10-503(r)(2)(ii), which stated that "[t]he provisions of this paragraph do not apply to the transfer or assignment of an alcoholic beverages license that is made by a receiver or trustee for the benefit of the creditors of a licensee or a transfer that is made due to the death of a licensee". A transfer made by a receiver or trustee for the benefit of creditors or made due to the death of a licensee is covered under subsection (b) of this section.

In subsection (a)(2)(i) of this section, the former reference to the "proposed" new location is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to an “assignee” is deleted as included in the reference to a “transferee”.

In subsection (d) of this section, the word “like” is substituted for the former phrase “in the same manner as is” for brevity.

Former Art. 2B, § 10–503(r)(1), which stated that former Art. 2B, § 10–503(r) applied only in Prince George’s 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 subsection (c) of this section does not prohibit a transfer of ownership for continuance of a business in the same location, unless there has been a transfer of location for the license within 2 years. However, it is unclear when the 2–year period begins.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

**26–1703. RESTRICTIONS ON TRANSFER TO CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**THE BOARD MAY NOT APPROVE THE TRANSFER OF A LICENSE THAT HAS AN OFF–SALE PRIVILEGE TO:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(h)(1), as it related to the transfer of a license for a chain store, supermarket, or discount store.

This section is revised in the active voice to clarify that it is the Board of License Commissioners that is prohibited from approving the transfer of certain licenses.

In the introductory language of this section, the former reference to a license “of any class” is deleted as included in the defined term “license”.

In this section, the former reference to a “business” establishment is deleted as surplusage.

Former Art. 2B, § 9–217(h)(2), which authorized the transfer of a Class D beer and light wine license for use by a supermarket or similar type of business, is deleted as obsolete because the transfer has occurred.

Defined terms: “Board” § 26–101

“License” § 1–101

“Off–sale” § 1–101

#### **26–1704. RESIDENCY REQUIREMENTS.**

**THE RESIDENCY REQUIREMENTS UNDER § 26–1406(C) OF THIS TITLE APPLY TO A TRANSFER OF A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(j), as it related to the transfer of a license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirements referred to in this section 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 classifies 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 term: “License” § 1–101

#### **26–1705. HEARING ON LICENSE TRANSFERS.**

**A HEARING ON AN APPLICATION FOR A LICENSE TRANSFER SHALL OCCUR AND FOLLOW THE REQUIREMENTS FOR A HEARING ON AN APPLICATION FOR A NEW LICENSE UNDER §§ 26–1511 THROUGH 26–1513 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(i)(2), as it related to the transfer of licenses.

The requirement that a hearing on an application “occur” is added for clarity.

The requirement that “a hearing on an application for a new license under §§ 26–1511 through 26–1513 of this title” is substituted for the former narrower requirement that an application “must be submitted not less than 60 days prior to the date set for ... a transfer” for clarity.



Defined term: “License” § 1–101

**26–1706. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(r)(3).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Defined term: “License” § 1–101

**26–1707. TRANSFER FOR ESTABLISHMENT WITH COMMERCIAL FUEL PUMP PROHIBITED.**

**THE BOARD MAY NOT TRANSFER A LICENSE TO AN ESTABLISHMENT WITH A COMMERCIAL FUEL PUMP ON A PREMISES THAT THE PUBLIC USES TO PURCHASE FUEL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(r)(5).

The former reference to “any class” of license is deleted as surplusage.

The former reference to a “business” establishment is deleted as surplusage.

The former reference to the “general” public is deleted as surplusage.

Defined terms: “Board” § 26–101  
“License” § 1–101

**26–1708. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
- (2) HAS RETIRED; OR**

**(3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

**(1) AMEND ITS RECORD; AND**

**(2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–301(g) and 10–302(f).

In subsection (a) of this section, the former references to an officer who has “been removed from office” are deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a) of this section, the reference to “any officer who” is substituted for the former references to “the deleted officer” for clarity.

Also in the introductory language of subsection (a) of this section, the former phrases “during any license year” are deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrases “[n]otwithstanding any other provision of this article” are deleted as surplusage.

In subsection (b)(1) of this section, the former references to “officers” are deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former references to a “new license with the corrected names” for brevity.

Former Art. 2B, § 9–217(g), which described the steps to be taken by a license holder to substitute the name of an officer of a corporation or club, is deleted as redundant of this section.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

## **26–1709. TAX REQUIREMENT.**

### **(A) TRANSFER CONDITIONED ON PAYMENT OF TAXES.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, IF A TRANSFER AND ISSUANCE OF A LICENSE IS SOUGHT, THE BOARD MAY APPROVE THE TRANSFER, BUT CONDITION THE ACTUAL ISSUANCE OF THE LICENSE TO THE TRANSFEREE ON VERIFICATION:**

**(1) OF PAYMENT OF ALL UNDISPUTED TAXES PAYABLE BY THE TRANSFEROR TO THE COMPTROLLER OR THE COUNTY; OR**

**(2) THAT PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION HAS BEEN PROVIDED FOR IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION.**

### **(B) LICENSE ISSUED ON BEHALF OF ENTITY.**

**IF THE LICENSE OF THE TRANSFEROR WAS ISSUED ON BEHALF OF A CORPORATION, CLUB, OR OTHER ENTITY, THE VERIFICATION REQUIREMENTS SPECIFIED IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(i–1)(4) and (5).

Defined terms: “Board” § 26–101

“Club” § 1–101

“Comptroller” § 1–101

“County” § 26–101

“License” § 1–101

**26-1710. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO TRANSFER.**

**SECTION 26-1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 10-202(i)(1), as it related to the transfer of a license.

Defined term: "License" § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**26-1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 ("ELIGIBILITY FOR RENEWAL; PROCESS");**
- (2) § 4-403 ("RENEWAL APPLICATION");**
- (3) § 4-408 ("ISSUANCE OF RENEWED LICENSES");**
- (4) § 4-409 ("MULTIPLE LICENSES"); AND**
- (5) § 4-410 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE").**

**(B) EXCEPTION.**

**SECTION 4-404 ("FILING PERIOD FOR RENEWAL APPLICATION") OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-1802 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 ("RENEWAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 26-1804 OF THIS SUBTITLE;**

**(2) § 4-406 (“PROTESTS”), SUBJECT TO § 26-1803 OF THIS SUBTITLE;**  
AND

**(3) § 4-407 (“DENIAL OF RENEWAL APPLICATION”), SUBJECT TO § 26-1806 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 26-101  
“License” § 1-101

**26-1802. FILING PERIOD FOR RENEWAL APPLICATION.**

**TO RENEW A LICENSE, A LICENSE HOLDER SHALL FILE A LICENSE RENEWAL APPLICATION WITH THE BOARD IN ACCORDANCE WITH THE FOLLOWING SCHEDULE OF RENEWAL DEADLINES AND LICENSE EXPIRATION DATES:**

**(1) FOR A CLASS A LICENSE, WHICH SHALL EXPIRE ON APRIL 30, THE APPLICATION DEADLINE IS MARCH 1;**

**(2) FOR A CLASS B LICENSE, WHICH SHALL EXPIRE ON MAY 31, THE APPLICATION DEADLINE IS APRIL 1; AND**

**(3) FOR A CLASS C AND A CLASS D LICENSE, BOTH OF WHICH SHALL EXPIRE ON JUNE 30, THE APPLICATION DEADLINE IS MAY 1.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-302(a)(1) and (2).

The reference requiring a license holder to “file a license renewal application with the Board” to renew a license is added for clarity and to state expressly what formerly was only implied.

The reference to a “schedule” of deadlines and expiration dates is added for clarity.

The former reference to “Class A, B, C, or D” licenses is deleted as unnecessary.

The former redundant reference authorizing a license holder to renew a license “for an additional term” is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section refers only to licenses but not to the Sunday on-sale permit that a Class B beer, wine, and liquor license holder may obtain.

Defined terms: “Board” § 26-101

“License” § 1-101

“License holder” § 1-101

## **26-1803. PROTESTS.**

### **(A) FILING DEADLINE.**

**A PROTEST OF A LICENSE RENEWAL SHALL BE FILED WITH THE BOARD ON OR BEFORE MARCH 1.**

### **(B) FILING BY MUNICIPALITY.**

**A MUNICIPALITY IN WHICH THE LICENSED PREMISES IS LOCATED MAY MAKE A PROTEST OF A LICENSE RENEWAL AFTER HOLDING A PUBLIC HEARING CONCERNING THE PROTEST.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-302(g)(3) and (4)(iii).

In subsection (a) of this section, the reference to a protest “of a license renewal” is added for clarity.

Also in subsection (a) of this section, the reference to license renewal “on or before” March 1 is substituted for the former reference to license renewal “no later than” March 1 for clarity.

Also in subsection (a) of this section, the former reference to the renewal deadline of March 1 “of the year in which the license expires” is deleted as unnecessary because the licenses being renewed are annual licenses.

In subsection (b) of this section, the reference to a licensed “premises” is substituted for the former reference to a licensed “place of business” for consistency with terminology used throughout this article.

Also in subsection (b) of this section, the reference authorizing a municipality to “make” a protest is substituted for the former reference authorizing a protest to “[b]e instituted by” a municipality for clarity and brevity.

Also in subsection (b) of this section, the former reference to a public hearing being held “by that municipality” is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that former Art. 2B, § 10–302(g)(3) did not give the Board an option to accept a protest that is not timely through imposing a late fee. The Committee is not clear if this was the intent of this section.

Defined terms: “Board” § 26–101  
 “License” § 1–101

#### **26–1804. EXCEPTION TO REQUIRED CONSENT STATEMENT.**

**A LICENSE HOLDER MAY RENEW THE LICENSE WITHOUT OBTAINING A CONSENT STATEMENT FROM THE OWNER OF THE BUILDING THAT CONTAINS THE LICENSED PREMISES IF:**

**(1) THE LICENSE HOLDER HAS A LEASE ON THE ENTIRE BUILDING FOR AT LEAST THE TERM OF THE RENEWED LICENSE; AND**

**(2) THE BUILDING OWNER HAS PREVIOUSLY FILED A CONSENT STATEMENT WITH THE ORIGINAL OR ANOTHER RENEWAL APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10–302(b)(3)(ii) and, as it related to Prince George’s County, 10–301(f).

In the introductory language of this section, the reference to a “consent statement” is substituted for the former reference under § 10–301(f) to a “certificate of approval” for clarity and consistency within this revision.

Also in the introductory language of this section, the reference to “licensed premises” is substituted for the former reference to “the building in which the business is conducted” for clarity, brevity, and consistency within this revision.

In item (1) of this section, the reference to a lease for “at least” a specified term is substituted for the former references to a lease for “not less than” a specified term for clarity.

In item (2) of this section, the reference to the “building” owner is added for clarity.

Defined terms: “License” § 1–101  
 “License holder” § 1–101

**26–1805. REQUIRED FULL TERM OF LEASE PROHIBITED.**

**THE BOARD MAY NOT REQUIRE A LICENSE RENEWAL APPLICANT TO HOLD A LEASE ON THE LICENSED PREMISES FOR THE FULL TERM OR ANY PORTION OF THE LICENSE RENEWAL PERIOD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–302(c).

The reference to a “license renewal” applicant is added for clarity.

The reference to “licensed” premises is substituted for the former reference to premises “that contain the licensed business” for clarity and brevity.

Defined terms: “Board” § 26–101  
 “License” § 1–101

**26–1806. APPROVAL OR DENIAL OF RENEWAL — FELONY CONVICTION.**

**(A) IN GENERAL.**

**THE BOARD MAY APPROVE OR DENY A LICENSE RENEWAL IF THE LICENSE HOLDER OR A STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS BEEN CONVICTED OF A FELONY.**

**(B) HEARING.**

**THE BOARD:**

**(1) SHALL HOLD A PUBLIC HEARING BEFORE APPROVING OR DENYING THE LICENSE RENEWAL; AND**

**(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE FELONY OFFENSE AT THE HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–302(e) and, as it related



to the effect of a felony conviction on license renewals in Prince George's County, § 10-301(c-1).

In subsection (a) of this section, the reference authorizing the Board to "approve or deny" a license renewal is substituted for the former references that renewal "may [or may not] be granted [at the discretion of the Board]" for clarity and brevity.

In subsection (b)(1) of this section, the reference to "approving or denying" a license renewal is added for clarity and consistency within this section.

In subsection (b)(2) of this section, the reference to a "felony" offense is added for clarity.

The second sentence of former Art. 2B, § 10-302(e), which required a public hearing to be held by the Board prior to the revocation, issuance, or transfer of a license, is deleted as redundant of other provisions in this article. *See* the requirement for a public hearing to be held before a license revocation at § 4-603 of this article, before the issuance of a license at § 4-209 of this article, and before a transfer of a license at § 26-1705 of this title.

The third sentence of former Art. 2B, § 10-302(e), which provided that the relevant fact and circumstances of the offense may be inquired into at the hearing, is deleted as an unnecessary statement of common practice.

Defined terms: "Board" § 26-101

"License" § 1-101

"License holder" § 1-101

## **26-1807. PAYMENT OF TAXES.**

### **(A) IN GENERAL.**

#### **BEFORE A LICENSE MAY BE RENEWED, THE BOARD SHALL VERIFY:**

**(1) (I) THROUGH THE COMPTROLLER, THAT THE LICENSE HOLDER HAS PAID ALL UNDISPUTED TAXES PAYABLE TO THE COMPTROLLER; AND**

**(II) THROUGH THE COUNTY, THAT THE LICENSE HOLDER HAS PAID ALL UNDISPUTED TAXES PAYABLE TO THE COUNTY; OR**

**(2) THAT THE LICENSE HOLDER HAS PROVIDED FOR PAYMENT OF THE TAXES DESCRIBED IN ITEM (1) OF THIS SUBSECTION IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR THE COLLECTION.**

**(B) RENEWAL PROHIBITED IF PAYMENT VERIFICATION REQUIREMENT NOT MET.**

**IF THE INFORMATION PROVIDED TO THE BOARD STATES THAT THE LICENSE HOLDER OWES UNDISPUTED TAXES AND HAS NOT PROVIDED FOR PAYMENT IN A MANNER SATISFACTORY TO THE GOVERNMENTAL UNIT RESPONSIBLE FOR COLLECTION, THE BOARD MAY NOT RENEW THE LICENSE.**

**(C) PAYMENT VERIFICATION REQUIREMENTS APPLY TO EACH OWNER OR PRINCIPAL OF LICENSED ENTITY.**

**IF THE LICENSE WAS ISSUED ON BEHALF OF A CORPORATION, CLUB, OR OTHER ENTITY, THE RENEWAL REQUIREMENTS IN SUBSECTION (A) OF THIS SECTION APPLY TO UNDISPUTED TAXES PAYABLE BY EACH OWNER OR PRINCIPAL OF THE ENTITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(f-1)(2) through (4).

In subsections (a) and (b) of this section, the former references to a "current" license holder are deleted as surplusage.

Former Art. 2B, § 10-301(f-1)(1), which stated that former Art. 2B, § 10-301(f-1) applied only in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101

"Club" § 1-101

"Comptroller" § 1-101

"County" § 26-101

"License" § 1-101

"License holder" § 1-101

**26-1808. RESIDENCY REQUIREMENTS.**

**THE RESIDENCY REQUIREMENTS UNDER § 26-1406(C) OF THIS TITLE APPLY TO A RENEWAL OF A LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-217(j), as it related to the renewal of a license.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the residency requirements referred to in this section 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 classifies 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 term: “License” § 1–101

**26–1809. RENEWAL OF LICENSE OF CHAIN STORES, SUPERMARKETS, OR DISCOUNT HOUSES.**

**NOTWITHSTANDING § 26–1509 OF THIS TITLE, THE HOLDER OF A LICENSE THAT HAS AN OFF–SALE PRIVILEGE MAY RENEW THE LICENSE IF THE HOLDER OF THE LICENSE IS:**

**(1) AN ESTABLISHMENT COMMONLY KNOWN AS A CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE; OR**

**(2) A FRANCHISOR, FRANCHISEE, OR CONCESSIONAIRE OF THE ESTABLISHMENT.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 9–217(h)(1).

In item (1) of this section, the former reference to a “business” establishment is deleted as surplusage.

Defined terms: “License” § 1–101  
“Off–sale” § 1–101

**26–1810. PROHIBITION AGAINST ISSUANCE OF LICENSE NOT APPLICABLE TO RENEWAL.**

**SECTION 26–1515 OF THIS TITLE DOES NOT APPLY TO AN APPLICATION FOR A LICENSE RENEWAL FOR THE SAME PREMISES.**

REVISOR’S NOTE: This section is new language derived without substantive change from the fourth sentence of former Art. 2B, § 10–202(i)(1), as it related to the renewal of a license.

Defined term: “License” § 1–101

GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 10–301(a–1), which cross–referenced the requirements and procedures for the renewal of alcoholic beverages licenses in Prince George’s County, is deleted as unnecessary because under this revision the revised Title 23, Subtitle 18 governs the renewal of these licenses in Prince George’s County.

Former Art. 2B, § 10–302(a)(3), which required a written application, under oath, and payment of the annual fee, is deleted as included under § 4–402 of this revised article.

Former Art. 2B, § 10–302(b)(1), which required a statement in a renewal application that the underlying facts are unchanged, is deleted as included under § 4–405(a) of this revised article.

Former Art. 2B, § 10–302(b)(2) and (3)(i), which required a consent statement from the owner of the licensed premises to be included in a license renewal application, is deleted as included under § 4–405(b) of this revised article.

Former Art. 2B, § 10–302(d), which related to applicants for license renewal that do not qualify for renewal, is deleted as included under § 4–407 of this revised article.

Former Art. 2B, § 10–302(g)(1), (2), (4)(i) and (ii), and (5), which related to protests of license renewals, are deleted as included under § 4–406 of this revised article.

Former Art. 2B, § 10–302(g)(6), which related to residency requirements for the 1985–1986 license renewal period, is deleted as obsolete.

This revision: (1) reestablishes the application of the statewide provisions of law governing alcoholic beverages license renewal under former Art. 2B, § 19–301 to Prince George’s County; (2) repeals provisions of former Art. 2B, § 10–302, which section governed alcoholic beverages license renewal in Prince George’s County, that are identical to the corresponding statewide provisions; and (3) retains and revises provisions of former Art. 2B, § 10–302 that differ from the statewide provisions. No substantive change is made.

Former Art. 2B, § 10–301(a)(1)(ii)<sup>4</sup> states that “on the filing of the renewal application ..., the holder of the expiring license is entitled to a new license for another year without the filing of further statements or the furnishing of any further information unless specifically requested by the official authorized to approve the license”. This provision of law is the only provision under the statewide law governing the renewal of local licenses that did not: (1) apply in Prince George’s County; (2) have a corresponding provision that applied the same requirements to Prince George’s County under former Art. 2B, § 10–302; or (3) have a corresponding alternative requirement under former Art. 2B, § 10–302 that is revised under this subtitle. The authority of the Board to issue licenses, however, is permissive (*see* former Art. 2B, § 15–112(a) of the Code), and presumably it may withhold approval of a license renewal if, in its discretion, it needs to review more statements or

information. Furthermore, this “entitlement” to a renewed license is not absolute, as the source law allows the Board, among others, to file a protest against a license renewal. The Board may presumably ask for additional statements or information in resolving a protest and before renewing the underlying license. Thus, under the source law the Board implicitly has the authority to request further statements or information before approving a license renewal. As a result, explicitly applying former Art. 2B, § 10–301(a)(1)(ii)4 to Prince George’s County is not a substantive change.

## **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

### **26–1901. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4–503 (“SOLICITATIONS AND SALES OUTSIDE LICENSED PREMISES”);**
- (3) § 4–505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4–506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4–507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4–508 (“DISPLAY OF LICENSE”).**

#### **(B) VARIATION.**

**SECTION 4–504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26–1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

#### **26–1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT BE EMPLOYED TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–302(b)(10).

The reference to an “individual” is substituted for the former reference to a “person” because this section applies only to human beings.

Defined term: “Alcoholic beverage” § 1–101

#### **26–1903. LIMITATION ON COVER CHARGES AND USE OF PREMISES.**

**A LICENSE HOLDER MAY NOT IMPOSE A COVER CHARGE, OFFER FACILITIES FOR PATRON DANCING, OR PROVIDE ENTERTAINMENT UNLESS THE LICENSE HOLDER:**

- (1) IS AUTHORIZED TO DO SO UNDER THIS ARTICLE; AND**
- (2) MEETS ALL REQUIREMENTS OF COUNTY LAW.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–217(n).

In the introductory language of this section, the former reference to a license “issued by the Board” is deleted as unnecessary in light of the defined term “license”.

In item (1) of this section, the reference to being authorized “to do so” is added for clarity.

Also in item (1) of this section, the former reference to being “specifically” authorized is deleted as surplusage.

Defined terms: “County” § 26–101  
“License holder” § 1–101

#### **26–1904. BOWLING ALLEYS.**

**AN INDIVIDUAL REGARDLESS OF AGE MAY ENTER OR REMAIN ON A LICENSED PREMISES IF A BOWLING ALLEY IS ON THE LICENSED PREMISES AND IN USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217(a)(5).

The reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

The former phrase "[n]otwithstanding any other provisions of this section" is deleted as unnecessary in light of the organization of this revised article.

The former reference to "any portion of" the licensed premises is deleted as surplusage.

The former reference to a "bona fide" bowling alley is deleted as surplusage.

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**26-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(B) PROHIBITION AGAINST ALLOWING CONSUMPTION.**

**AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE OR A HOLDER OF AN ON-SALE LICENSE MAY NOT ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE PREMISES LICENSED UNDER THIS TITLE:**

**(1) FROM 2 A.M. TO 6 A.M.; OR**

**(2) IF THE HOLDER MAY SELL ALCOHOLIC BEVERAGES UNDER § 26-2005 OF THIS SUBTITLE, FROM 3 A.M. TO 6 A.M.**

**(C) PENALTY.**

**(1) AN INDIVIDUAL FOUND CONSUMING ALCOHOLIC BEVERAGES ON THE PREMISES OR IN A PLACE DURING THE HOURS PROHIBITED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

**(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR PLACE WHO KNOWINGLY ALLOWS CONSUMPTION DURING THE HOURS PROHIBITED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Prince George's County, (2) and § 11-517(d) and, as it related to restricting hours of consumption, (b)(1)(i).

In subsection (a) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (c)(1) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (c)(1) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

In subsection (c)(2) of this section, the former references to “operator”, “waiter”, and “server” are deleted in light of the reference to “employee”.

Also in subsection (c)(2) of this section, the reference to “a fine not exceeding \$1,000 or imprisonment not exceeding 2 years or both” is substituted for the former reference to “the penalties provided in § 16-503 of this article” for clarity.

Defined terms: “Alcoholic beverage” § 1-101



“License” § 1-101

**26-2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**(1) A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.**

**(B) CLASS B BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

**(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON-PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; AND**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(C) CLASS C BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(D) CLASS D BEER LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER FOR ON-PREMISES CONSUMPTION FROM 2 A.M. TO 6 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(5), (b)(3), (c)(4), and (d)(5), 11-403(a)(1)(ii), and 11-517(e) and (b)(1) and, as they applied to beer licenses, §§ 11-403(a)(7) and 11-517(b)(2)(i).

In subsection (a) of this section and throughout this subtitle, former references to "the hours" of sale for alcoholic beverages are deleted as surplusage.

In subsection (a) of this section, the former phrase "subject to regulations of the Board of License Commissioners not inconsistent with the provisions hereof" is deleted as surplusage.

In subsection (a)(1) of this section and throughout this subtitle, former references to Class A license privileges being exercised until "2 a.m." are deleted in light of the authority to sell beer only until midnight.

Also in subsection (a)(1) of this section and throughout this section, the former references to "any agent, servant or employee of the holder" are deleted as implicit in the reference to a holder of a license.

In subsection (a)(1) of this section, the reference to the authorization to sell beer from "6 a.m. to midnight" is substituted for the former prohibition against selling beer "between the hours of 12:00 a.m. and 6:00 a.m." to conform to the style used throughout this article.

In subsection (a)(2) of this section and throughout this subtitle, the former references to alcoholic beverages being securely locked in a "compartment ...

or enclosure” are deleted as unnecessary due to the comprehensive reference to being kept in a “separate beverage department that is securely closed and locked”.

Also in subsection (a)(2) of this section and throughout this subtitle, the former phrase “[t]he provisions of this subsection do not apply to alcoholic beverages in storage areas which are not open to the public” is deleted in light of the reference to alcoholic beverages that are stored in areas open to the public.

In subsections (b)(2) and (c)(2) of this section, the former references to a “retail dealer” are deleted in light of the references to a “license holder”.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License” § 1–101

“License holder” § 1–101

## **26–2003. BEER AND LIGHT WINE LICENSES.**

### **(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED FROM MIDNIGHT ON SUNDAY TO 6 A.M. ON MONDAY.**

### **(B) CLASS B BEER AND LIGHT WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) FOR ON–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FOR ON-PREMISES CONSUMPTION:**

**(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE:**

**(I) FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 5 P.M. TO 1:30 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER AND LIGHT WINE LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS D BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR LIGHT WINE FROM 2 A.M. TO 6 A.M.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(6), (b)(5), (c)(6), (d)(6), 11-403(a)(1)(ii), and 11-517(e) and (b)(1)(i) and, as it applied to beer and light wine licenses, (2)(i).

Throughout this section provisions are rewritten to state the hours and days when beer and light wine may be sold, rather than when they may not be sold,

to conform to the style used throughout this article. Thus, in subsection (a)(1) of this section, for example, the statement that beer and light wine may be sold on Monday through Saturday, from 6 a.m. to midnight is substituted for the former language stating that alcoholic beverages may not be sold “between the hours of 12:00 a.m. and 6:00 a.m.”.

In subsection (a)(2) of this section, the former phrase “subject to the regulations of the Board of License Commissioners that are not inconsistent with the provisions hereof” is deleted as surplusage.

In subsections (b) through (d) of this section, the former references to “serve” are deleted as included in the references to “sell”.

In subsection (c)(2) of this section, the former reference to a “retail dealer” is deleted in light of the defined term “license holder”.

In subsection (d)(1)(i) of this section, the phrase “for on–premises consumption” is added to differentiate between authorized hours of on–sale and off–sale for Class D beer and light wine licenses.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“License holder” § 1–101

## **26–2004. BEER, WINE, AND LIQUOR LICENSES.**

### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) A LICENSE HOLDER THAT OFFERS FOR SALE COMMODITIES THAT ARE NOT ALCOHOLIC BEVERAGES AND IS OPEN ON SUNDAY SHALL KEEP ALL ALCOHOLIC BEVERAGES ON THE PREMISES THAT ARE STORED IN AREAS OPEN TO THE PUBLIC IN A SEPARATE BEVERAGE DEPARTMENT THAT IS SECURELY CLOSED AND LOCKED BETWEEN MIDNIGHT ON SUNDAY AND 6 A.M. ON MONDAY.**

### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FOR ON-PREMISES CONSUMPTION, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY;

(II) IF ISSUED A SUNDAY ON-SALE PERMIT UNDER § 26-1105 OF THIS TITLE, FROM NOON ON SUNDAY TO 2 A.M. THE FOLLOWING DAY; AND

(III) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

(2) FOR OFF-PREMISES CONSUMPTION ON SUNDAY, THE LICENSE HOLDER:

(I) IF ISSUED A SUNDAY OFF-SALE PERMIT UNDER § 26-1104 OF THIS TITLE, MAY SELL ALCOHOLIC BEVERAGES THAT THE HOLDER IS LICENSED TO SELL FROM 8 A.M. TO MIDNIGHT;

(II) MAY SELL BEER AND LIGHT WINE FROM 8 A.M. TO MIDNIGHT AT AN OFF-SALE STORE THAT IS ATTACHED TO AND PART OF THE LICENSED PREMISES; BUT

(III) MAY NOT SELL BEER, WINE, OR LIQUOR AT A SEPARATE OFF-SALE STORE ESTABLISHED ON THE PREMISES.

(3) THE BOARD SHALL ADOPT REASONABLE STANDARDS TO DEFINE THE TERM "OFF-SALE STORE" FOR THE PURPOSES OF PARAGRAPH (2) OF THIS SUBSECTION.

(C) CLASS B-AE (ARTS AND ENTERTAINMENT) BEER, WINE, AND LIQUOR LICENSE.

(1) A HOLDER OF A CLASS B-AE (ARTS AND ENTERTAINMENT) LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR:

(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FOR ON-PREMISES CONSUMPTION;

(II) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; AND

(III) AT A BAR OR COUNTER ON SUNDAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

**(2) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING REGULATIONS SPECIFYING HOURS AND DAYS OF SALE.**

**(D) CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, A HOLDER OF A CLASS B-DD (DEVELOPMENT DISTRICT) 7-DAY BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(E) CLASS BH LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS BH LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR:**

**(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR**

**(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(F) CLASS BLX LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE HOLDER OF A CLASS BLX LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:**

(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR

(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

(G) CLASS B-MB/22 LICENSE.

A HOLDER OF A CLASS B-MB/22 LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(H) CLASS B-RD (REVITALIZATION DISTRICT) LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B-RD (REVITALIZATION DISTRICT) LICENSE MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR FOR ON-PREMISES CONSUMPTION:

(I) EXCEPT AS PROVIDED IN § 26-2005 OF THIS SUBTITLE, FROM 2 A.M. TO 6 A.M.; OR

(II) AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

(I) CLASS C BEER, WINE, AND LIQUOR LICENSE.

(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY, UNLESS THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.

(J) CLASS D BEER, WINE, AND LIQUOR LICENSE.

RESERVED.



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 2–208(f)(1)(i), 6–201(r)(4)(i) and (iv), (5)(i) and (iii)2, (6)(i), (15)(i), and (18)(i) and (vi), 8–1001(c) and (g), 11–303(a)(1), (b)(1), and (c)(1), 11–403(a)(1)(ii), and 11–517(b)(1)(i) and (ii), (e), and (f) and, as they related to beer, wine, and liquor licenses, §§ 11–403(a)(7) and 11–517(b)(2)(i).

Throughout this section, references to “may sell beer, wine, and liquor” are substituted for the former references to “privileges conferred by a ... license may be exercised” for brevity.

In subsection (b) of this section, the former sentence “[n]othing further herein shall be construed to permit sales at any time between 12:00 a.m. and 6:00 a.m. of any day” is deleted as unnecessary.

In subsection (b)(2) of this section, the former reference to midnight “the day following” is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a “retail dealer” is deleted in light of the defined term “license holder”.

In subsection (h) of this section, the hours of sale are stated explicitly in substitution of the former reference to hours and days of sale that are “provided in § 11–517 of this article” for clarity.

Former Art. 2B, § 11–517(a), which provided that former Art. 2B, § 11–517 applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–517(g)(2), which prohibited “a special Class C (fraternal/sororal) license pursuant to § 6–301(r)(3)” from selling, serving, or permitting alcoholic beverages to be consumed on the licensed premises on Sunday before noon or after 2 a.m. the following day, is deleted as obsolete, as former Art. 2B, § 6–301(r)(3) and (4) provided that the restrictions on Sunday sales provided for in former § 11–517 do not apply to Class C fraternal/sororal licenses. Former Art. 2B, § 11–517(g)(3), which applied a similar obsolete prohibition to special Class C (yacht) licenses, is also deleted as obsolete.

Defined terms: “Beer” § 1–101

“Board” § 26–101

“License holder” § 1–101

“Wine” § 1–101

## **26–2005. LIVE ENTERTAINMENT OFFERED BY CLASS B LICENSE HOLDER.**

**IF THE HOLDER OF A CLASS B ON-SALE LICENSE HAS LIVE ENTERTAINMENT ON THE LICENSED PREMISES ON FRIDAY OR SATURDAY NIGHT, THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN ACCORDANCE WITH THE LICENSE ON FRIDAY OR SATURDAY FROM 6 A.M. TO 3 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-517(c).

The former phrase "[n]otwithstanding any other provisions of this article" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"License holder" § 1-101

**26-2006. HOURS FOR DECEMBER 24, DECEMBER 31, AND JANUARY 1.**

**(A) HOURS FOR HOLDERS OF CLASS A BEER, WINE, AND LIQUOR LICENSE WHEN DECEMBER 24 OR 31 FALLS ON SUNDAY.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT SELL BEER, WINE, OR LIQUOR ON SUNDAY UNLESS:**

**(1) THE SUNDAY IS DECEMBER 24 OR DECEMBER 31; OR**

**(2) THE HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE HOLDS A SUNDAY OFF-SALE PERMIT UNDER § 26-1104 OF THIS TITLE.**

**(B) HOURS FOR HOLDERS OF CLASS B RESTAURANT LICENSE WHEN DECEMBER 24 OR DECEMBER 31 FALLS ON SUNDAY.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B RESTAURANT LICENSE WITH OR WITHOUT A SUNDAY PERMIT THAT ALLOWS THE HOLDER TO SELL LIQUOR BY THE GLASS FOR ON-PREMISES CONSUMPTION MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY IF THE SUNDAY IS DECEMBER 24 OR DECEMBER 31.**

**(2) A HOLDER OF A CLASS B RESTAURANT LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION MONDAY THROUGH SUNDAY FROM MIDNIGHT TO 8 A.M.**

**(C) CLOSING HOURS FOR LICENSE HOLDERS ON JANUARY 1.**

**A HOLDER OF A LICENSE THAT ALLOWS THE SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION MAY SELL THE ALCOHOLIC BEVERAGES THAT THE LICENSE ALLOWS UNTIL 2 A.M. ON JANUARY 1.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-402(r)(2) and 11-517(b)(1)(iii) and, except as it related to a Class D license, (2).

In subsection (b) of this section, the reference to a holder of a Class B "restaurant license that allows the sale of alcoholic beverages for off-premises consumption" is substituted for the former reference to a Class B "alcoholic beverages license with off-sale privileges" to conform to terminology used throughout this article.

In subsection (c) of this section, the phrase "[a] holder of a license that allows the sale of alcoholic beverages for on-premises consumption may sell the alcoholic beverages that the license allows" is substituted for the former phrases "[t]his article may not be construed to require any holder of an on-sale license to close the licensed premises ... A licensee may sell any alcoholic beverages authorized by the license ..." for clarity and to conform to the style of this revised article.

Also in subsection (c) of this section, the former references to January 1 "of any year" are deleted as surplusage.

Former Art. 2B, § 11-402(r)(1), which stated that former Art. 2B, § 11-401(r) applied only in Prince George's County, is deleted as unnecessary in light of the reorganization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101  
"Restaurant" § 1-101

**26-2007. CHANGING AND REDUCING HOURS OF SALE IN THE 24TH AND 25TH ALCOHOLIC BEVERAGES DISTRICTS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES IN THE 24TH AND 25TH ALCOHOLIC BEVERAGES DISTRICTS OF THE COUNTY AS DESCRIBED IN § 26-1603(F) AND (G) OF THIS TITLE.**

**(B) BOARD MAY CHANGE HOURS OF SALE.**

**THE BOARD MAY CHANGE THE CLOSING HOUR AND REDUCE THE HOURS OF SALE OF A LICENSE HOLDER IF THE BOARD:**

**(1) RECEIVES A COMPLAINT CONCERNING THE LICENSED PREMISES;  
AND**

**(2) MAKES THE CHANGE AFTER HOLDING A HEARING ON THE COMPLAINT.**

**(C) JUDICIAL REVIEW.**

**UNDER SUBTITLE 24 OF THIS TITLE, A PARTY MAY SEEK JUDICIAL REVIEW OF A DECISION OF THE BOARD MADE UNDER THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–517(i) and (j).

In subsection (b) of this section, the former reference to “under any class of alcoholic beverages license” is deleted as surplusage.

In subsection (c) of this section, the reference to seeking a “judicial review” of a decision of the Board is substituted for the former reference to allowing a decision of the Board to be “appealed” to conform to the terminology used throughout this article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License holder” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **26–2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**

**(2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**

(3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”); AND

(4) § 4-606 (“EFFECTS OF REVOCATION”).

(B) VARIATION.

**SECTION 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(13), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 26-101

“License” § 1-101

“Local licensing board” § 1-101

**26-2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

(A) “CONVICTION” DEFINED.

IN THIS SECTION, “CONVICTION” INCLUDES:

(1) A VERDICT OR PLEA OF GUILTY;

(2) THE FORFEITURE OF A BOND OR COLLATERAL ACCEPTED ON A PENDING CHARGE, WARRANT, OR INDICTMENT BEFORE A COURT; OR

(3) THE REVOCATION OR SUSPENSION OF A LICENSE BY THE BOARD BECAUSE OF A VIOLATION OF THIS ARTICLE OR REGULATIONS ADOPTED UNDER THIS ARTICLE.

(B) GROUNDS FOR REVOCATION.

(1) THE BOARD MAY REVOKE A LICENSE IF:

(i) WITHIN 2 YEARS A LICENSE HOLDER IS CONVICTED TWICE FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY; OR

(II) WITHIN 2 YEARS THERE ARE TWO CONVICTIONS OF THE SAME AGENT OR EMPLOYEE OF A LICENSE HOLDER FOR A VIOLATION CONCERNING ILLEGAL SALES OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY.

(2) THE BOARD MAY REVOKE A LICENSE FOR:

(I) A FELONY CONVICTION OF A LICENSE HOLDER OR A STOCKHOLDER OF A CORPORATION HAVING THE USE OF A LICENSE; OR

(II) FAILURE TO COMPLY WITH § 26-1613(C) OF THIS TITLE.

(3) THE BOARD MAY:

(I) ALLOW A CLOSING OF THE LICENSED PREMISES FOR A REASONABLE PERIOD OF TIME; BUT

(II) REVOKE THE LICENSE FOR THE CLOSING OF THE LICENSED PREMISES FOR MORE THAN 30 DAYS WITHOUT THE APPROVAL OF THE BOARD.

(C) GROUNDS FOR SUSPENSION.

THE BOARD MAY SUSPEND A LICENSE FOR AT LEAST 30 DAYS FOR:

(1) A CONVICTION OF THE LICENSE HOLDER FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY; OR

(2) TWO OR MORE CONVICTIONS OF DIFFERENT AGENTS OR EMPLOYEES OF A LICENSE HOLDER FOR A VIOLATION CONCERNING AN ILLEGAL SALE OF ALCOHOLIC BEVERAGES IN OR ON THE LICENSED PREMISES ON SUNDAY.

(D) GROUNDS FOR REVOCATION OR SUSPENSION.

(1) IF A LICENSE HOLDER HAS NOT COMPLIED WITH THE RESIDENCY REQUIREMENTS SPECIFIED IN § 4-103, § 4-104, OR § 4-105 OF THIS ARTICLE OR SUBTITLE 14 OF THIS TITLE, THE BOARD MAY REVOKE OR SUSPEND THE LICENSE.

(2) THE BOARD MAY REVOKE OR SUSPEND A LICENSE:

**(I) FOR A CONVICTION OF THE LICENSE HOLDER FOR A VIOLATION OF ANY STATE LAW CONCERNING GAMBLING IN OR ON THE LICENSED PREMISES; OR**

**(II) IF, WITHIN 2 YEARS, THERE ARE TWO CONVICTIONS OF ONE OR MORE OF THE AGENTS OR EMPLOYEES OF A LICENSE HOLDER FOR VIOLATIONS CONCERNING GAMBLING IN OR ON THE LICENSED PREMISES.**

**(3) THE BOARD MAY REVOKE OR SUSPEND A LICENSE THAT HAS BEEN ISSUED OR TRANSFERRED IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING THE ISSUANCE OR TRANSFER.**

**(E) GROUND FOR REVOCATION, SUSPENSION, OR REFUSAL TO RENEW.**

**THE BOARD MAY REVOKE, SUSPEND, OR REFUSE TO RENEW A LICENSE, OR REFUSE TO ISSUE A LICENSE TO AN APPLICANT, IF THE LICENSE HOLDER OR APPLICANT WILLFULLY FAILED OR REFUSED TO PAY HOTEL/MOTEL TAXES DUE TO THE COUNTY WITHIN 60 DAYS AFTER THE LICENSE HOLDER OR APPLICANT RECEIVED THE FIRST NOTICE OF DELINQUENCY.**

**(F) VIOLATIONS AGAINST SAME LICENSE HOLDER, AGENT, OR EMPLOYEE.**

**TWO OR MORE VIOLATIONS AGAINST THE SAME LICENSE HOLDER, AGENT, OR EMPLOYEE OR AFFECTING THE SAME PREMISES OCCURRING ON THE SAME DAY ARE CONSIDERED ONE OFFENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(g)(2) through (7).

In subsections (b)(1)(ii), (c)(2), and (d)(2)(ii) of this section, the former references to a "servant" and "servants" are deleted as included in the references to an "employee" and "employees". Similarly in subsections (c)(2) and (d)(2)(ii) of this section, the former references to "clerks" are deleted.

In subsection (c) of this section, the former phrase "[n]otwithstanding any other provisions of this article, but in addition to them" is deleted as unnecessary in light of the organization of this revised article.

In subsection (d)(1) of this section, the reference to a "license holder" is substituted for the former reference to a "sole proprietorship, partnership, corporation, club, or association" for brevity.

In subsection (d)(2) of this section, the former references to "gaming" are deleted as included in the references to "gambling".

In subsection (e) of this section, the former reference to taxes due “and owed” is deleted as surplusage.

In subsection (f) of this section, the former phrase “[f]or the purpose of this subsection” is deleted as surplusage.

Also in subsection (f) of this section, the former statement that “[t]he provisions of this subsection are applicable only to violations and offenses occurring after June 1, 1957” is deleted as obsolete.

Former Art. 2B, § 10–401(g)(1), which stated that former Art. 2B, § 10–401(g) applied only in Prince George’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 26–101

“County” § 26–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **26–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 26–101

“License” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **26–2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**



- (1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);
- (2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);
- (3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND
- (4) § 4-806 (“REFUND”).

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 26-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 26-101

“License” § 1-101

“License holder” § 1-101

**26-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

- (I) THE SURVIVING SPOUSE;**
- (II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**
- (III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

- (I) FOR THE BALANCE OF THE LICENSE YEAR; AND**
- (II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

- (1) THE SURVIVING SPOUSE;**
- (2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**
- (3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(7).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 26–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **26–2401. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);**
- (2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**
- (3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**
- (4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”); AND**
- (5) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).**

#### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–903 (“PETITIONERS”), SUBJECT TO § 26–2402 OF THIS SUBTITLE; AND**
- (2) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”), SUBJECT TO § 26–2405 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: "County" § 26-101  
 "Local licensing board" § 1-101

**26-2402. GOVERNING BODY OF MUNICIPALITY MAY PETITION FOR JUDICIAL REVIEW.**

**ON PAYMENT OF ALL COSTS INCIDENT TO THE HEARING BEFORE THE BOARD, A GOVERNING BODY OF A MUNICIPALITY WITHIN THE COUNTY IN WHICH A LICENSED PLACE OF BUSINESS IS LOCATED OR PROPOSED TO BE LOCATED MAY PETITION FOR JUDICIAL REVIEW OF A DECISION OF THE BOARD UNDER § 4-902 OF THIS ARTICLE TO THE CIRCUIT COURT FOR THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(b)(4).

The phrase "may petition for judicial review of a decision of the Board" is substituted for the former phrase "may appeal therefrom" for clarity.

Defined terms: "Board" § 26-101  
 "County" § 26-101

**26-2403. COSTS.**

**(A) CLERK TO COLLECT.**

**BEFORE DOCKETING AN ACTION FOR JUDICIAL REVIEW UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL:**

**(1) COLLECT ALL COURT COSTS FROM THE PETITIONER; AND**

**(2) RECEIVE A STATEMENT FROM THE CLERK OF THE BOARD THAT THE COSTS FOR GETTING RECORDS AND TRANSCRIPTS OF PROCEEDINGS OF THE HEARING BEFORE THE BOARD HAVE BEEN PAID.**

**(B) NO ASSESSMENT AGAINST BOARD.**

**THE COSTS DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION MAY NOT BE ASSESSED AGAINST THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(d), as it related to Prince George's County.

In subsection (a) of this section, the references to "an action for judicial review" and "the petitioner" are substituted for the former incorrect references to "an appeal" and "the person or persons so appealing" to reflect that this section concerns the judicial review of an administration agency – a board of license commissioners – and not a court.

Defined terms: "Board" § 26-101  
"County" § 26-101

**26-2404. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(4)(ii)10.

The reference to the "circuit court for the County" is substituted for the former reference to the "court" for clarity.

Defined terms: "Board" § 26-101  
"County" § 26-101

**26-2405. ADDITIONAL EVIDENCE.**

**(A) PETITION TO SHOW ADDITIONAL EVIDENCE ALLOWED BEFORE HEARING.**

**BEFORE THE DATE SET FOR A HEARING BEFORE THE CIRCUIT COURT OF A PETITION UNDER TITLE 4, SUBTITLE 9 OF THIS ARTICLE, A PETITIONER OR A PARTY IN INTEREST PROPERLY BEFORE THE COURT MAY PETITION THE COURT IN WRITING FOR LEAVE TO PRESENT ADDITIONAL EVIDENCE ON AN ISSUE FOR WHICH JUDICIAL REVIEW IS SOUGHT.**

**(B) COURT MAY REMAND PROCEEDINGS TO BOARD FOR ADDITIONAL EVIDENCE.**

**IF, AFTER A HEARING, THE COURT IS SATISFIED THAT THE ADDITIONAL EVIDENCE IS MATERIAL AND THAT THERE WERE GOOD REASONS FOR FAILURE TO PRESENT THE EVIDENCE IN THE PROCEEDING BEFORE THE BOARD, THE COURT**

**SHALL REMAND THE CASE TO THE BOARD AND ORDER THAT THE EVIDENCE BE TAKEN BEFORE THE BOARD ON THE CONDITIONS THE COURT CONSIDERS PROPER.**

**(C) BOARD MAY MODIFY OR REVERSE PREVIOUS FINDING OR DECISION.**

**(1) ON REMAND FOR THE TAKING OF ADDITIONAL EVIDENCE, THE BOARD MAY MODIFY OR REVERSE THE PREVIOUS FINDINGS AND DECISION OF THE BOARD BY REASON OF THE ADDITIONAL EVIDENCE.**

**(2) IF THE BOARD MODIFIES OR REVERSES A PREVIOUS FINDING OR DECISION AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD SHALL FILE WITH THE REVIEWING COURT, TO BECOME A PART OF THE RECORD, THE ADDITIONAL EVIDENCE TOGETHER WITH THE MODIFICATION, NEW FINDING, OR NEW DECISION.**

**(D) COURT MAY REVERSE OR MODIFY DECISION OR AGAIN REMAND PROCEEDINGS.**

**ON THE FILING OF A FINDING OR DECISION AFTER REMAND AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION, IF THE COURT DETERMINES THAT THE SUBSTANTIAL RIGHTS OF A PETITIONER MAY HAVE BEEN PREJUDICED, THE COURT MAY REVERSE OR MODIFY THE DECISION OR MODIFIED DECISION OF THE BOARD OR AGAIN REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(e)(1)(ii).

In subsection (a) of this section, the phrase "may petition the court in writing" is substituted for the former phrase "if ... written application by petition to show cause is made to the court" for brevity and clarity.

Also in subsection (a) of this section, the phrase "an issue for which judicial review is sought" is substituted for the former phrase "the issues in the case" for clarity and consistency within the subtitle.

Also in subsection (a) of this section, the former phrase "notwithstanding any other provision of this article, but in addition thereto" is deleted as unnecessary in light of the organization of this revised article.

In subsection (c)(1) of this section, the phrase "[o]n remand for the taking of additional evidence" is substituted for the former phrase "[i]n cases in which the additional evidence is taken before the Board of License Commissioners" for clarity and brevity.

In subsection (d) of this section, the phrase “[o]n the filing of a finding or decision after remand as described in subsection (c) of this section” is added for clarity.

Also in subsection (d) of this section, the word “petitioner” is substituted for the former phrase “any party appealing, whether petitioners for a license or objectors to the issuance of a license or any licensee appealing from the decision of the Board” for brevity.

Also in subsection (d) of this section, the phrase “again remand” is substituted for the former reference to “remand” to make it clear that the subsection authorizes the court to remand additional times if not satisfied with the result of a prior remand.

Defined term: “Board” § 26–101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

### **26–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

#### **(A) SCOPE OF SECTION.**

##### **THIS SECTION APPLIES TO AN ESTABLISHMENT:**

- (1) FOR WHICH THE BOARD HAS NOT ISSUED A LICENSE;**
- (2) THAT IS SUBJECT TO ANY OTHER LICENSE ISSUED BY THE STATE OR COUNTY; AND**
- (3) THAT IS:**
  - (I) A RESTAURANT, HOTEL, CLUB, ROOM, DANCE STUDIO, OR DISCO;**
  - (II) A PLACE OF ADULT ENTERTAINMENT THAT ALLOWS ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4–605 OF THIS ARTICLE; OR**
  - (III) ANY OTHER PLACE OPEN TO THE PUBLIC.**

#### **(B) IN GENERAL.**

**A PERSON, INCLUDING AN OWNER OR OPERATOR OF AN ESTABLISHMENT MAY NOT:**

**(1) SERVE, KEEP, OR ALLOW TO BE CONSUMED BY A CUSTOMER, ALCOHOLIC BEVERAGES:**

**(I) FROM SUPPLIES THAT THE CUSTOMER PURCHASED, RESERVED, OR OTHERWISE BROUGHT TO THE ESTABLISHMENT; OR**

**(II) FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO THE ESTABLISHMENT BY THE OWNER OR OPERATOR OF THE ESTABLISHMENT OR AN AGENT OF THE OWNER OR OPERATOR; OR**

**(2) (I) SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE; OR**

**(II) SERVE, KEEP, OR ALLOW TO BE CONSUMED OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS.**

**(C) ENFORCEMENT.**

**(1) THE BOARD OR AN INSPECTOR OF THE BOARD MAY ORDER THAT AN ESTABLISHMENT BE CLOSED IMMEDIATELY IF THE BOARD OR THE INSPECTOR DETERMINES THAT THE PUBLIC HEALTH, SAFETY, OR WELFARE REQUIRES EMERGENCY ACTION.**

**(2) IF AN IMMEDIATE CLOSURE IS ORDERED, THE BOARD OR THE INSPECTOR WHO ORDERED THE CLOSURE SHALL GIVE THE OWNER OR OPERATOR OF THE ESTABLISHMENT:**

**(I) WRITTEN NOTICE OF AND THE REASONS FOR THE CLOSURE;**  
**AND**

**(II) WRITTEN NOTICE OF A HEARING ON THE CLOSURE AT WHICH THE OWNER OR OPERATOR MAY BE HEARD AND PRESENT EVIDENCE.**

**(3) THE BOARD SHALL HOLD THE HEARING WITHIN 3 BUSINESS DAYS AFTER THE CLOSURE.**

**(4) (I) AT THE HEARING, THE BOARD SHALL DETERMINE WHETHER THE THREAT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE CAUSING THE CLOSURE CONTINUES TO EXIST.**



**(II) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE BOARD DETERMINES UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT THE THREAT CONTINUES, THE BOARD MAY:**

**1. ORDER THE PERMANENT CLOSURE OF THE ESTABLISHMENT; OR**

**2. IMPOSE CONDITIONS UNDER WHICH THE ESTABLISHMENT MAY REOPEN.**

**(III) THE BOARD SHALL ORDER THE ESTABLISHMENT TO BE PERMANENTLY CLOSED IF:**

**1. THE CLOSURE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR WHICH THE HEARING IS BEING HELD IS THE THIRD CLOSURE IN A 2-YEAR PERIOD; AND**

**2. THE PREVIOUS TWO CLOSURES UNDER PARAGRAPH (1) OF THIS SUBSECTION WERE NOT OVERTURNED BY THE BOARD OR ON JUDICIAL REVIEW.**

**(5) THE BOARD SHALL ISSUE A DECISION WITHIN 3 BUSINESS DAYS AFTER A HEARING IS HELD UNDER PARAGRAPH (4) OF THIS SUBSECTION.**

**(6) AN OWNER OR OPERATOR WHO IS AGGRIEVED BY A DECISION OF THE BOARD MAY PETITION FOR JUDICIAL REVIEW TO A CIRCUIT COURT.**

**(D) FINE IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$12,500 FOR EACH VIOLATION ON A PERSON WHO THE BOARD FINDS HAS VIOLATED THIS SECTION.**

**(E) PENALTY.**

**IN ADDITION TO ANY OTHER PENALTY AUTHORIZED BY LAW, 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-108.1(a)(2), (3), and (4), (c), (d), and (e).

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In this section, the term “establishment” is substituted for the former defined term “bottle club”. Actions that were formerly included within the former defined term “bottle club” are prohibited under the substantive provisions of this section.

In subsection (b) of this section, the former references to “giv[ing]” or “dispens[ing]” alcoholic beverages are deleted as included in the references to “serv[ing]” alcoholic beverages.

Also in subsection (b) of this section, the former prohibition against an owner or operator of a bottle club from “[evading] the alcoholic beverage license laws in the county, including laws governing the hours of operation” is deleted as an unnecessary statement of normal practice.

In subsection (b)(1) of this section, the references to a “customer” are substituted for the former references to a “patron” to conform to the terminology used throughout this article.

In subsection (b)(1)(ii) of this section, the former reference to alcoholic beverages allowed to be consumed by a patron “paying admission” is deleted as unnecessary because the provision applies to all patrons regardless of whether they pay admission.

Former Art. 2B, § 11–304(r), which prohibited the bringing of alcoholic beverages onto unlicensed premises and consumed or transferred if the unlicensed premises is a place of adult entertainment is deleted as included in subsections (a) and (b) of this section.

Former Art. 2B, § 20–108.1(a)(1), which was the standard introductory provision for a definition subsection, is deleted as unnecessary because there is not a definition subsection in this section.

Former Art. 2B, § 20–108.1(b), which stated that former Art. 2B, § 20–108.1 applied only in Prince George’s 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 subsection (b) of this section prohibits a person from serving, keeping, or allowing alcoholic beverages to be consumed.

However, it does not prohibit a customer from consuming alcoholic beverages in an unlicensed establishment.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 26-101

"License" § 1-101

"Person" § 1-101

**26-2502. HOURS WHEN CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES:**

**(1) IN AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) IN A PLACE OF PUBLIC ENTERTAINMENT;**

**(3) AT AN ESTABLISHMENT OCCUPIED REGULARLY BY A PRIVATE CLUB OR ORGANIZATION; OR**

**(4) IN A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS ARE SOLD DIRECTLY OR INDIRECTLY.**

**(B) PROHIBITION AGAINST OWNER, MANAGER, OR EMPLOYEE.**

**AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**(1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

**(2) AN OWNER, A MANAGER, OR AN EMPLOYEE OF A PREMISES OR PLACE WHO VIOLATES SUBSECTION (A)(2) OF 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, §§ 11–517(d) and 16–503.

In subsections (a) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c)(1) of this section, the former mandatory minimum fine of “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

In subsection (c)(2) of this section, the former reference to “the House of Correction, or jail” is deleted as obsolete and unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **26–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**

(6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);

(7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);

(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND

(9) § 6-211 (“FINES AND FORFEITURES”).

(B) EXCEPTION.

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 26-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 26-101

“State” § 1-101

**26-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

(1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-320 OF THIS ARTICLE; AND

(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR A HIGHWAY.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-103(a)(10).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6-320 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 26–101

### **26–2603. ISSUANCE OF CITATIONS.**

**AN INSPECTOR WHO INVESTIGATES A LICENSE VIOLATION MAY ISSUE A CIVIL CITATION AS PROVIDED IN § 10–119 OF THE CRIMINAL LAW ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–408, as it related to inspectors in Prince George’s County.

The former reference to license violations “under this article” is deleted as surplusage.

Defined term: “License” § 1–101

### **26–2604. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

#### **(B) REFUSAL TO COMPLY WITH SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(ix), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 26–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **26–2701. 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) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**

(9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-320 (“DISORDERLY INTOXICATION”);

(13) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(14) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(15) § 6-327 (“TAX EVASION”);

(16) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(17) § 6-329 (“PERJURY”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 26-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 26-2703 OF THIS SUBTITLE;

(3) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 26-2704 OF THIS SUBTITLE;

(4) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”), SUBJECT TO § 26-2705 OF THIS SUBTITLE; AND



**(5) § 6-322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 26-2706 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 26-101

“License holder” § 1-101

“Retail dealer” § 1-101

**26-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE**

**OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to "[t]he Board" is added for clarity.

Also in subsection (c) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (c) of this section, the former phrase "[e]xcept as otherwise provided in this section" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101  
 "License holder" § 1-101  
 "State" § 1-101

**26-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) BAR TO ADMINISTRATIVE ACTION.**

**THE BOARD MAY NOT PROCEED AGAINST A LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE IF THE LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER IS FOUND NOT GUILTY OF, OR GRANTED PROBATION BEFORE JUDGMENT FOR, THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(iv).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b) of this section, the reference to probation before "judgment" is substituted for the former reference to a probation "without a verdict" to conform to current terminology.

Also in subsection (b) of this section, the former phrase "[e]xcept as otherwise provided in this section" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 26-101  
 "License holder" § 1-101  
 "State" § 1-101

**26-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION FOR CONTINUING CARE RETIREMENT COMMUNITY.**

**RESIDENTS AND THEIR GUESTS IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HOLDS A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE MAY CONSUME WINE NOT PURCHASED FROM THE CONTINUING CARE RETIREMENT COMMUNITY IF:**

- (1) THE WINE IS CONSUMED WITH A MEAL IN THE DINING ROOM; AND**
- (2) THE CONTINUING CARE RETIREMENT COMMUNITY:**
  - (I) IS OPERATED BY A NONPROFIT ORGANIZATION FOR THE CONTINUING CARE RETIREMENT OF INDIVIDUALS AT LEAST 60 YEARS OLD;**
  - (II) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR;**

**(III) HAS OBTAINED A CERTIFICATE OF REGISTRATION FROM THE DEPARTMENT OF AGING UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE; AND**

**(IV) PREPARES AND SERVES MEALS DURING REGULAR OPERATING HOURS TO RESIDENTS AND THEIR GUESTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(8).

Defined terms: "Beer" § 1-101

"License" § 1-101

"On-sale" § 1-101

"Wine" § 1-101

**26-2705. CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC — CRIMINAL PROCEDURE.**

**AN INDIVIDUAL WHO IS CHARGED WITH A MISDEMEANOR UNDER § 6-321 OF THIS ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-204(b).

The reference to an "individual" is substituted for the former defined term "person" because only an individual, i.e., a natural person, and not any of the other entities included in the defined term "person", is capable of consuming alcoholic beverages in public, much less being charged with a misdemeanor for such behavior.

**26-2706. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**(A) IN GENERAL.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

**(B) REQUIRED APPEARANCE IN COURT.**

**AN INDIVIDUAL CHARGED WITH A MISDEMEANOR UNDER § 6-322 OF THIS ARTICLE SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 19-301(a)(2) and 19-302(b).

In this section, the references to an "individual" are substituted for the former defined term "person" because only an individual, i.e., a natural person, and not any of the other entities included in the defined term "person", is capable of possessing an open container of an alcoholic beverage in public, much less being charged with a misdemeanor for such behavior.

In subsection (a) of this section, the former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19-301(a)(1)(vi), which stated that former Art. 2B, § 19-301(a)(2) applied in Prince George's 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 this section does not specify to whom the written consent must be presented.

Defined term: "Alcoholic beverage" § 1-101

**26-2707. ENTERING LICENSED PREMISES.**

**(A) INDIVIDUAL UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT:**

**(1) ENTER THE PREMISES OF A LICENSE HOLDER TO OBTAIN ALCOHOLIC BEVERAGES; OR**

**(2) POSSESS ALCOHOLIC BEVERAGES.**

**(B) INDIVIDUAL UNDER THE AGE OF 18 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 18 YEARS MAY NOT ENTER BETWEEN 10 P.M. AND 6 A.M. THE PREMISES OF THE HOLDER OF A CLASS B OR CLASS D BEER LICENSE OR A CLASS B OR CLASS D BEER AND LIGHT WINE LICENSE UNLESS THE**

**INDIVIDUAL IS IN THE COMPANY OF A PARENT, THE LEGAL GUARDIAN, OR THE SPOUSE OF THE INDIVIDUAL.**

**(C) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS REGARDING THE PRESENCE OF AN INDIVIDUAL UNDER THE AGE OF 21 YEARS ON A LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217(a)(1), the first clause of (2), and the first sentence of (3).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to natural persons and not the other entities included in the defined term "person".

In subsection (a) of this section, the former prohibition against an individual under the age of 21 years "purchas[ing] alcoholic beverages" is deleted as redundant of § 1-401 of this article.

Also in subsection (a) of this section, the former prohibition against an individual "misrepresent[ing] his age for the purpose of obtaining alcoholic beverages" is deleted as redundant of § 10-113 of the Criminal Law Article.

In subsection (a)(2) of this section, the reference to "possess[ing] alcoholic beverages" is substituted for the former reference to "hav[ing] alcoholic beverages on or about his person" for clarity.

In subsection (b) of this section, the former phrase "for any purpose" is deleted as surplusage.

Also in subsection (b) of this section, the former prohibition against "remain[ing] upon any portion" of a licensed premises is deleted as included in the prohibition against "enter[ing]" a licensed premises.

Also in subsection (b) of this section, the former reference to the premises "where the privileges conferred by the license are exercised" is deleted as implicit in the reference to the "premises of the holder".

Also in subsection (b) of this section, the former reference to the "immediate" company of a parent or guardian is deleted as surplusage.

In subsection (c) of this section, the former reference to "rules" is deleted as included in the reference to "regulations".

Also in subsection (c) of this section, the former phrases “in addition to the other powers and duties conferred upon them”, “as they deem necessary”, and “in addition to or in lieu of the provisions stated in this section” are deleted as surplusage.

The second sentence of former Art. 2B, § 8–217(a)(3), which provided that it is unlawful for a person to misrepresent the age of a person under the age of 21 years to obtain alcoholic beverages for that person or another, is deleted as redundant of § 10–113 of the Criminal Law Article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 26–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**26–2708. USE OF SELF–SCANNING CASH REGISTER OR AUTOMATED SYSTEM FOR SALES PROHIBITED.**

**(A) IN GENERAL.**

**A LICENSE HOLDER MAY NOT SELL ALCOHOLIC BEVERAGES BY MEANS OF A SELF–SCANNING CASH REGISTER OR OTHER AUTOMATED SYSTEM THAT IS:**

**(1) CAPABLE OF RECOVERING STORED INFORMATION RELATED TO THE SALE PRICE OF INDIVIDUAL RETAIL ITEMS; AND**

**(2) OPERATED ON A SELF–SERVICE BASIS BY A CUSTOMER.**

**(B) PENALTY.**

**IF A LICENSE HOLDER VIOLATES THIS SECTION, THE BOARD MAY IMPOSE ON THE LICENSE HOLDER:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000;**

**(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$2,500; AND**

**(3) FOR A THIRD OR SUBSEQUENT OFFENSE:**

**(I) A FINE NOT EXCEEDING \$2,500; OR**

**(II) SUSPENSION OR REVOCATION OF THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-217.1(b) and (c).

In subsection (a) of this section and in the introductory language of subsection (b) of this section, the former references to a license holder being "licensed under this article" are deleted as included in the references to a license holder.

In the introductory language of subsection (b) of this section, the former reference to the "local licensing" board is deleted as included in the reference to the Board.

Former Art. 2B, § 12-217.1(a), which stated that former Art. 2B, § 12-217.1 applied in Prince George's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 26-101

"License" § 1-101

"License holder" § 1-101

## **SUBTITLE 28. PENALTIES.**

### **26-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 26-101

### **26-2802. PENALTY IMPOSED BY BOARD.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO A VIOLATION THAT IS CAUSE FOR SUSPENSION OR REVOCATION OF A LICENSE.**

#### **(B) FIRST, SECOND, OR THIRD OFFENSE.**



**INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE, THE BOARD MAY:**

**(1) FOR A FIRST OFFENSE:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, IMPOSE A FINE NOT EXCEEDING \$1,500; OR**

**(II) FOR A VIOLATION OF § 10–117 OF THE CRIMINAL LAW ARTICLE, IMPOSE A FINE OF \$1,500;**

**(2) FOR A SECOND OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE NOT EXCEEDING \$6,000; AND**

**(3) FOR A THIRD OFFENSE IN THE SAME 24–MONTH PERIOD, IMPOSE A FINE OF \$7,500.**

**(C) FOURTH OFFENSE.**

**FOR A FOURTH OFFENSE IN THE SAME 24–MONTH PERIOD, THE BOARD SHALL SUSPEND THE LICENSE FOR 30 DAYS, UNLESS THE BOARD REVOKES THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(r).

In subsection (a) of this section, the reference to suspension or revocation “of a license” is substituted for the former reference to suspension or revocation “under the alcoholic beverage laws affecting Prince George’s County” for brevity.

In subsection (b)(2) of this section, the former reference to a fine “of not less than \$1,501” is deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b)(1)(i) of this section, the mandatory penalty of a fine “of” \$1,500 for a violation of § 10–117 of the Criminal Law Article is subject to § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character. As a practical matter, therefore, any first offense is subject to a fine “not exceeding” \$1,500, and there is no actual distinction between the penalty for a first

violation of § 10–117 of the Criminal Law Article and any other first violation that is cause for suspension or revocation under this section.

Defined terms: “Board § 26–101  
“License” § 1–101

## **TITLE 27. QUEEN ANNE’S COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **27–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Queen Anne’s County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Queen Anne’s County”.

#### **27–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN QUEEN ANNE’S COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**27–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
“County” § 27–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(s), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**27–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR QUEEN ANNE'S COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(d), as it related to constituting the Board of License Commissioners for Queen Anne's County.

**27–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT FIVE MEMBERS TO THE BOARD.**

**(2) AT LEAST TWO MEMBERS OF THE BOARD SHALL BE MEMBERS OF THE POLITICAL PARTY THAT AT THE LAST PRECEDING GUBERNATORIAL ELECTION POLLED THE SECOND HIGHEST NUMBER OF VOTES IN THE COUNTY FOR GOVERNOR.**

**(B) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(C) VACANCIES.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT AN INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF A MEMBER WHO REFUSES OR IS UNABLE TO SERVE.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(D) REMOVAL.**

**THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

REVISOR'S NOTE: Subsections (a), (b)(1), (c), and (d) of this section are new language derived without substantive change from the first through fourth

sentences of former Art. 2B, §§ 15–104(d), except as it related to designating a chair, and the first sentence of 15–110(b).

Subsection (b)(2) of this section is new language added to clarify that the terms of members of the Board are staggered. This addition is not intended to alter the term of any member of the Board of License Commissioners for Queen Anne’s County.

In subsection (a)(2) of this section, the reference to “members of the Board” is substituted for the former reference to “persons” for clarity.

Also in subsection (a)(2) of this section, the reference to the “last preceding” gubernatorial election is substituted for the former reference to the “most recent” gubernatorial election for consistency with other similar provisions of this article. Similarly, the reference to “poll[ing]” votes is substituted for the former reference to “receiv[ing]” votes.

In subsection (c)(2) of this section, the former phrase “at any time” is deleted as surplusage.

Also in subsection (c)(2) of this section, the former reference to being unable to serve “for any reason” is deleted as surplusage.

In subsection (d) of this section, the reference to “misconduct in office, incompetence, or willful neglect of duty” is substituted for the former reference to “the causes in this section prescribed” for clarity.

Also in subsection (d) of this section, the former reference to the County Commissioners removing a member of the board of license commissioners “appointed by them” is deleted as unnecessary because all of the members are appointed by the County Commissioners.

Former Art. 2B, § 15–101(s), which provided a cross–reference to provisions applicable to Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 27–101  
 “County” § 27–101

## **27–203. CHAIR.**

**THE COUNTY COMMISSIONERS SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 15–104(d), as it related to designating a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined terms: “Board” § 27–101

“County” § 27–101

**27–204. QUORUM; SALARY; STAFF.**

**(A) QUORUM.**

**THREE MEMBERS OF THE BOARD ARE A QUORUM FOR TRANSACTING BUSINESS.**

**(B) SALARY.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY COMMISSIONERS SHALL DETERMINE THE RATE OF COMPENSATION FOR THE BOARD.**

**(2) THE RATE MAY NOT BE LESS THAN:**

**(I) \$65 PER MEETING FOR THE CHAIR; AND**

**(II) \$60 PER MEETING FOR EACH OTHER MEMBER.**

**(C) STAFF.**

**SUBJECT TO SUBSECTION (D) OF THIS SECTION AND § 27–205 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY;**

**AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(D) ATTORNEY.**

**(1) THE COUNTY COMMISSIONERS SHALL APPOINT AN ATTORNEY AT A SALARY THAT THE COUNTY COMMISSIONERS SET.**

**(2) THE ATTORNEY SHALL HANDLE LEGAL MATTERS FOR THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(s), 15–112(a)(2) and (s)(3), and the fifth sentence of 15–104(d).

In subsection (a) of this section, the former reference to three “or more” members being a quorum is deleted as surplusage.

In subsection (b)(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)(2)(ii) of this section, the reference to “other” members is substituted for the former reference to “regular” members for clarity.

In subsection (c)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

The sixth sentence of former Art. 2B, § 15–104(d), which stated that at least three members of the Board who are present at any voting session must concur in the approval, denial, revocation, suspension, or reclassification of a license, is deleted as unnecessary in light of subsection (a) of this section, which states that three members of the Board are a quorum for transacting business.

Defined terms: “Board” § 27–101  
“County” § 27–101

**27–205. INSPECTOR.**

**(A) FULL-TIME POSITION; COMPENSATION.**

**THE BOARD SHALL APPOINT AN INSPECTOR AT NOT LESS THAN \$3,000 ANNUALLY AND WITH A MILEAGE ALLOWANCE THAT THE COUNTY COMMISSIONERS DETERMINE.**

**(B) VISITS AND INSPECTIONS.**

**THE INSPECTOR SHALL VISIT AND INSPECT EVERY LICENSED PREMISES IN THE COUNTY AT LEAST ONCE EVERY 60 DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(s)(2).

In subsection (a) of this section, the former reference to “an amount” is deleted as surplusage.

In subsection (b) of this section, the former reference to a premises licensed “under the provisions of this article” is deleted as surplusage.

Former Art. 2B, § 15–112(s)(1), which provided that former Art. 2B, § 15–112(s) applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 27–101  
“County” § 27–101

**27–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Queen Anne's County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 27–101



**SUBTITLE 3. LIQUOR CONTROL.**

**27-301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 27-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**27-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**

(12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);

(14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(xviii), which stated that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 27-101  
 “Manufacturer’s license” § 1-101

**27-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(13).

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**27–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in Queen Anne’s County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including the County, the introductory language of (g)(1).

Defined terms: “County” § 27–101  
“License” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**27–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 27–101  
“Wholesaler’s license” § 1–101

**27–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 27-503 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

**27-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**27–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1-101  
 “Consumer” § 1-101

**27-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101  
 “Hotel” § 1-101  
 “Restaurant” § 1-101

**27-603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY BE ISSUED TO A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED SOLELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS ENGAGED;**

**(II) HAS A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION BEFORE APPLYING FOR THE LICENSE; AND**

**(III) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND THEIR GUESTS, WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS.**

**(3) A LICENSE MAY BE ISSUED TO A YACHT CLUB, GOLF CLUB, FRATERNAL CLUB OR ORDER, COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB THAT:**

**(I) IS NOT OPERATED FOR PROFIT;**

**(II) FOR 1 YEAR IMMEDIATELY PRECEDING THE YEAR FOR WHICH THE LICENSE IS ISSUED, HAS HAD AT LEAST 50 ADULT MEMBERS WHO PAID ANNUAL DUES OF AT LEAST \$25;**

**(III) OWNS OR OPERATES A CLUBHOUSE THAT HAS, OR MEETING ROOMS THAT HAVE, FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES;**

**(IV) IS PRINCIPALLY USED FOR MEMBERS AND THEIR GUESTS, WHEN THE GUESTS ARE ACCOMPANIED BY MEMBERS; AND**

**(V) IS NOT DIRECTLY OR INDIRECTLY OWNED OR OPERATED AS A PUBLIC BUSINESS.**

**(C) FEE.****THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) and (3) of this section, the former references to “bona fide” members and clubs are deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (b)(2)(iii) of this section, the former reference to a club’s “own” members is deleted as surplusage.

In the introductory language of subsection (b)(3) of this section, the former reference to a license being issued “only” to certain types of clubs is deleted for clarity.

In subsection (b)(3)(ii) of this section, the former phrase “per annum” is deleted as surplusage.

Defined terms: “Beer” § 1-101  
 “Club” § 1-101

**27-604. CLASS D BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**



**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(s) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

**SUBTITLE 7. WINE LICENSES.**

**27-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(15), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 27–101

“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.****27–801. CLASS A BEER AND WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(s) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**27–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(s) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**27-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(s).

Defined terms: "Beer" § 1-101

"County" § 27-101

"Wine" § 1-101

**27-804. CLASS D BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(s) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**27-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(s) and (a)(1) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (c)(2) of this section, the phrase "at least 1 year before the date of the application for the license" is substituted for the former phrase "that length of time" for clarity.

In subsection (c)(3) of this section, the former reference to "actually" engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase "for a period of" is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**27-902. HOTEL AND RESTAURANT REQUIREMENTS FOR CLASS B LICENSES.**

**(A) HOTEL REQUIREMENTS.**

**A HOTEL FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED SHALL:**

- (1) BE A BUILDING CONSTRUCTED FOR HOTEL PURPOSES;**
- (2) HAVE AT LEAST 20 BEDROOMS;**
- (3) PROVIDE SERVICES ORDINARILY FOUND IN HOTELS TO ACCOMMODATE THE PUBLIC;**
- (4) HAVE A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS; AND**
- (5) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(B) RESTAURANT REQUIREMENTS.**

**A RESTAURANT FOR WHICH A CLASS B LICENSE OF ANY TYPE IS ISSUED SHALL:**

- (1) BE A BUSINESS ESTABLISHMENT TO ACCOMMODATE THE PUBLIC;**
- (2) BE FULLY EQUIPPED WITH A PROPER AND ADEQUATE DINING ROOM WITH SEATING FOR AT LEAST 12 INDIVIDUALS;**
- (3) HAVE SUFFICIENT FACILITIES THAT HAVE BEEN APPROVED BY THE BOARD FOR PREPARING AND SERVING MEALS; AND**
- (4) HAVE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS.**

**(C) GROSS RECEIPTS RATIO.**

**THE BOARD:**

- (1) SHALL REQUIRE A HOLDER OF A CLASS B LICENSE AT LEAST EVERY 2 YEARS, ON DATES THAT THE BOARD SETS, TO FILE WITH THE BOARD A**

**SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT FOR THE 6 MONTHS IMMEDIATELY BEFORE THE FILING OF THE REPORT EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND**

**(2) MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA TO ESTABLISH THAT THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION RELATING TO THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF ALCOHOLIC BEVERAGES HAVE BEEN MET.**

**(D) ISSUANCE REQUIREMENT.**

**(1) BEFORE A CLASS B LICENSE OF ANY TYPE IS ISSUED, THE APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT WILL EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) IF THE LICENSE HOLDER FAILS TO MAINTAIN GROSS RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DURING ANY 6-MONTH PERIOD, THE BOARD MAY REVOKE THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218(a), (c), and (d).

In subsections (a) and (b) of this section, the former defined terms "hotel" and "restaurant" are revised as substantive provisions for clarity.

In subsection (a)(1) of this section, the former reference to a "structure" is deleted as redundant of a "building". Similarly, the former reference to "erected" is deleted as redundant of "constructed".

In subsection (b)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection applies only to human beings.

Also in subsection (b)(2) of this section, the former reference to seating "capacity" is deleted as surplusage.

In subsection (c)(1) of this section, the reference to "every 2 years" is substituted for the former reference to "biannually" for clarity.

Also in subsection (c)(1) of this section, the former language stating that "nothing prohibits the Board of License Commissioners from requiring more



frequent sworn statements” is deleted as unnecessary in light of the provision that the Board require a license holder “at least” every 2 years to file a sworn statement.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 27–101

“Hotel” § 27–101

“Restaurant” § 27–101

**27–903. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT THAT MEETS THE REQUIREMENTS IN § 27–902 OF THIS SUBTITLE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(a)(1) and (s)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Defined terms: “Beer” § 1–101

“Hotel” § 27–101

“Restaurant” § 27–101

“Wine” § 1–101

**27–904. CLASS B–D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–D BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT AN ESTABLISHMENT:**

- (1) THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD TO THE PUBLIC; AND**
- (2) THAT DERIVES AT LEAST 25% OF THE AVERAGE DAILY GROSS RECEIPTS OF THE ESTABLISHMENT THAT ARE FROM THE SALE OF FOOD; AND**
- (3) WHOSE AVERAGE DAILY GROSS RECEIPTS ARE APPROVED BY THE BOARD.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

- (1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**
- (2) BEER FOR OFF-PREMISES CONSUMPTION.**

**(D) CONVERSION OF CLASS B LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY CONVERT THE LICENSE TO A CLASS B-D LICENSE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT UNDER § 27-2004(C) OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,800.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 8-218(e).

Subsection (e) of this section is new language added for clarity.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to the issuance of the license “only” to specified establishments is deleted as surplusage.

In the introductory language of subsection (b)(1) of this section, the reference that the Board “may issue” the license is substituted for the former reference that the Board “may authorize the issuance” of the license for brevity and clarity.

Also in the introductory language of subsection (b)(1) of this section, the former reference to the issuance of an “additional” alcoholic beverages license is deleted as unnecessary.

In subsection (b)(2) of this section, the reference to an establishment that “derives” at least 25% of its average daily gross receipts from food sales is substituted for the former reference that food sales “comprise” at least 25% of the average daily gross receipts for clarity.

Also in subsection (b)(2) of this section, the reference to the average daily gross receipts of the “establishment” is substituted for the former reference to the average daily gross receipts of the “entire business” for clarity and consistency within this section.

In the introductory language of subsection (c) of this section, the former reference authorizing a license holder to “keep for sale” beer, wine, and liquor is deleted as included in the phrase “to sell” beer, wine, and liquor.

In subsection (d) of this section, the reference to the authority of a license holder to “convert” a license is substituted for the former reference authorizing a license holder to “exchange” a license for clarity and consistency within this revised article.

Also in subsection (d) of this section, the reference authorizing “[a] holder” of a Class B license to convert the license is substituted for the former reference authorizing “[a]ll restaurants” to exchange the license for clarity and accuracy, as a license may be held only by an individual and merely applies to a restaurant.

Also in subsection (d) of this section, the former reference to the “current” license is deleted as surplusage.

Also in subsection (d) of this section, the former reference authorizing a license holder to convert a “valid” license is deleted as implicit.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“Wine” § 1–101

**27-905. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED; AND**

**(II) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; OR**

**(2) A YACHT CLUB, GOLF CLUB, FRATERNAL CLUB OR ORDER, COUNTRY CLUB, OR SOCIAL OR RECREATIONAL CLUB THAT:**

**(I) HAS AT LEAST 50 ADULT MEMBERS PAYING DUES OF AT LEAST \$20 PER YEAR PER MEMBER FOR THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; AND**

**(II) OWNS OR OPERATES A CLUBHOUSE OR MEETING ROOM THAT HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES, WHICH ARE PRINCIPALLY USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- OR OFF-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (s)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (b)(1)(i) and (2) of this section, the former references to a “bona fide” organization or club are deleted as surplusage. Similarly, in subsection (b)(1)(ii) of this section, the former reference to “bona fide” adult members is deleted.

In subsection (b)(2) of this section, the former requirement that the organization “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the organization is nonprofit.

Also in subsection (b)(2) of this section, the former phrase “which is not operated for profit,” is deleted as unnecessary in light of the defined term “club”.

In subsection (c) of this section, the phrase “for on– or off–premises consumption”, which revises the provision specifically applicable to Queen Anne’s County – former Art. 2B, § 6–301(s)(4) – supersedes the provision of former Art. 2B, § 6–301(a)(1), which stated in general terms that a Class C license shall be issued “for consumption on the premises only”. The revision follows § 1–202 of this article, which states that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or qualification applicable to a special area, the exception or qualification prevails.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “alcoholic beverages” for clarity.

Former Art. 2B, § 6–301(s)(1), which stated that former Art. 2B, § 6–301(s) applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“Club” § 1–101

“Wine” § 1–101

## **27–906. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:**

- (1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**
- (2) BEER FOR OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,800.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(s)(2) and (3) and the first and third sentences of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to "beer for off-premises consumption" is substituted for the former reference to "the off-sale of beer" for clarity.

Former Art. 2B, § 6-401(s)(1), which stated that former Art. 2B, § 6-401(s) applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**27-1001. CONFERENCE CENTER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (CONFERENCE CENTER) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CONFERENCE CENTER THAT HAS THE FOLLOWING FACILITIES TO ACCOMMODATE AT LEAST 100 INDIVIDUALS:**

- (1) A KITCHEN FACILITY;**
- (2) A DINING FACILITY; AND**
- (3) OVERNIGHT FACILITIES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING AN EVENT AT THE CONFERENCE CENTER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 27-2004 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(s)(4).

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Queen Anne's County.

In subsections (b) and (c) of this section, the references to "individuals" are substituted for the former references to "persons" because the provision only applies to human beings.

Former Art. 2B, § 6–201(s)(1), which stated that former Art. 2B, § 6–201(s) applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **27–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

#### **(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27–1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 27–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101



**27-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A, CLASS B, CLASS C, OR CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218.1(c)(1), (3), and (4).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (c) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-103(a)(1)(vii), which stated that former Art. 2B, § 8-103 applied with respect to draft beer in Queen Anne's County, and former Art. 2B, § 8-218.1(a)(1), which stated that former Art. 2B, § 8-218.1 applied only

in the County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–218.1(a)(2), which defined the term “Board” to mean the Queen Anne’s County Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 27–101 of this title.

Former Art. 2B, § 8–218.1(b) and (c)(2) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Former Art. 2B, § 8–218.1(c)(5), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 27–206 of this title.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“License” § 1–101

“Off-sale” § 1–101

## **SUBTITLE 12. CATERER’S LICENSES.**

### **27–1201. LOCAL CATERER’S LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE ALCOHOLIC BEVERAGES AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Queen Anne's County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-707(b) through (g).

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Also in subsection (f) of this section, the former reference to an "existing" Class B license is deleted as surplusage.

Former Art. 2B, § 6-707(a), which stated that former Art. 2B, § 6-707 applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 27-101

- “Hotel” § 1-101
- “On-sale” § 1-101
- “Restaurant” § 1-101
- “Wine” § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**27-1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 27-101

**27-1302. RESERVED.**

**27-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**27-1304. BEER AND WINE FESTIVAL LICENSE.**

**(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS A BEER AND WINE FESTIVAL (BWF) IN QUEEN ANNE’S COUNTY.**

**(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, CLASS 3 WINERY LICENSE, OR 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; OR**

**(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**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE FOR THE FESTIVAL A MAXIMUM OF 4 WEEKENDS, EACH OF WHICH:**

**(I) EXTENDS FROM FRIDAY THROUGH SUNDAY, INCLUSIVE; BUT**

**(II) IS NOT WITHIN 14 DAYS BEFORE OR AFTER THE WEEKEND CHOSEN FOR THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-311(c) through (i) and (a)(1) and (3).

Throughout this section, the former references to "special" festival licenses are deleted as surplusage.

Subsection (b) 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 a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(1)(ii) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

Also in subsection (f)(1)(ii) of this section, the reference to a weekend that “is not within 14 days before or after” the weekend of the Maryland Wine Festival is substituted for the former reference to the weekend that “does not occur within 14 days on either side” of the Maryland Wine Festival for clarity.

In subsection (f)(2) of this section, the reference to a location “that is not already licensed” is substituted for the former reference to a location “which is not licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for a Festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a festival license is issued pursuant to this subsection,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to the delivery of beer and wine “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to the acceptance of returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–311(a)(2), which defined “Board” to mean the Queen Anne’s County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 27–101 of this title.

Former Art. 2B, § 8–311(b), which stated that former Art. 2B, § 8–311 applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“State” § 1–101

“Wine” § 1–101

## **27–1305. WINE TASTING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WT) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW, FOR TASTING, THE ON-PREMISES CONSUMPTION OF WINE THAT CONTAINS NOT MORE THAN 22% OF ALCOHOL BY VOLUME.**

**(D) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE:**

**(1) NOT MORE THAN 2 OUNCES FROM EACH OFFERING TO AN INDIVIDUAL; AND**

**(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 (BWLTT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION FOR TASTING IN A QUANTITY OF:**

**(I) NOT MORE THAN 1 OUNCE OF BEER FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS;**

**(II) NOT MORE THAN 2 OUNCES OF WINE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS; AND**

**(III) NOT MORE THAN ONE–HALF OUNCE OF LIQUOR FROM EACH OFFERING AND 1.5 OUNCES FROM ALL OFFERINGS.**

**(2) THE LIMITS ON CONSUMPTION SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION APPLY TO ONE INDIVIDUAL IN A DAY.**

**(D) FEE.**

**IN ADDITION TO THE FEE FOR ANY OTHER LICENSE HELD BY THE LICENSE HOLDER, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–410.2(b) through (e).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (c) of this section, the references to each “offering” and all “offerings” are substituted for the former references to each “given brand” and all “brands” for clarity.

In subsection (c)(1) of this section, the reference to the license authorizing “the holder to allow the consumption” is added for clarity and consistency with terminology used throughout this article.

Former Art. 2B, § 8–410.2(a), which stated that former Art. 2B, § 8–410.2 applied only in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**27–1307. RESERVED.**

**27–1308. RESERVED.**

### **PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**27–1309. RESERVED.**

#### **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**27–1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**

**(2) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

(3) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);

(4) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);

(5) § 4-111 (“PAYMENT OF LICENSE FEES”);

(6) § 4-112 (“DISPOSITION OF LICENSE FEES”); AND

(7) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”); AND

(2) § 4-113 (“REFUND OF LICENSE FEES”), WHICH IS SUPERSEDED BY § 27-1406 OF THIS SUBTITLE.

**(C) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO § 27-1402 OF THIS SUBTITLE;

(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 27-1403 OF THIS SUBTITLE;

(3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 27-1403 OF THIS SUBTITLE; AND

(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 27-1404 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 27-101

**27-1402. APPLICATION ON BEHALF OF PARTNERSHIP.**

**AN APPLICANT ON BEHALF OF A PARTNERSHIP MAY NOT BE ISSUED A CLASS A BEER, WINE AND LIQUOR LICENSE UNLESS THE OWNERS OF 75% OF THE INTEREST IN THE PARTNERSHIP HAVE BEEN RESIDENTS OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(f)(1), as it related to a partnership.

The reference to an "applicant on behalf of a partnership" is substituted for the former reference to an "individual for the use of a partnership" to conform to the terminology used throughout this subtitle.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that an applicant reside 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 classifies 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 term: "County" § 27-101

**27-1403. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY COMPANY.****(A) REQUIREMENTS FOR CLASS A BEER, WINE, AND LIQUOR LICENSE APPLICATION.**

**(1) AN INDIVIDUAL ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY MAY NOT BE ISSUED A CLASS A BEER, WINE, AND LIQUOR LICENSE UNLESS THE OWNERS OF 75% OF THE TOTAL ISSUED CAPITAL STOCK OR INTEREST IN THE CORPORATION OR LIMITED LIABILITY COMPANY HAVE BEEN RESIDENTS OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

**(2) A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED FOR A CORPORATION IF MORE THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED BY THE CORPORATE CHARTER.**

**(B) FOR APPLICATIONS OTHER THAN FOR CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(1) THIS SUBSECTION DOES NOT APPLY TO:**

**(I) A CLASS A BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) ANY OTHER LICENSE ISSUED BEFORE MAY 1, 1976.**

**(2) AN APPLICANT FOR A LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY IS NOT REQUIRED TO BE A RESIDENT OF THE COUNTY.**

**(3) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH APPLICANT APPLYING FOR A LICENSE FOR A CORPORATION OR LIMITED LIABILITY COMPANY SHALL:**

**(I) BE A RESIDENT OF THE STATE; AND**

**(II) OWN AT LEAST 15% OF THE TOTAL OUTSTANDING SHARES OF COMMON STOCK OF THE CORPORATION OR AT LEAST A 15% INTEREST IN THE LIMITED LIABILITY COMPANY, ENTITLING THE APPLICANT TO VOTE AT A MEETING OF STOCKHOLDERS OR MEMBERS.**

**(4) A LICENSE MAY NOT BE ISSUED FOR A CORPORATION IF MORE THAN ONE CLASS OF COMMON STOCK IS AUTHORIZED BY THE CORPORATE CHARTER.**

**(5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH YEAR, AN APPLICANT, THE CORPORATION, OR THE LIMITED LIABILITY COMPANY SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT CONTAINS:**

**(I) THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION AND THE NUMBER OF SHARES THE STOCKHOLDER OWNS AND IS ENTITLED TO VOTE AT A STOCKHOLDER MEETING; OR**

**(II) THE NAME AND ADDRESS OF EACH MEMBER OF THE LIMITED LIABILITY COMPANY AND THE AMOUNT OF INTEREST THE MEMBER OWNS AND IS ENTITLED TO VOTE AT A MEETING OF MEMBERS.**

**(6) THE BOARD MAY REQUIRE AN APPLICANT TO SUBMIT OTHER INFORMATION REGARDING THE BACKGROUND AND PRIOR ACTIVITIES OF THE APPLICANT.**

**(C) CONFERENCE CENTER.**

**SUBSECTION (B)(3) AND (5) OF THIS SECTION DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE FOR USE IN A CONFERENCE CENTER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(g) and (f)(2) and, as it related to corporations and limited liability companies, (1).

In subsection (a)(1) of this section, the reference to "immediately before" is substituted for the former reference to "next preceding" for clarity.

Also in subsection (a)(1) of this section, the former reference to a Class A "(off-sale)" license is deleted as unnecessary because all Class A licenses are off-sale licenses.

In subsection (b)(3)(ii) of this section, the reference to "at least" 15% interest in the limited liability company is added for clarity.

In subsection (b)(4) of this section, the former reference to the "qualifying" corporation is deleted as surplusage.

In subsection (b)(6) of this section, the former reference to "data" is deleted as included in the reference to "information".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside in the State in subsections (a)(1) and (b)(3)(i) of this section 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 classifies 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: "Board" § 27-101  
 "County" § 27-101  
 "License" § 1-101  
 "State" § 1-101

**27-1404. REQUIRED STATEMENT.**

**AN APPLICANT FOR A LICENSE SHALL:**

**(1) INCLUDE A STATEMENT IN THE APPLICATION THAT THE APPLICANT IS AT LEAST 21 YEARS OLD; AND**

**(2) SUBMIT AN AFFIDAVIT VERIFYING THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(s).

Defined term: “License” § 1–101

**27–1405. SIX– AND TWELVE–MONTH LICENSES.****(A) TERM OF LICENSES.**

**(1) ALL LICENSES SHALL BE ISSUED FOR 6 OR 12 MONTHS.**

**(2) THE TERM OF A 6–MONTH LICENSE BEGINS ON NOVEMBER 1.**

**(3) THE TERM OF A 12–MONTH LICENSE BEGINS ON MAY 1.**

**(B) FEE FOR 6–MONTH LICENSE.**

**THE FEE FOR A 6–MONTH LICENSE IS HALF OF THE ANNUAL FEE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 10–207(b).

In subsection (a) of this section, the former phrase “for no other periods of time” is deleted as surplusage.

Also in subsection (a) of this section, the former phrases “in the year of their issue” are deleted as surplusage.

Defined term: “License” § 1–101

**27–1406. REFUND IN CASES OF HARDSHIP.**

**IN CASES OF HARDSHIP, THE BOARD MAY REFUND A PORTION OF THE FEE FOR A LICENSE IT HAS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 10–207(b).

The former reference to “undue” hardship is deleted as surplusage.

Defined term: “Board” § 27–101



**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**27-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”);**
- (5) § 4-209 (“HEARING”);**
- (6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (8) § 4-212 (“LICENSE NOT PROPERTY”);**
- (9) § 4-213 (“REPLACEMENT LICENSES”); AND**
- (10) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 27-1502 OF THIS SUBTITLE;**
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 27-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(3) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 27–1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 27–101

“License” § 1–101

“Local licensing board” § 1–101

**27–1502. AUTHORITY OF BOARD — PROHIBITED ISSUANCE OF LICENSE.**

**THE BOARD MAY NOT ISSUE A CLASS A BEER, WINE, AND LIQUOR LICENSE TO A PERSON OR ON BEHALF OF A FIRM OR CORPORATION THAT HAS BEEN CONVICTED OF A VIOLATION OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(j).

The reference to “[t]he Board” is added for clarity.

Defined terms: “Beer” § 1–101

“Board” § 27–101

“License” § 1–101

“Person” § 1–101

“Wine” § 1–101

**27–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

**27–1504. CLASS B LICENSE FILING REQUIREMENTS.**

**(A) INITIAL STATEMENT AS TO GROSS RECEIPTS FROM FOOD SALES.**

**(1) BEFORE A CLASS B LICENSE OF ANY TYPE MAY BE ISSUED, THE APPLICANT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT WILL BE MORE THAN THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) IF THE LICENSE HOLDER FAILS TO MAINTAIN MORE GROSS RECEIPTS FROM THE SALE OF FOOD THAN GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR A 6–MONTH PERIOD, THE BOARD MAY REVOKE THE LICENSE.**

**(B) STATEMENT ON GROSS RECEIPTS FROM FOOD SALES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER OF A CLASS B LICENSE OF ANY TYPE SHALL FILE WITH THE BOARD A SWORN STATEMENT THAT THE GROSS RECEIPTS FROM FOOD SALES IN THE RESTAURANT FOR THE 6–MONTH PERIOD IMMEDIATELY BEFORE THE FILING OF THE REPORT ARE MORE THAN THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE:**

**(I) THE SWORN STATEMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT LEAST BIANNUALLY, ON DATES TO BE SET BY THE BOARD; AND**

**(II) SUPPORTING DATA TO ESTABLISH THAT THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION HAVE BEEN MET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-218(c) and (d).

In subsection (a)(2) of this section, the reference to the "license holder" is substituted for the former reference to a "Class B licensee of any type" for clarity and brevity.

Also in subsection (a)(2) of this section, the former phrase "in [the Board's] discretion" is deleted as surplusage.

In the introductory language of subsection (b)(2) of this section, the clause "[t]he Board may require" is substituted for the former clause "[h]owever, nothing prohibits the Board of License Commissioners from requiring" for clarity and brevity.

In subsection (b)(2)(i) of this section, the reference to requiring sworn statements "at least" biannually is substituted for the former reference to the requirement to file them "biannually" and to the authority of the Board to require "more frequent" sworn statements for brevity.

In subsection (b)(2)(ii) of this section, the former reference to supporting data "as [the Board], in its discretion, considers necessary in order" to establish that the requirements of paragraph (1) of this subsection "relating to the ratio of gross receipts from the sale of food to those from the sale of alcoholic beverages" have been met is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 27-101

"License" § 1-101

"License holder" § 1-101

## **27-1505. ISSUANCE OF LICENSE BEFORE COMPLETION OF ESTABLISHMENT.**

### **THE BOARD MAY:**

**(1) GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED, BASED ON PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION; AND**

**(2) ISSUE THE LICENSE WHEN THE CONSTRUCTION IS COMPLETED IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-218(a).

In item (1) of this section, the word “establishment” is substituted for the former word “building” to conform to the terminology used throughout this article.

Also in item (1) of this section, the former reference to an “application for a license is made” is deleted as implicit in the reference to “giv[ing] tentative approval to issuing a license”.

Defined terms: “Board” § 27–101

“License” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**27–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY, OR YOUTH CENTER.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT UNLESS THE ESTABLISHMENT IS LOCATED AT LEAST 500 FEET AWAY FROM:**

**(I) A PLACE OF WORSHIP;**

**(II) AN ELEMENTARY OR SECONDARY SCHOOL;**

**(III) A PUBLIC LIBRARY; OR**

**(IV) A YOUTH CENTER SPONSORED OR CONDUCTED BY A GOVERNMENTAL UNIT.**

**(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF THE BUILDING OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY LINE OF THE PLACE OF WORSHIP, ELEMENTARY OR SECONDARY SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) THE RENEWAL OR TRANSFER OF A LICENSE ISSUED BEFORE MAY 1, 1976; OR**

**(2) THE ISSUANCE OF A CLASS B (ON-SALE) HOTEL AND RESTAURANT LICENSE OF ANY TYPE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-218(b) and (c).

In the introductory language of subsection (a)(1) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an establishment "proposed for licensure" is deleted as surplusage. Similarly, in subsection (a)(2) of this section, the former reference to an establishment "for which a license is proposed" is deleted.

In subsection (a)(1)(i) of this section, the former reference to a "church" is deleted as included in the reference to a "place of worship".

In subsection (b) of this section, the former reference to certain provisions not "affect[ing] or prohibit[ing], in any manner" the renewal or transfer of a certain license is deleted as included in the reference to certain provisions not "apply[ing] to" the renewal or transfer of a certain license.

In subsection (b)(2) of this section, the reference to a certain prohibition not applying to "the issuance of" a specified license is substituted for the former reference to the prohibition not applying to "an establishment for which" a specified license "is proposed" for clarity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9-218(b), revised in subsection (a)(1)(ii) of this section, applies only to an elementary or a secondary school, and not to a middle school.

Defined terms: "Board" § 27-101  
"License" § 1-101

**27-1602. RESERVED.**

**27-1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**27-1604. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**27-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4-305 (“FILING FEE AND ENDORSEMENT”).**

**(B) VARIATION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsection (a) of this section is new language derived without substantive change from former Art. 2B, § 10-503(s).

Subsection (b) of this section is new language added to incorporate by reference general provisions relating to the substitution of the names of officers on licenses.

Defined terms: “County” § 27-101

“License” § 1-101

**27-1702. CLASS C LICENSE — SUBSTITUTION OF NAMES.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**FOR A CLASS C LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

- (1) HAS DIED;**
  - (2) HAS RETIRED; OR**
  - (3) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**
- (B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

- (1) THE SUBSTITUTION OF THE OFFICER; AND**
  - (2) AN EXPLANATION FOR THE SUBSTITUTION.**
- (C) AMENDMENT OF RECORDS AND ISSUANCE OF CORRECTED LICENSE.**

**ON RECEIPT OF THE AFFIDAVIT, THE BOARD SHALL:**

- (1) AMEND ITS RECORD; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(p).

In subsection (a) of this section, the former reference to an officer who has "been removed from office" is deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsection (a) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a) of this section, the former phrase "during the license year" is deleted as surplusage.

Also in the introductory language of subsection (a) of this section, the former phrase "notwithstanding any other provision of this article to the contrary" is deleted as surplusage.



In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license in corrected form” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the provisions in former Art. 2B, § 10–301(p) revised in this section were identical to the general provisions revised in § 4–306 of this article, except that § 10–301(p) applied only to a corporation or club holding a Class C license while the general provisions apply to a corporation or club holding any license. The general provisions have additional requirements that the affidavit contain a statement that the ownership of the corporation has not changed and that the Board must determine that the applicant qualifies for the license. It is not clear whether the general provisions were to apply in Queen Anne’s County or whether this section is to supersede the general provisions.

Defined terms: “Board” § 27–101  
 “Club” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **27–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 27–101  
 “License” § 1–101

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **27–1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-505 (“ALCOHOL AWARENESS PROGRAM”);**
- (4) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (5) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (6) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATION.**

**SECTION 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 27-1902 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 27-101

“License” § 1-101

“License holder” § 1-101

**27-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES TO THE HOLDER OF:**

- (1) A CLASS A (OFF-SALE) LICENSE;**
- (2) A CLASS B (ON-SALE) LICENSE; OR**
- (3) A CLASS C (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT BE EMPLOYED TO SELL, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES.**

**(2) AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY BE EMPLOYED TO:**

**(I) STOCK ALCOHOLIC BEVERAGES IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED;**

**(II) SERVE ALCOHOLIC BEVERAGES WHILE ACTING AS A SERVER ON THE LICENSED PREMISES OTHER THAN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED; AND**

**(III) OPERATE A LOTTERY TICKET TERMINAL IN A PREMISES FOR WHICH A CLASS A LICENSE IS ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(c)(1), (2), and, as it related to Queen Anne's County, (3).

Throughout this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In the introductory language of subsection (a) of this section, the former phrase "[n]otwithstanding any other provision of law" is deleted as surplusage.

In subsection (b)(2) of this section, the references to a "premises for which a Class A license is issued" are substituted for former references to a "Class A establishment" for clarity.

In subsection (b)(2)(ii) of this section, the reference to a "server" is substituted for the former reference to a "waiter or waitress" for brevity.

Former Art. 2B, § 12-302(b)(11), which stated that former Art. 2B, § 12-302(c) applied in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Off-sale" § 1-101

"On-sale" § 1-101

“Wine” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**27–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Queen Anne’s County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found

consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**27–2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
- (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
- (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(C) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:**

- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-518, 8-218(b), 11-301(a)(1), (b)(1), (c)(1), and (d)(1), and 11-403(a)(1)(ii) and (b)(2)(v).

In this section, the references to a specific class of beer license are substituted for the former references to "all classes of retail alcoholic beverages licenses in Queen Anne's County" for clarity.

Also in this section, the former references to "[t]he hours during which" license privileges may be exercised are deleted as unnecessary.

In subsections (a)(2), (b)(2), (c)(2), and (d)(2) of this section, the references to "midnight" are substituted for the former references to "the closing hour permitted by that class of license during any other day of the week" for clarity, as midnight is the closing hour for all classes of beer licenses in the County.

In subsections (b) and (c) of this section, the references to the defined term "beer" are substituted for the former references to "alcoholic beverages" for clarity.

Defined term: "Beer" § 1-101

**27-2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**

**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
- (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(C) CLASS C BEER AND WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

- (1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**
- (2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–518, 8–218(b), 11–302(a)(1), (b)(1), and (d)(1), and 11–403(a)(1)(ii) and (b)(2)(v).

In this section, references to a “beer and wine license” are substituted for the former references to a “beer and light wine license” to avoid confusion. In former Art. 2B, § 4–101(s), “light wine” was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Also in this section, the references to a specific class of beer license are substituted for the former references to “all classes of retail alcoholic beverages licenses in Queen Anne’s County” for clarity.

Also in this section, the former phrase “[t]he hours during which” license privileges may be exercised is deleted as unnecessary.

In the introductory language of subsection (b) of this section, the reference to “beer and wine” is substituted for the former reference to “alcoholic beverages” for clarity.

Defined term: "Beer" § 1-101

**27-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;  
AND**

**(2) ON SUNDAY, FROM 8 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS B-D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**



**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-518, 8-218(b), 11-303(a)(1), (b)(1), (c)(1), and (d)(5), and 11-403(a)(1)(ii) and (b)(2)(v).

In this section, the references to a specific class of beer license are substituted for the former references to "all classes of retail alcoholic beverages licenses in Queen Anne's County" for clarity.

Also in this section, the former phrase "[t]he hours during which" license privileges may be exercised is deleted as unnecessary.

In subsections (b) and (c) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

Former Art. 2B, § 6-201(s)(1), which stated that former Art. 2B, § 6-201(s) applied only in Queen Anne's County, is deleted in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
 "License holder" § 1-101  
 "Wine" § 1-101

**27-2005. HOURS ON JANUARY 1.**

**ON JANUARY 1, A HOLDER OF A LICENSE WITH AN ON-SALE PRIVILEGE MAY SELL ALCOHOLIC BEVERAGES AUTHORIZED BY THE LICENSE FOR ON-PREMISES CONSUMPTION AT ANY TIME.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(s)(2).

The phrase "for on-premises consumption" is added for clarity.

The former reference to prohibiting this article to “be construed to require any holder of an on-sale license to close that establishment at any time on January 1 of any year” is deleted as redundant of this section.

The former phrase “of any year” is deleted as surplusage.

Former Art. 2B, § 11-402(s)(1), which stated that former Art. 2B, § 11-402(s) applied only in Queen Anne’s 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 the practice in Queen Anne’s County is to allow a license holder to be open on New Year’s Day at the same times the license holder is permitted to be open on the day of the week on which January 1 falls. Therefore, in practice this provision has been construed to mean that an establishment cannot be required to close on New Year’s Day, but the rest of the article controls the time an establishment can be open on New Year’s Day. This provision has not been construed to mean that an establishment can be open for 24 hours on January 1.

Defined terms: “Alcoholic beverage” § 1-101  
 “License” § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **27-2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(14), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Queen Anne’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 27-101  
 “License” § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **27-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 27–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**27–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 27–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**27–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 27–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**27–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR**

**OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-108.2(a), (c), and (d).

In the introductory language of subsection (a) of this section, the former reference to "dispense" is deleted as included in the reference to "serve".

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid implication that the establishment is licensed.

Former Art. 2B, § 20-108.2(b), which provided that former Art. 2B, § 20-108.2 applied only in Queen Anne's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Person" § 1-101

**27-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the “general” public is deleted as surplusage.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 27–2501 of this subtitle, a person who

operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **27–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6–202 (“INSPECTIONS”);**

**(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

**(4) § 6–205 (“PEACE OFFICERS”);**

**(5) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”); AND**

**(6) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”).**

#### **(B) EXCEPTION.**

**SECTION 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

#### **(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”), IN ADDITION TO § 27–2608 OF THIS SUBTITLE;**

**(2) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”), IN ADDITION TO § 27–2609 OF THIS SUBTITLE; AND**

**(3) § 6–211 (“FINES AND FORFEITURES”), SUBJECT TO §§ 27–2614 AND 27–2615 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to enforcement.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19–103(b)(2).

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“State” § 1–101

**27–2602. LEGISLATIVE INTENT; CONSTRUCTION OF SUBTITLE.**

**(A) LEGISLATIVE INTENT.**

**THE INTENTION OF THIS SUBTITLE IS TO PREVENT THE EVASION AND VIOLATION OF ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

**(B) LIBERAL CONSTRUCTION.**

**THIS SUBTITLE SHALL BE LIBERALLY CONSTRUED TO CARRY OUT THIS PURPOSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first clause of former Art. 2B, § 16–414(o).

Throughout this section, the reference to “subtitle” is substituted for the former reference to “section” to conform to the organization of this revised article.

In subsection (a) of this section, the former reference to “effectually” prevent the violation of alcoholic beverages laws is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “suppress” is deleted as included in the reference to “prevent”.

In subsection (b) of this section, the former reference to “interpreted” is deleted as included in the reference to “construed”.

The first clause of former Art. 2B, § 16–414(q), which stated that former Art. 2B, § 16–414 applied in Queen Anne’s County, is deleted in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 27–101

### **27–2603. APPLICATION OF SUBTITLE.**

**THIS SUBTITLE DOES NOT APPLY TO A SHIPMENT BY A COMMON CARRIER IF THE COMMON CARRIER HAS NO KNOWLEDGE THAT THE SHIPMENT CONTAINS ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second clause of former Art. 2B, § 16–414(o).

The former reference to a common carrier “operating under the Interstate Commerce Act” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

### **27–2604. SEARCH WARRANTS.**

#### **(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;**
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;**
- (3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND**



(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.

(B) CONTENTS; REQUIREMENTS.

A WARRANT ISSUED UNDER THIS SECTION SHALL:

(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;

(2) INCLUDE A COPY OF THE AFFIDAVIT;

(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:

(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;

(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;

(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND

(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND

(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH 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)

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

**27–2605. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

- (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**
- (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**

**AND**

**(3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(g).

In the introductory language of this section, the reference to an "applicant" for a warrant is substituted for the former reference to the "person making affidavit" for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search "any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section" is deleted as included in the reference to a warrant "under this subtitle".

In item (3) of this section, the reference to "assist" is substituted for the former reference to "give information and assistance" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person's actions are not limited to assisting the officer in the execution of the warrant.

**27-2606. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.****(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

**(1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**

**(2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

**(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

**(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

- (1) THE APPLICANT FOR THE WARRANT; OR**
- (2) OTHER EVIDENCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(f).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.

In subsection (a)(2) of this section the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

**27–2607. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(e).

In the introductory language of this section, the phrase “from which alcoholic beverages or other items are seized” is substituted for the former phrase “where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the phrase “[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served” is substituted for the former phrase “[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the reference to the officer “seizing the items” is substituted for the former reference to the officer “taking the same” for clarity.

In item (2) of this section, the reference to “that action” is substituted for the former reference to “his doing thereto” for clarity.

Also in item (2) of this section, the former phrase “take possession of such liquor and means used for the sale of the same” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

**27–2608. REQUIREMENTS FOR PROSECUTION.**

**IN A PROSECUTION UNDER THIS TITLE:**

**(1) IT IS NOT NECESSARY TO:**

**(I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE IS SOLD OR HANDLED;**

**(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO CONVICT FOR THE ACTS OF THE AGENT; OR**

**(III) STATE THE NAME OF ANY PERSON TO WHOM THE ALCOHOLIC BEVERAGE IS SOLD; BUT**

**(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK PLACE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(c)(2).

In the introductory language of this section, the former reference to a prosecution "by charge, indictment or otherwise" is deleted as surplusage.

In item (1)(i) of this section, the former reference to "involved" is deleted as included in the reference to "sold or handled".

In item (1)(ii) of this section, the former reference to a "servant" is deleted as included in the reference to an "agent".

The former provision stating that it shall "not be necessary to state the kind of liquor sold, handled or involved" is deleted as redundant of § 6-206 of this article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 27-101

"Person" § 1-101

**27-2609. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

**IN A PROSECUTION UNDER THIS ARTICLE, THE ISSUANCE OF A RECEIPT ISSUED BY THE UNITED STATES IN THE COUNTY TO A PERSON AS A WHOLESALER OR RETAIL DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**

**(1) BY THE PERSON;**

**(2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE THE RECEIPT IS POSTED; AND**

**(3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(c)(2).

The former reference to an "internal revenue special tax stamp" is deleted as obsolete.

The former phrase "at any place" in the County is deleted as surplusage.

The former statement that the paragraph applies only in Queen Anne's County is deleted as unnecessary in light of the organization of this article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 27-101

"Person" § 1-101

"Retail dealer" § 1-101

"Wholesaler" § 1-101

**27-2610. ITEMS SEIZED AS EVIDENCE.**

**(A) IN GENERAL.**

**ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.**

**(B) PRIMA FACIE EVIDENCE.**

**PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**

**(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES;**

**(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**

**(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**



REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(c)(1).

In subsection (a) of this section, the reference to “items used to sell alcoholic beverages” is substituted for the former reference to “means used for the sale of the same” for clarity.

Also in subsection (a) of this section, the former phrase “of any case” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “this article” is substituted for the former reference to “this subtitle” to conform to the terminology used in subsection (a) of this section.

In subsection (b)(2) of this section, the former reference to “instrumentalities” is deleted as included in the reference to “materials”.

Also in subsection (b)(2) of this section, the former reference to “dispens[e], handl[e]” is deleted in light of the reference to “dispose”.

Also in subsection (b)(2) of this section, the former reference to a violation of this article “as charged or presented” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to “part of the paraphernalia” is deleted in light of the reference to “paraphernalia”.

The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids poured out or otherwise destroyed when the premises, place, or thing are searched or about to be searched are to be held prima facie to be intoxicating liquor and intended for sale in violation of this article, is deleted as duplicative of § 1–809(b) of this article.

Defined term: “Alcoholic beverage” § 1–101

## **27–2611. SCHEDULING OF TRIAL.**

### **(A) WITHIN 30 DAYS AFTER SEIZURE.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IF ALCOHOLIC BEVERAGES ARE SEIZED AND INTENDED TO BE USED AS EVIDENCE IN A PROSECUTION UNDER THIS ARTICLE, THE TRIAL MUST TAKE PLACE WITHIN 30 DAYS AFTER THE START OF THE PROSECUTION.**

### **(B) 15–DAY POSTPONEMENT.**

**THE TRIAL MAY BE POSTPONED NOT MORE THAN 15 DAYS BEYOND THE 30-DAY PERIOD:**

- (1) IF AT THE TIME FOR TRIAL, A RETURN HAS NOT BEEN PROPERLY MADE; OR**
- (2) FOR OTHER SUFFICIENT CAUSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(i).

In subsection (a) of this section, the former references to the court being "in session", "not in session", and "next in session" are deleted as obsolete because in practice courts are continuously in session.

Defined term: "Alcoholic beverage" § 1-101

**27-2612. NOTICE OF HEARING.**

**(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

**(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(e).

In subsection (a)(2) of this section, the former term "premises" is deleted as included in the term "place".

In subsection (b) of this section, the former reference to items being "destroyed" is deleted as included in the reference to items being "disposed of".

Defined term: "Alcoholic beverage" § 1-101

**27-2613. DISPOSITION OF SEIZED ITEMS.**

**(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

**(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

**(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(d) and (h).

In subsection (a) of this section, the reference to the “defendant” is substituted for the former references to the “accused” for consistency with the language used throughout the Code.

In the introductory language of subsection (a) of this section, the reference to a “prosecution under this article results in a conviction” is substituted for the former reference to “upon final judgment ..., the accused shall be found guilty” for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is “not taken” is substituted for the former phrase “after the time for appeal has expired and if no appeal is taken” for brevity.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

**27–2614. DISTRIBUTION OF FINES.**

**FINES IMPOSED IN THE COUNTY SHALL BE PAID AS FOLLOWS:**

**(1) ONE–HALF OF EACH FINE TO THE CLERK OF THE COURT FOR USE AS PROVIDED IN § 7–507 OF THE COURTS ARTICLE; AND**

**(2) THE OTHER HALF TO THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from the third sentence of former Art. 2B, § 16–414(p).

In item (1) of this section, the former reference to fines imposed “by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.

In item (2) of this section, the reference to the “County” is substituted for the former reference to the “County Commissioners for general county purposes” for brevity.

Defined term: “County” § 27–101

**27–2615. USE OF FINES.**

**(A) DETECTIVES OR UNDERCOVER AGENTS.**

**(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

**(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

**(B) APPROPRIATION FROM GENERAL FUND.**

**WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF THE COUNTY TO ENFORCE THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(n), as it related to Queen Anne’s County.

In subsection (a) of this section, the references to “undercover agents” are substituted for the former references to “secret service officers” for clarity.

In subsection (a)(1) of this section, the former reference to fines “imposed by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.

In subsection (a)(2) of this section, the former reference to a “proper” officer is deleted as surplusage.

In subsection (b) of this section, the reference to “money” is substituted for the former reference to “funds” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to fines “collected for the violation of this article” is deleted as unnecessary.

Defined term: “County” § 27–101

## **27–2616. PUBLIC NUISANCE.**

### **(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

### **(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

**(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$2,000 AND IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(a) and the first, second, and fourth sentences of (p).

In subsection (a) of this section, the reference to "Title 5 of the Tax – General Article" is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to "owner or operator" are substituted for the former references to "keeper" for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14-120.

In subsections (b)(1) and (c) of this section, the references to a place being "closed" are substituted for the former references to a place being "shut up and abated" for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase "the public nuisance may be abated" is added for clarity.

Also in subsection (b)(1) of this section, the former phrase "with sufficient security to be approved by the court, in the penal sum" of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages “in violation of this article” is substituted for the former reference to selling intoxicating liquor “contrary to law” for clarity and consistency with language used throughout this article.

In the introductory language of subsection (d) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which only was implied by the reference in the former law to a “conviction”. 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) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in the introductory language of subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

In subsection (d) of this section, the former references to imprisonment “in the county jail or House of Correction” are deleted as surplusage.

Also in subsection (d) of this section, the former statement that “[a] certified transcript from the docket of the District Court or a certified copy of the record, under seal, of the clerk of any court shall be sufficient evidence of a previous conviction or convictions under any section of this subtitle” is deleted as surplusage.

In subsection (d)(1) of this section, the former references to minimum penalties of imprisonment of 6 months and a \$200 fine are deleted to conform to the statement of legislative policy in CR § 14–102, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character. Similarly, in subsection (d)(2) of this section, the former references to minimum penalties of imprisonment of 1 year and a \$500 fine for a subsequent offense are deleted.

Also in subsection (d)(1) of this section, the former phrase “in the discretion of the court” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“Person” § 1–101

“State” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 16–414(j), which defined “liquor”, “means used for the sale of the same”, and “place” is deleted as unnecessary.



The definition of “liquor”, which was defined to include “the vessels containing the same”, was deleted because: (1) this article uses the defined term “alcoholic beverage” rather than “liquor” as the generic term for any type of alcoholic drink; and (2) the provision concerning vessels containing alcoholic beverages is implicit in the term “alcoholic beverage”. In § 27–2604(c) of this subtitle, the reference to vessels is expressly stated to reflect its appearance in the source law that the provision revises.

The definition of “means used for the sale of the same”, which was defined to include all furniture, implements, equipment, instrumentalities, or paraphernalia of a barroom or drinking saloon or any part of same, any United States Internal Revenue tax receipts effective for the period of time covering the alleged offense, and any conveyance or vehicle, is deleted because the term is not used in this revised article. Section 27–2604(b) of this subtitle, which states the required contents of a search warrant, incorporates elements of this definition.

The definition of “place”, which was defined to mean any edifice, apartment, room, tent, boat, wagon, conveyance, motor vehicle, aero plane, or any open air location, is deleted as unnecessary.

Former Art. 2B, § 16–414(k) and (m), which prohibited giving away alcoholic beverages by a storekeeper or at a private residence used as a store to sell alcoholic beverages or a place to keep alcoholic beverages, or taking or soliciting orders or making agreements for the sale or delivery of alcoholic beverages, are deleted as obsolete. These former provisions were enacted in the early 1900’s before enactment of the current licensing scheme for sellers of alcoholic beverages and places to keep alcoholic beverages.

## **SUBTITLE 27. PROHIBITED ACTS.**

### **27–2701. 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) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (16) § 6-327 (“TAX EVASION”);
- (17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (18) § 6-329 (“PERJURY”).

(B) EXCEPTIONS.

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 6–321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”); AND**

**(2) § 6–322 (“POSSESSION OF OPEN CONTAINER”).**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 27–2702 OF THIS SUBTITLE; AND**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 27–2703 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to prohibited acts.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 19–201(b), as it related to Queen Anne’s County.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 27–101

“License holder” § 1–101

“Retail dealer” § 1–101

**27–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6–304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (e).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

In subsection (c) of this section, the reference to the Board proceeding "administratively" is added to conform to the terminology used in other similar provisions of this article.

Also in subsection (c) of this section, the former phrase "[n]otwithstanding any other provision of this section to the contrary" is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 27-101

“License holder” § 1-101  
“State” § 1-101

**27-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (e).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

In subsection (b) of this section, the reference to the Board proceeding “administratively” is added to conform to the terminology used in other similar provisions of this article.

Also in subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of this section to the contrary” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 27-101  
“License holder” § 1-101  
“State” § 1-101

**27-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

**(B) PROHIBITED.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

- (1) A HABITUAL DRUNKARD;**
- (2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

- (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**
- (2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-110(a) and, as it related to Queen Anne’s County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of “knowingly” applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “intellectual disability” in the Code for the former reference of “mentally deficient”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former references to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101

“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **27–2801. APPLICATION OF GENERAL PROVISION.**

#### **SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 27-101

**27-2802. PENALTY IMPOSED BY BOARD.**

**(A) IN GENERAL.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,000 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGES LAWS AFFECTING THE COUNTY.**

**(B) PENALTY IN ADDITION TO RELATED COURT ACTION.**

**THE PENALTIES IMPOSED UNDER THIS SECTION ARE:**

**(1) IN ADDITION TO AND DO NOT LIMIT OTHER PENALTIES FOR THE SAME VIOLATION; AND**

**(2) INDEPENDENT OF ANY RELATED COURT ACTION BASED ON THE SAME VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(s).

In subsection (b)(1) of this section, the former phrase "under this article" is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 27-101

"County" § 27-101

"License" § 1-101

**TITLE 28. ST. MARY'S COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**28-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**



**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR ST. MARY’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for St. Mary’s County”.

**(C) COUNTY.**

**“COUNTY” MEANS ST. MARY’S COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “St. Mary’s County”.

**(D) TAXPAYER.**

**“TAXPAYER” MEANS A RESIDENT WHO PAYS REAL ESTATE OR INCOME TAX TO THE COUNTY.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1–102(b)(3), as it related to St. Mary’s County.

The phrase “to the County” is added for clarity.

Defined term: “County” § 28–101

**28–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN ST. MARY’S COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**28-103. REGULATION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY.**

**THE COUNTY COMMISSIONERS MAY REGULATE BY ORDINANCE THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, INCLUDING BUILDINGS, GROUNDS, STREETS, HIGHWAYS, ALLEYS, SIDEWALKS, AND OTHER STRUCTURES OR ROADS ON LAND IN THE COUNTY OWNED BY:**

- (1) THE COUNTY;**
- (2) THE COUNTY BOARD OF EDUCATION; OR**
- (3) THE STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-105(b).

Former Art. 2B, § 18-105(a), as it related to St. Mary's County, which stated that former Art. 2B, § 18-105 applied to St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 28-101

"State" § 1-101

**28-104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to the "County Commissioners" is substituted for the former reference to the "local governing body" for clarity.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each

local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 28–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(t), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

#### **28–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR ST. MARY’S COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(a)(1).

The name “Board of License Commissioners of St. Mary’s County” is used instead of the former reference to “the Alcohol Beverage Board of St. Mary’s County” for clarity and consistency with the terminology used throughout this article to refer to local licensing boards.

#### **28–202. MEMBERSHIP.**

##### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT FIVE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

##### **(2) OF THE FIVE MEMBERS:**

**(I) ONE SHALL BE APPOINTED FROM EACH OF THE COUNTY COMMISSIONER DISTRICTS; AND**

**(II) ONE SHALL BE APPOINTED AT LARGE.**

**(B) QUALIFICATIONS.**

**A MEMBER OF THE BOARD SHALL BE:**

**(1) (I) OF GOOD MORAL CHARACTER AND INTEGRITY; AND**

**(II) AT LEAST 21 YEARS OLD; AND**

**(2) EXCEPT FOR THE AT-LARGE MEMBER, A RESIDENT OF THE COUNTY COMMISSIONER DISTRICT AT THE TIME OF APPOINTMENT AND DURING THE TERM OF OFFICE.**

**(C) RESTRICTIONS.**

**(1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(IV) HOLD ANY ELECTIVE PUBLIC OFFICE OR POSITION OF PUBLIC EMPLOYMENT.**

**(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A MEMBER MAY SERVE A MAXIMUM OF TWO CONSECUTIVE TERMS.**

**(3) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(E) VACANCIES.**

**A MEMBER WHO IS APPOINTED TO FILL A VACANCY SERVES ONLY FOR THE REMAINDER OF THE TERM AND IS ELIGIBLE TO SERVE THE NEXT CONSECUTIVE TERM IF OTHERWISE QUALIFIED AND APPOINTED.**

**(F) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY REQUIRED BY LAW.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–102(a)(2) through (6) and (h)(1)(i) and (2) and 15–110(a).

In subsection (a)(1) of this section, the reference to appointments being “subject to” the advice and consent of the Senate is substituted for the former reference to appointments being “with” the advice and consent of the Senate to conform to the terminology used throughout this article.

In the introductory language of subsection (b) of this section, the reference to a “member of the Board” is substituted for the former reference to a “person” for clarity.

In subsection (c)(2)(iv) of this section, the reference to a “position of public” employment is added for clarity.

In subsection (d)(1) of this section, the former phrase “[e]xcept for the new Board appointed in accordance with this section” is deleted as obsolete.

In subsection (d)(3) of this section, the date of “July 1, 2016” is substituted for the former obsolete date of “January 1, 1986”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for St. Mary’s County.

In subsection (e) of this section, the former reference to the remainder of the “unserved” term is deleted as surplusage.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(t), which provided a cross–reference to provisions applicable to St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“County” § 28–101

“Person” § 1–101

## **28–203. CHAIR.**

### **THE AT–LARGE MEMBER OF THE BOARD IS THE CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(b).

The reference to a “chair” is substituted for the former reference to a “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

The reference to a member “of the Board” is added for clarity.

Defined term: “Board” § 28–101

## **28–204. QUORUM; MEETINGS; COMPENSATION; STAFF.**

### **(A) QUORUM.**

**A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.**

**(B) MEETINGS.**

**(1) THE BOARD SHALL MEET AT LEAST ONCE A MONTH.**

**(2) EACH HEARING THAT THE BOARD HOLDS SHALL BE OPEN TO THE PUBLIC.**

**(C) COMPENSATION.**

**THE COUNTY COMMISSIONERS SHALL:**

**(1) SET THE ANNUAL SALARY FOR THE CHAIR AND EACH OTHER MEMBER OF THE BOARD; AND**

**(2) PROVIDE FOR THE REASONABLE AND NECESSARY EXPENSES OF THE BOARD.**

**(D) STAFF.**

**SUBJECT TO THIS SECTION AND § 28–206 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

**(E) ATTORNEY.**

**(1) THE BOARD SHALL APPOINT AN ATTORNEY.**

**(2) THE COUNTY COMMISSIONERS SHALL SET THE ANNUAL SALARY FOR THE ATTORNEY.**

**(F) ADMINISTRATOR.**

- (1) THE BOARD SHALL APPOINT AN ADMINISTRATOR.**
- (2) THE ADMINISTRATOR SHALL CARRY OUT THE DUTIES ASSIGNED BY THE BOARD.**
- (3) THE COUNTY COMMISSIONERS:**
  - (I) SHALL SET THE SALARY OF THE ADMINISTRATOR; AND**
  - (II) MAY ASSIGN CLERICAL ASSISTANTS TO DISCHARGE THE DUTIES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-102(c)(1), (2), and (3), (d), (e), and (g) and 15-112(a)(2).

In subsection (a) of this section, the reference to members "then" serving is added for clarity.

In subsection (c)(1) of this section, the reference to each "other" member is added for clarity.

Also in subsection (c)(1) of this section, the reference to the "chair" is substituted for the former reference to the "[c]hairman" because SG § 2-1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (d)(1)(iii) and (f)(3)(ii) of this section, the reference to "assistants" is substituted for the former reference to "assistance" for clarity.

Former Art. 2B, § 15-109(t), which stated that certain provisions regarding salaries of the members of the Board applied in the County, is deleted as unnecessary in light of subsection (c) of this section.

Defined terms: "Board" § 28-101

"County" § 28-101

## **28-205. ADVISORY COMMITTEES.**

**THE BOARD MAY APPOINT ADVISORY COMMITTEES COMPOSED OF RESPONSIBLE INDIVIDUALS IN THE COUNTY TO ADVISE THE BOARD ON ADMINISTERING ALCOHOLIC BEVERAGES LAWS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-102(c)(4).



The reference to “individuals” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” can be appointed to a committee.

The reference to “administering” alcoholic beverages laws is substituted for the former reference to “matters relating to the administration of” alcoholic beverages laws for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“County” § 28–101

## **28–206. INSPECTOR.**

### **(A) APPOINTMENT BY BOARD.**

**THE BOARD SHALL APPOINT AN INSPECTOR.**

### **(B) POWERS AND DUTIES.**

**AN INSPECTOR SHALL:**

**(1) POSSESS THE POWER OF A PEACE OFFICER IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE; AND**

**(2) CARRY OUT THE DUTIES THAT THE BOARD REQUIRES.**

### **(C) SALARY.**

**THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE INSPECTOR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(f).

In subsection (b)(1) of this section, the reference to the power of a peace officer “arising out of or relating to the enforcement of this article” is substituted for the former reference to power “in respect to the enforcement of alcoholic beverages laws of St. Mary’s County” to conform to the terminology used in similar provisions in Division II of this article.

Defined terms: “County” § 28–101

“State” § 1–101

## **28–207. NOISE.**

**THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–219(b).

Defined term: “Board” § 28–101

## **28–208. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for St. Mary's County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 28–101

## **SUBTITLE 3. LIQUOR CONTROL.**

### **28–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: "County" § 28-101

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**28-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 ("MANUFACTURER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-201 ("ISSUANCE BY COMPTROLLER");**
- (2) § 2-202 ("CLASS 1 DISTILLERY LICENSE");**
- (3) § 2-204 ("CLASS 2 RECTIFYING LICENSE");**
- (4) § 2-205 ("CLASS 3 WINERY LICENSE");**
- (5) § 2-206 ("CLASS 4 LIMITED WINERY LICENSE");**
- (6) § 2-207 ("CLASS 5 BREWERY LICENSE");**
- (7) § 2-209 ("CLASS 7 MICRO-BREWERY LICENSE");**
- (8) § 2-210 ("CLASS 8 FARM BREWERY LICENSE");**
- (9) § 2-211 ("RESIDENCY REQUIREMENT");**
- (10) § 2-212 ("ADDITIONAL LICENSES");**
- (11) § 2-213 ("ADDITIONAL FEES");**
- (12) § 2-214 ("SALE OR DELIVERY RESTRICTED");**
- (13) § 2-215 ("BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED");**
- (14) § 2-216 ("INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS");**

**(15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**

**(16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 2-208 (“CLASS 6 PUB-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Former Art. 2B, § 2-208(b)(2)(xix), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 28-101  
 “Manufacturer’s license” § 1-101

**28-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**28–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in St. Mary’s County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including the County, the introductory language of (g)(1).

Defined terms: “County” § 28–101  
“License holder” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**28–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 28–101  
“Wholesaler’s license” § 1–101

**28–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 28–503 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

**28-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day "of delivery" is deleted as surplusage.

In subsection (b) of this section, the language that the "agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]" is substituted for the former language that the "parties shall agree upon [the type of equipment to dispense draft beer]" for clarity.

Defined terms: “Beer” § 1–101  
“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**28–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–101(t) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1–101  
“Consumer” § 1–101

**28-602. CLASS B BEER LICENSE — NOT APPLICABLE.**

**A CLASS B BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(t).

Defined terms: "Beer" § 1-101  
"County" § 28-101

**28-603. CLASS C BEER LICENSE — NOT APPLICABLE.**

**A CLASS C BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(t).

Defined terms: "Beer" § 1-101  
"County" § 28-101

**28-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$200 FOR A 6-DAY LICENSE; AND**

**(2) \$250 FOR A 7-DAY LICENSE.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(a)(1) and (t)(2) and (3).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Former Art. 2B, § 3-401(t)(1), which stated that former Art. 2B, § 3-401(t) applied in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"7-day license" § 1-101

"6-day license" § 1-101

## SUBTITLE 7. WINE LICENSES.

### 28-701. CLASS A WINE LICENSE.

#### (A) ESTABLISHED.

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

#### (B) AUTHORIZED HOLDER.

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

#### (C) SCOPE OF AUTHORIZATION.

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### (D) FEE.

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(16), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 28–101

“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.****28–801. CLASS A–3 BEER AND WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS A–3 BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(t) and (a)(1).

In this section and throughout this subtitle, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101

“Wine” § 1–101

**28–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(t) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**28-803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(t).

Defined terms: "Beer" § 1-101

"County" § 28-101

"Wine" § 1-101

**28-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(t).

Defined terms: "Beer" § 1-101

"County" § 28-101

“Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**28–901. CLASS A BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS A–1 BEER, WINE, AND LIQUOR 7–DAY LICENSE; AND**
- (2) A CLASS A–2 BEER, WINE, AND LIQUOR 6–DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$400 FOR A CLASS A-1 7-DAY LICENSE; AND**

**(2) \$300 FOR A CLASS A-2 6-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(a)(1) and (3) and (t)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to "beer, wine, or liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (b)(1) of this section, the phrase "to sell" is substituted for the former phrase "to keep for sale and to sell" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (c)(2) of this section, the phrase "at least 1 year before the date of the application for the license" is substituted for the former phrase "that length of time" for clarity.

In subsection (c)(3) of this section, the former reference to "actually" engaged is deleted as surplusage.

Also in subsection (c)(3) of this section, the former phrase "for a period of" is deleted as surplusage.

Former Art. 2B, § 6-101(t)(1), which stated that former Art. 2B, § 6-101(t) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"License" § 1-101

"License holder" § 1-101

"7-day" § 1-101

"6-day" § 1-101

"Wine" § 1-101

**28-902. CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR HOTEL/RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A HOTEL THAT:**

**(1) ACCOMMODATES THE PUBLIC AND PROVIDES SERVICE ORDINARILY FOUND IN HOTELS; AND**

**(2) HAS:**

**(I) AT LEAST 25 ROOMS;**

**(II) A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; AND**

**(III) A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 28-2004(B) OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: Subsections (a), (b), (c), and (e) of this section are new language derived without substantive change from former Art. 2B, § 6-201(t)(2).

Subsection (d) of this section is new language added for clarity.

In the introductory language of subsection (b) of this section, the reference to "[t]he Board" issuing the license is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

Also in the introductory language of subsection (b) of this section, the former reference to a “bona fide” hotel is deleted as surplusage.

In subsection (c) of this section, the phrase “at retail at the place described in the license” is added to conform to the terminology used throughout this article.

Former Art. 2B, § 6–201(t)(1), which stated that former Article 2B, § 6–201(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**28–903. CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR RESTAURANT LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF- PREMISES CONSUMPTION.**

**(C) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 28–2004(B) OF THIS TITLE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$650.**

REVISOR’S NOTE: Subsections (a), (b), and (d) of this section are new language derived without substantive change from former Art. 2B, § 6–201(t)(3) and, as it related to restaurants, (a)(1).

Subsection (c) of this section is new language added for clarity.



Defined terms: “Beer” § 1–101  
“License” § 1–101  
“License holder” § 1–101  
“Restaurant” § 1–101  
“Wine” § 1–101

**28–904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) OPERATES ONLY FOR ITS MEMBERS AND GUESTS ACCOMPANIED BY MEMBERS; AND**

**(3) MEETS IN A CLUBHOUSE THAT IS PRINCIPALLY USED FOR CLUB PURPOSES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$350.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–301(a)(1) and (t)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a “bona fide” nonprofit organization or club is deleted as surplusage.

In subsection (b)(3) of this section, the former requirement that the organization or club be “neither directly nor indirectly operated as a public business” is deleted as unnecessary because the organization or club is nonprofit.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(t)(1), which stated that former Art. 2B, § 6–301(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“Club” § 1–101

“Wine” § 1–101

## **28–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

### **(A) ESTABLISHED.**

#### **THERE ARE:**

**(1) A CLASS D BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**

**(2) A CLASS D BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$250 FOR A 6-DAY LICENSE; AND**

**(2) \$650 FOR A 7-DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(a)(1) and (t)(2).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 6–401(t)(1), which stated that former Art. 2B, § 6–401(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

- Defined terms: “Beer” § 1–101
- “License” § 1–101
- “7–day license” § 1–101
- “6–day license” § 1–101
- “Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**28–1001. GOLF COURSE LICENSE.**

**(A) SCOPE OF SECTION.**

**THIS SECTION APPLIES ONLY TO A GOLF COURSE THAT IS:**

**(1) ON LAND THAT IS OWNED BY THE COUNTY; AND**

**(2) OPERATED BY A COUNTY GOLF COURSE MANAGER OR A GOLF COURSE MANAGER UNDER A MANAGEMENT AGREEMENT WITH THE COUNTY.**

**(B) ESTABLISHED.**

**THERE IS A CLASS M–G BEER, WINE, AND LIQUOR LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A GOLF COURSE MANAGER.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE FACILITIES USED FOR GOLFING PURPOSES.**

**(E) DESIGNATED AGENT AS SELLER.**

**(1) THE LICENSE HOLDER MAY DESIGNATE AN AGENT TO SELL BEER, WINE, AND LIQUOR AT THE GOLF COURSE.**

**(2) THE AGENT SHALL BE CONSIDERED THE VENDOR FOR COLLECTING AND REMITTING THE SALES AND USE TAX.**

**(F) TRANSFER TO DIFFERENT GOLF COURSE MANAGER ALLOWED.**

**ON REQUEST OF THE COUNTY, THE BOARD MAY TRANSFER A CLASS M-G LICENSE TO A DIFFERENT GOLF COURSE MANAGER.**

**(G) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(H) FEE.**

**THE ANNUAL LICENSE FEE IS \$600.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-509.

In subsection (d) of this section, the former reference to "only" on the land and in the facilities used for golfing purposes is deleted as surplusage.

Subsection (g) of this section is revised in standard language used throughout this article to direct a board to adopt regulations.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“County” § 28–101

“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**28–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28–1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101

“County” § 28–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**28–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED PERMIT HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(E) FEES.**

**THE BOARD MAY CHARGE ANNUAL PERMIT FEES OF UP TO:**

**(1) \$50 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITH AN OFF-SALE PRIVILEGE; OR**

**(2) \$500 FOR AN APPLICANT WHO HOLDS AN UNDERLYING LICENSE WITHOUT AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-217.1(d) through (g).

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

Former Art. 2B, § 8-103(a)(1)(vii), which stated that provisions regarding refillable container permits with respect to draft beer applied in St. Mary's County, and former Art. 2B, § 8-219.1(a), which stated that former Art. 2B, § 8-219.1 applied only in St. Mary's County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–219.1(b), which defined “Board” to mean the Alcohol Beverage Board, is deleted as redundant of the defined term “Board” in § 28–101 of this title.

Former Art. 2B, § 8–219.1(c), which stated that there is a refillable container permit, is deleted as unnecessary in light of § 4–1104 of this article.

Defined terms: “Beer” § 1–101

“Board” § 28–101

## **SUBTITLE 12. CATERER’S LICENSES.**

### **28–1201. LOCAL CATERER’S LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER’S CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

#### **(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

#### **(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in St. Mary's County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-708(b) through (g).

In subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the former phrase "in this article" is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the reference to the premises "for which the Class B license is issued" is substituted for the former reference to premises "that is covered by the existing license" for clarity.

Also in subsection (f) of this section, the former reference to an "existing" Class B license is deleted as surplusage.

Former Art. 2B, § 6-708(a), which stated that former Art. 2B, § 6-708 applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Board" § 28-101

"Hotel" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101



**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**28-1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 (“PER DIEM LICENSES”);**
- (2) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**
- (3) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**
- (4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**
- (5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 28-1309 OF THIS SUBTITLE;**
- (2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 28-1309 OF THIS SUBTITLE; AND**
- (3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 28-1310 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 28-101

**28-1302. RESERVED.**

**28-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**28-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL (BF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE AUTHORIZING THE SALE OF BEER, A CLASS 5 BREWERY LICENSE, A CLASS 6 PUB-BREWERY LICENSE, A CLASS 7 MICRO-BREWERY LICENSE, OR A CLASS 8 FARM BREWERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

**(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE BEER FESTIVAL THAT DOES NOT FALL ON THE DATES CHOSEN FOR THE SOTTERLEY WINE FESTIVAL;**

**(2) CHOOSE A LOCATION IN HISTORIC ST. MARY'S CITY FOR THE FESTIVAL; AND**

**(3) ENSURE THAT THE PRIMARY FOCUSES OF THE FESTIVAL ARE THE PROMOTIONS OF BOTH MARYLAND BEER AND TOURISM IN HISTORIC ST. MARY'S CITY.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$15.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-806.

Subsection (a) of this section is revised as standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a "retail" license is substituted for the former reference to an "existing State retail alcoholic beverages" license for brevity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other law," is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license "authoriz[ing] the holder" to display and sell is substituted for the former reference to the requirement that the "holder of a special BF license shall" display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former reference to a limit on the display and sale of wine that is "[p]rice filed in accordance with regulations adopted by the Comptroller" is deleted as obsolete. See General Revisor's Note to Division II.

In subsection (f) of this section, the reference to a license holder who "may hold" another license is substituted for the former statement that "[t]his

section does not prohibit the holder ... from holding” another license for clarity.

Defined terms: “Beer” § 1–101

“Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

## **28–1305. WINE FESTIVAL LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A WINE FESTIVAL (WF) LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE THAT AUTHORIZES THE SALE OF WINE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

**(1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**

**(2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

### **(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

### **(E) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

**(1) CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL;**

**(2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$15.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-312.1.

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to a "retail" license is substituted for the former reference to an "existing State retail alcoholic beverages license issued in the State" for brevity.

Also in subsection (b) of this section, the former phrase "[n]otwithstanding any other provision to the contrary," is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (c) of this section, the reference to the license "authoriz[ing] the holder to" display and sell is substituted for the former reference to the requirement that the "holder of a special WF license shall" display and sell for clarity and consistency with terminology used throughout this article.

In subsection (c) of this section, the former requirement that wine must be "[p]rice filed in accordance with regulations adopted by the Comptroller" is deleted as obsolete. *See* General Revisor's Note to Division II.

In subsection (e)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (e)(2) of this section, the former reference to a location “for this festival” is deleted as surplusage.

Also in subsection (e)(2) of this section, the former reference to the Board approving a location “in St. Mary’s County” is deleted as surplusage.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

Defined terms: “Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wine” § 1–101

## **28–1306. BEER AND WINE TASTING OR SAMPLING LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A 1–DAY CLASS BWTS BEER AND WINE TASTING OR SAMPLING LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO:**

**(1) A HOLDER OF A CURRENT ALCOHOLIC BEVERAGES LICENSE; OR**

**(2) A RELIGIOUS, FRATERNAL, CIVIC, VETERANS’, HOSPITAL, OR CHARITABLE:**

**(I) CLUB;**

**(II) SOCIETY;**

**(III) ASSOCIATION; OR**

**(IV) ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE FOR TASTING OR SAMPLING IF:**

**(1) THE BEER OR WINE IS GIVEN TO CONSUMERS AT NO CHARGE; AND**

**(2) ALL CONSUMPTION OF THE BEER OR WINE OCCURS AT THE LOCATION OF THE LICENSE HOLDER.**

**(D) PUBLICATION OF LICENSE APPLICATION NOT REQUIRED.**

**THE BOARD NEED NOT PUBLISH A LICENSE APPLICATION BEFORE ISSUING THE LICENSE.**

**(E) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE A LICENSE TO A PERSON NOT MORE THAN 12 TIMES IN A CALENDAR YEAR.**

**(F) LIMIT ON SERVINGS.**

**AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE LICENSE IN A QUANTITY NOT EXCEEDING:**

**(1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL OFFERINGS OF WINE IN A DAY; AND**

**(2) 3 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL OFFERINGS OF BEER IN A DAY.**

**(G) DISPOSAL OF REMAINING BEER OR WINE.**

**AT THE END OF THE DAY FOR WHICH THE LICENSE IS VALID, THE LICENSE HOLDER SHALL DISPOSE OF ANY BEER OR WINE THAT REMAINS IN A CONTAINER OPENED FOR TASTING OR SAMPLING.**

**(H) FEE.**

**THE LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-410.4(b) through (j).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to a “religious, fraternal, civic, veterans’, hospital, or charitable” club, society, association, or organization is substituted for the former reference to “an organization that qualifies for a special Class C beer, special Class C beer and wine license, or a special Class C beer, wine and liquor license under § 7-101(r) of this article” for clarity.

In subsection (c)(1) and (2) of this section, the references to “beer or wine” are substituted for the former references to “alcoholic beverages” to reflect the scope of this section.

In subsection (c)(2) of this section, the reference to the “location” of the license holder is substituted for the former reference to the “licensed premises” of the license holder for consistency with terminology used throughout this article.

In the introductory language of subsection (f) of this section, the reference to an “individual” is substituted for the former, overly broad reference to a “person” for clarity.

In subsection (f)(1) and (2) of this section, the references to “each offering” and all “offerings” are substituted for the former references to “a single brand” and all “brands” for clarity.

In subsection (g) of this section, the reference to “any beer and wine that remains” in a container is substituted for the former reference to “unconsumed alcoholic beverages remaining” for brevity and clarity.

Former Art. 2B, § 8-410.4(a), which stated that former Art. 2B, § 8-410.4 applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 28-101

“Consumer” § 1-101

“License” § 1-101

**28-1307. RESERVED.**

**28-1308. RESERVED.**



**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**28-1309. CLASS C PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS C PER DIEM BEER LICENSE;**
- (2) A CLASS C PER DIEM BEER AND WINE LICENSE; AND**
- (3) A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY:**

**(1) ISSUE A LICENSE TO A:**

**(I) RELIGIOUS, FRATERNAL, CIVIC, VETERANS', OR CHARITABLE ORGANIZATION, ASSOCIATION, CLUB, OR SOCIETY; OR**

**(II) HOSPITAL SUPPORTING ORGANIZATION; AND**

**(2) IMPOSE CONDITIONS ON THE LICENSE.**

**(C) LICENSE PERIOD.**

**THE PERIOD FOR WHICH A LICENSE UNDER THIS SECTION MAY BE ISSUED IS:**

**(1) FOR A CLASS C PER DIEM BEER LICENSE, NOT LONGER THAN 10 DAYS;**

**(2) FOR A CLASS C PER DIEM BEER AND WINE LICENSE, 1 DAY; AND**

**(3) FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, 1 DAY.**

**(D) PURCHASE OF ALCOHOLIC BEVERAGES FROM RETAIL DEALER.**

**A LICENSE HOLDER MAY PURCHASE THE ALCOHOLIC BEVERAGES TO BE SOLD UNDER THE LICENSE FROM A RETAIL DEALER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(r)(2) through (4) and (6).

In subsection (b) of this section, the former reference to a “bona fide” organization is deleted as surplusage.

Also in subsection (b) of this section, the reference to a hospital “supporting” organization is added for clarity, reflecting terminology used in the Internal Revenue Code.

Former Art. 2B, § 7-101(r)(1), which stated that former Art. 2B, § 7-101(r) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 28-101

“License” § 1-101

“Retail dealer” § 1-101

“Wine” § 1-101

## **28-1310. FEE.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE, A CLASS C PER DIEM BEER AND WINE LICENSE, AND A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$10 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(r)(5).

The specific types of licenses are substituted for the former reference to “each license” for clarity.

## **SUBTITLE 14. APPLICATIONS FOR LICENSES.**

### **28-1401. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (10) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 28-1402 THROUGH 28-1407 OF THIS SUBTITLE;
- (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 28-1408 OF THIS SUBTITLE; AND
- (3) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 28-1410 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 28-101

**28-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**(A) REQUIRED.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

**(B) CRIMINAL HISTORY RECORD INFORMATION FROM COUNTY POLICE.**

**THE BOARD MAY OBTAIN CRIMINAL HISTORY RECORD INFORMATION ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1D and (d)(3)(i).

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 28–101  
 “Central Repository” § 1–101  
 “County” § 28–101  
 “License” § 1–101

**28–1403. CRIMINAL HISTORY RECORD INFORMATION TO BE MADE AVAILABLE ONLY TO BOARD PERSONNEL.**

**THE BOARD SHALL MAKE CRIMINAL HISTORY RECORD INFORMATION IN ITS POSSESSION AVAILABLE ONLY TO THE ADMINISTRATOR, INSPECTOR, MEMBERS, AND DESIGNEES OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(d)(7).

The reference to “criminal history record information” is substituted for the former reference to “criminal records” to conform to the terminology used in CP § 10–201.

The former requirement that the Board keep criminal records confidential is deleted as redundant of the confidentiality requirement in § 4–107(d)(1) of this article.

Defined term: “Board” § 28–101

**28-1404. HEARING MAY NOT BE DELAYED BECAUSE OF FAILURE TO PROVIDE CRIMINAL HISTORY RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED BECAUSE OF THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORD CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(d)(8).

Defined term: "License" § 1-101

**28-1405. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4-107 OF THIS ARTICLE OR § 28-1402 OF THIS SUBTITLE ON COMPLETION OF THE APPLICATION PROCESS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(ii)1D and, as it related to St. Mary's County, (i)2.

The reference to "criminal history record information" is substituted for the former reference to "records" to conform to the terminology used in CP § 10-201.

The reference to "the application process" is substituted for the former reference to "its necessary use" for clarity.

Defined term: "Board" § 28-101

**28-1406. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND CRIMINAL HISTORY RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(d)(6).

The reference to the Board's ability to set "and charge" a fee is added to expressly state what was only implied in the former law.

The reference to the "results" is added for clarity.

Defined term: "Board" § 28-101

#### **28-1407. REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT §§ 28-1403, 28-1404, AND 28-1406 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(d)(9).

Defined term: "Board" § 28-101

#### **28-1408. PETITION OF SUPPORT.**

**AN INDIVIDUAL IS ELIGIBLE TO SIGN THE PETITION OF SUPPORT REQUIRED UNDER § 4-110 OF THIS ARTICLE THAT MUST BE INCLUDED AS PART OF AN APPLICATION FOR A LICENSE IF THE INDIVIDUAL:**

- (1) OWNS REAL PROPERTY WITHIN 5 MILES OF THE PREMISES FOR WHICH THE LICENSE IS SOUGHT; AND**
- (2) IS A REGISTERED VOTER IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(18)(ii).

The reference to a "petition of support" is substituted for the former reference to a "certificate" to conform to the terminology used throughout this article.

The references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

Defined terms: "County" § 28-101

"License" § 1-101

#### **28-1409. RESIDENCY REQUIREMENT FOR CORPORATE STOCKHOLDERS.**

**A LICENSE MAY NOT BE ISSUED FOR THE USE OF A CORPORATION UNLESS THE OWNERS OF AT LEAST 15% OF THE TOTAL STOCK OF THE CORPORATION HAVE**

**RESIDED IN THE COUNTY FOR 6 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-219.

The reference to owners of "at least" 15% is added for clarity.

The reference to "immediately before" the application is substituted for the former reference to "next preceding" the application for clarity.

The former reference to a license "for the sale of alcoholic beverages" is deleted as included in the defined term "license".

The former phrase "[f]or the purposes of this section the term" is deleted as unnecessary.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement that the owners of at least 15% of the stock reside 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 classifies 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: "County" § 28-101  
"License" § 1-101

**28-1410. DISPOSITION OF LICENSE FEES.**

**THE COUNTY TREASURER SHALL:**

- (1) COLLECT THE LICENSE FEES; AND**
- (2) PAY OVER TO THE COMMISSIONERS OF LEONARDTOWN THE FEES RECEIVED FOR LICENSES ISSUED FOR PREMISES IN LEONARDTOWN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(t).

The former reference to paying funds to the Commissioners of Leonardtown "for general corporate purposes" is deleted as surplusage.

Defined terms: "County" § 28-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**28-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**
- (5) § 4-209 ("HEARING");**
- (6) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**
- (7) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**
- (8) § 4-212 ("LICENSE NOT PROPERTY");**
- (9) § 4-213 ("REPLACEMENT LICENSES"); AND**
- (10) § 4-214 ("WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS").**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS"), SUBJECT TO §§ 28-1502 AND 28-1503 OF THIS SUBTITLE;**



**(2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 28-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**

**(3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 28-1505 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 28-101  
“License” § 1-101  
“Local licensing board” § 1-101

**28-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to St. Mary’s County and except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to “[t]he Board” is added for clarity.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The former reference to a “corporation, or limited liability company” is deleted as included in the reference to a “person”.

Defined terms: “Alcoholic beverage” § 1-101  
“Beer” § 1-101  
“Board” § 28-101  
“Person” § 1-101  
“State” § 1-101  
“Wine” § 1-101

**28-1503. PROHIBITED ISSUANCE OF LICENSE.**

**A LICENSE APPLICATION SHALL BE DISAPPROVED AND THE LICENSE SHALL BE DENIED IF THE BOARD DETERMINES THAT THE APPLICANT HAS BEEN CONVICTED OF A FELONY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(o)(2).

The former reference to the license "for which application" is made is deleted as surplusage.

Defined terms: "Board" § 28-101  
"License" § 1-101

#### **28-1504. COUNTY TREASURER.**

**THE COUNTY TREASURER SHALL COLLECT LICENSE FEES AND MAY ISSUE LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-202(o)(1).

Defined terms: "County" § 28-101  
"License" § 1-101

#### **28-1505. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-1)(1)(i).

In item (1) of this section, the reference to "Class D beer or Class D beer and wine licenses" is substituted for the former reference to licenses issued "[u]nder § 3-401 or § 5-401 of this article" for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

## **28–1506. ADDITIONAL BARS AND SERVING COUNTERS.**

### **(A) IN GENERAL.**

**THE BOARD MAY AUTHORIZE A LICENSE HOLDER TO INSTALL AN ADDITIONAL BAR OR SERVING COUNTER WITHIN A REASONABLE DISTANCE OF THE MAIN BUILDING OF THE PREMISES SERVED BY THE LICENSE HELD BY THE LICENSE HOLDER.**

### **(B) BOARD TO DETERMINE REASONABLE DISTANCE.**

**THE BOARD SHALL DETERMINE WHAT IS A REASONABLE DISTANCE FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

### **(C) ADDITIONAL LICENSE NOT REQUIRED.**

**AN ADDITIONAL LICENSE IS NOT REQUIRED FOR AN ADDITIONAL BAR OR SERVING COUNTER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–9)(2).

In subsections (a) and (b) of this section, the references to the defined term “Board” are substituted for the former broad references to “alcoholic beverages licensing authority” and “licensing authority” because only the Board can act as a licensing authority under this title.

In subsection (a) of this section, the reference to the main building “of the premises served by the ... license holder” is added for clarity.

Also in subsection (a) of this section, the former phrase “[n]otwithstanding any other provisions of this article,” is deleted as surplusage.

In subsections (b) and (c) of this section, the references to “an additional bar or serving counter” are added for clarity.

In subsection (c) of this section, the former phrase “, if the authorization is granted,” is deleted as surplusage.

Former Art. 2B, § 9–102(b–9)(1)(iii), which stated that the provisions of former Art. 2B, § 9–102(b–9) applied in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 28–101  
 “License” § 1–101

## **28–1507. SALE OF CIDER AND NATIVE WINE WITHOUT LICENSE.**

**CIDER AND NATIVE WINE MAY BE SOLD BY THEIR MAKERS WITHOUT A LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 1–201(b)(2).

Defined terms: “License” § 1–101  
 “Wine” § 1–101

## **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

### **PART I. LICENSING CONDITIONS.**

#### **28–1601. QUOTA FOR CLASS A LICENSES.**

##### **(A) IN GENERAL.**

**THE BOARD MAY NOT:**

**(1) ISSUE MORE THAN ONE CLASS A LICENSE FOR EVERY 1,350 INDIVIDUALS IN AN ELECTION DISTRICT IN THE COUNTY; OR**

**(2) APPROVE THE TRANSFER OF A LICENSE ISSUED UNDER ITEM (1) OF THIS SUBSECTION FROM ONE ELECTION DISTRICT TO ANOTHER ELECTION DISTRICT UNLESS THE TRANSFER CAN BE MADE WITHOUT EXCEEDING THE LICENSE QUOTA PROVIDED IN ITEM (1) OF THIS SUBSECTION.**

##### **(B) STATISTICS FROM COUNTY PLANNING COMMISSION ANNUAL REPORT.**

**THE BOARD SHALL USE THE POPULATION STATISTICS FROM THE MOST RECENT COUNTY PLANNING COMMISSION ANNUAL REPORT TO MAINTAIN THE LICENSE QUOTA PROVIDED IN SUBSECTION (A)(1) OF THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-219(d).

In subsection (a)(1) of this section, the former reference to a Class A license "with an off-sale privilege" is deleted as unnecessary because all Class A licenses have an off-sale privilege.

In subsection (a)(2) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

Defined terms: "Board" § 28-101

"County" § 28-101

"License" § 1-101

## **28-1602. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL IS TO BE MEASURED FROM THE NEAREST WALL OF THE ESTABLISHMENT IN A DIRECT LINE TO THE NEAREST POINT OF THE MAIN BUILDING OF THE PLACE OF WORSHIP OR THE SCHOOL.**

### **(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY:**

**(1) TO THE ISSUANCE OF A CLASS B (ON-SALE) BEER, WINE, AND LIQUOR LICENSE FOR AN ESTABLISHMENT IN LEONARDTOWN; OR**

**(2) IF A PLACE OF WORSHIP OR SCHOOL LOCATES ITS BUILDING WITHIN 300 FEET OF A PREMISES THAT IS ALREADY LICENSED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-219(b).

Throughout this section, the former references to a “church” are deleted as included in the references to a “place of worship”.

In subsection (a)(1) of this section, the prohibition against “issu[ing]” a license is substituted for the former prohibition against “approv[ing] any application for” a license for clarity. Correspondingly, in subsection (b)(1) of this section, the reference to “the issuance of” a license is substituted for the former reference to “an application for” a license.

Also in subsection (a)(1) of this section, the reference to an “establishment” is substituted for the former reference to a “building” to conform to the terminology used throughout this article. Similarly, in subsection (b)(1) of this section, the reference to “an establishment” in Leonardtown is substituted for the former reference to “a premises” in Leonardtown.

Also in subsection (a)(1) of this section, the former reference to a license “to sell alcoholic beverages” is deleted as included in the defined term “license”.

In subsection (b)(2) of this section, the reference to “a premises that is already licensed” is substituted for the former reference to “any licensed premises after the licensed premises are there established” for clarity and brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–219(b)(1), revised in subsection (a)(1) of this section, applies only to a kindergarten, an elementary school, or a secondary school, and not to a middle school.

Defined terms: “Board” § 28–101  
 “License” § 1–101

### **28–1603. DRIVE–THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–219(c), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a “sales” facility is substituted for the former reference to a “purchase” facility for clarity.

Former Art. 2B, § 9–219(a), which stated that former Art. 2B, § 9–219 applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License” § 1–101

“Off–sale” § 1–101

**28–1604. RESERVED.**

**28–1605. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**28–1606. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**28–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”);**

**(2) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**(3) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**

**(4) § 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATION.**

**SECTION 4-305 (“FILING FEE AND ENDORSEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 28-101  
 “License” § 1-101

**28-1702. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$100.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(t)(2).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Former Art. 2B, § 10-503(t)(1), which stated that former Art. 2B, § 10-503(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “License” § 1-101

**28-1703. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

**THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-219(c), as it related to the transfer of a license.

The former reference to a license “of any class” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1-101  
 “Board” § 28-101  
 “License” § 1-101  
 “Off-sale” § 1-101

**SUBTITLE 18. RENEWAL OF LICENSES.**



**28-1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4-403 (“RENEWAL APPLICATION”);**
- (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4-406 (“PROTESTS”);**
- (5) § 4-409 (“MULTIPLE LICENSES”); AND**
- (6) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”) AND IS SUPERSEDED BY § 28-1802 OF THIS SUBTITLE; AND**
- (2) § 4-408 (“ISSUANCE OF RENEWED LICENSES”) AND IS SUPERSEDED BY § 28-1803 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4-407 (“DENIAL OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1804 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 28-101  
“License” § 1-101

**28-1802. FILING PERIOD FOR RENEWAL APPLICATION.****(A) IN GENERAL.**

**TO RENEW A LICENSE, THE LICENSE HOLDER SHALL FILE AN APPLICATION WITH THE ADMINISTRATOR OF THE BOARD BETWEEN FEBRUARY 1 AND MARCH 3, INCLUSIVE.**

**(B) NEW LICENSE REQUIRED AFTER EXPIRATION.**

**A HOLDER OF AN EXPIRED LICENSE MAY APPLY TO THE BOARD FOR A NEW LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(r)(3) and (4).

In subsection (a) of this section, the former redundant reference to license renewal "for an additional term" is deleted as unnecessary.

Former Art. 2B, § 10-301(r)(1), which stated that former Art. 2B, § 10-301(r) applied only in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 28-101

"License" § 1-101

"License holder" § 1-101

**28-1803. ISSUANCE OF RENEWED LICENSES.****(A) ISSUANCE.**

**THE BOARD MAY ISSUE RENEWED LICENSES BETWEEN APRIL 1 AND MAY 1, INCLUSIVE.**

**(B) EXPIRATION DATE.**

**A LICENSE EXPIRES ON THE FIRST APRIL 30 AFTER ITS EFFECTIVE DATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(d)(2) and (r)(2).

In subsection (a) of this section, the reference to "renewed" licenses is substituted for the former reference to "new" licenses for clarity and accuracy.

Also in subsection (a) of this section, the former reference to the issuance of renewed licenses “at any time” between April 1 and May 1 is deleted as unnecessary.

In subsection (b) of this section, the former phrase “[u]nless an alcoholic beverages license is renewed for a 1-year term as provided in this subsection” is deleted as surplusage.

Defined terms: “Board” § 28–101  
 “License” § 1–101

## **28–1804. DENIAL OF RENEWAL APPLICATION.**

### **(A) AUTHORIZED FOR FELONY CONVICTION.**

**THE BOARD MAY DENY A LICENSE RENEWAL IF THE LICENSE HOLDER OR A STOCKHOLDER OF THE CORPORATION THAT USES THE LICENSE HAS BEEN CONVICTED OF A FELONY.**

### **(B) HEARING.**

#### **THE BOARD:**

**(1) SHALL HOLD A PUBLIC HEARING BEFORE RENEWING A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (A) OF THIS SECTION; AND**

**(2) MAY INQUIRE INTO ALL RELEVANT FACTS AND CIRCUMSTANCES CONCERNING THE FELONY OFFENSE AT THE HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(c–1), as it related to the effect of a felony conviction on license renewals in St. Mary’s County.

In subsection (a) of this section, the reference authorizing the Board to “deny” a license renewal is substituted for the former reference stating that a license renewal “may not be granted, at the discretion of the Board” for clarity and brevity.

In subsection (b)(1) of this section, the reference to license renewal “under the circumstances described in subsection (a) of this section” is added for clarity.

In subsection (b)(2) of this section, the reference to a “felony” offense is added for clarity.

Defined terms: “Board” § 28–101

“License” § 1-101

“License holder” § 1-101

**28-1805. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 28-1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(5), as it related to St. Mary’s County and to the renewal of a license by a person who holds an out-of-state license.

The phrase “[n]otwithstanding § 28-1502 of this title,” is added to clarify that this section is an exception to § 28-1502.

The reference to an “out-of-state” license is substituted for the former reference to a license “in any other state or in Washington, D.C.” for brevity.

The reference to the authority of “the Board” to “renew” a license “originally issued to a holder of an out-of-state” license is substituted for the former reference to the “except[ion] by way of renewal, to a person, corporation, or limited liability company holding” an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: “Alcoholic beverage” § 1-101

“Beer” § 1-101

“Board” § 28-101

“State” § 1-101

“Wine” § 1-101

**28-1806. CRIMINAL HISTORY RECORDS CHECK NOT APPLICABLE TO LICENSE RENEWALS.**

**THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE DOES NOT APPLY TO APPLICANTS FOR LICENSE RENEWAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(d)(5).

Former Art. 2B, § 10-103(d)(2), which stated that former Art. 2B, § 10-103(d) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "License" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**28-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 ("CONDUCT OF LOCAL LICENSE HOLDERS") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 ("STORAGE OF ALCOHOLIC BEVERAGES");**
- (2) § 4-503 ("SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES");**
- (3) § 4-505 ("ALCOHOL AWARENESS PROGRAM");**
- (4) § 4-506 ("EVIDENCE OF PURCHASER'S AGE");**
- (5) § 4-507 ("RETAIL DELIVERY OF ALCOHOLIC BEVERAGES"); AND**
- (6) § 4-508 ("DISPLAY OF LICENSE").**

**(B) VARIATION.**

**SECTION 4-504 ("EMPLOYMENT OF UNDERAGE INDIVIDUALS") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 28-1902 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 28-101  
"License" § 1-101  
"License holder" § 1-101

**28-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) INDIVIDUALS AT LEAST 18 YEARS OLD.**

**AN INDIVIDUAL AT LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES IN A RESTAURANT IN CONNECTION WITH SERVING A MEAL.**

**(B) INDIVIDUALS UNDER THE AGE OF 21 YEARS.**

**AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT ACT AS A BARTENDER OR IN A SOLELY BAR-RELATED CAPACITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-219(a).

Throughout this section, references to an "individual" are substituted for the former references to a "person[s]" because this section applies only to human beings.

In subsection (b) of this section, the former reference to a "barmaid" is deleted as included in the reference to a "bartender".

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section, the phrase "bar-related capacity" is unclear.

Defined terms: "Alcoholic beverage" § 1-101  
"Restaurant" § 1-101

**28-1903. CONSUMERS ON PREMISES AFTER HOURS OF SALE ENDS — PROHIBITED.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A CONSUMER MAY NOT REMAIN ON THE PREMISES OF AN ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES AFTER THE HOURS OF SALE END.**

**(B) SUNDAY MORNING EXCEPTION.**

**ON SUNDAY MORNING, A CONSUMER MAY REMAIN ON THE PREMISES OF AN ESTABLISHMENT THAT SELLS ALCOHOLIC BEVERAGES FOR ONE-HALF HOUR AFTER THE HOURS OF SALE END.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 11-519.

Defined terms: "Alcoholic beverage" § 1-101  
"Consumer" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.****28-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.****(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to St. Mary's County, (2).

In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided under this title" is added for clarity.

Also in subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the prohibition against consumption applies only to human beings.

In subsection (b) of this section, the reference to a person who "violates this section" is substituted for the former reference to a person who is "found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section" for brevity.

Also in subsection (b) of this section, the phrase "[e]xcept as provided in this section" is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine "not less than \$5" is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that,

notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

**28–2002. BEER LICENSES.**

**(A) CLASS A BEER LICENSE.**

**A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER LICENSE.**

**RESERVED.**

**(C) CLASS C BEER LICENSE.**

**RESERVED.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 11–519.

In subsections (a) and (d) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as unnecessary in light of the organization of this revised article.

Also in subsections (a) and (d) of this section, the former phrase “[t]he hours during which” is deleted as surplusage.

Defined term: “Beer” § 1–101

**28–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**



**(B) CLASS B BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**RESERVED.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(a)(1)(ii), as it related to the Class B license, and the first sentence of § 11-519.

In this section, references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. In former Art. 2B, § 4-101(s), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wine into light wines and fortified wines.

In subsections (a) and (b) of this section, references to "beer and wine" are substituted for the former references to "those alcoholic beverages for which [the license holder] is licensed" for clarity.

Also in subsections (a) and (b) of this section, the former phrase "[t]he hours during which" is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"License holder" § 1-101  
"Wine" § 1-101

**28-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(2)(vii), (b)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii), and the first sentence of 11-519.

In this section, the former phrase “[t]he hours during which” is deleted as unnecessary.

In subsection (a) of this section, the former phrase “[t]he provisions of paragraph (1) of this subsection are superseded as follows” and “holders of a Class A-1 license may sell on Sunday” is deleted as redundant in light of former Art. 2B, § 11-519, which authorizes all license holders to sell on Sunday.

In subsections (b) and (c) of this section, the references to “license holder” is substituted for the former references to “retail dealer” for clarity.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

## **28–2005. JANUARY 1.**

**AFTER A LICENSE HOLDER HAS FILED AN APPLICATION IN A FORM AND AT A TIME THAT THE BOARD REQUIRES, THE BOARD MAY ISSUE A PERMIT AUTHORIZING THE LICENSE HOLDER TO KEEP THE LICENSED PREMISES OPEN ON JANUARY 1.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(t)(2).

The former reference to a “special” permit is deleted as surplusage.

The former reference to January 1 “of any year” is deleted as surplusage.

Former Art. 2B, § 11–402(t)(1), which stated that former Art. 2B, § 11–402(t) applied only in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 28–101  
 “License holder” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **28–2101. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(15), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in St. Mary’s County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 28–101  
 “License” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

**28–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 28–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**28–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 28–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**28–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 28–101

**28–2402. COURT MAY REMAND.**

**IN ADDITION TO THE OTHER POWERS OF THE CIRCUIT COURT FOR THE COUNTY PROVIDED IN TITLE 4, SUBTITLE 9 OF THIS ARTICLE, THE COURT MAY REMAND THE PROCEEDINGS TO THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–101(e)(4)(ii)11.

The reference to the “circuit court for the County” is substituted for the former reference to the “court” for clarity.

Defined terms: “Board” § 28–101  
“County” § 28–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**28–2501. SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**(A) IN GENERAL.**

**AN ESTABLISHMENT NOT LICENSED BY THE BOARD, AT A LOCATION UNDER THE CONTROL OR POSSESSION OF THE ESTABLISHMENT, MAY NOT:**

**(1) SELL OR SERVE ALCOHOLIC BEVERAGES TO A MEMBER OR GUEST;**

**(2) KEEP ALCOHOLIC BEVERAGES FOR A MEMBER OR GUEST;**

**(3) ALLOW A CUSTOMER TO CONSUME OR TO BE SERVED ALCOHOLIC BEVERAGES FROM THE SUPPLIES THAT THE CUSTOMER HAS PREVIOUSLY PURCHASED OR RESERVED; OR**

**(4) SELL, SERVE, KEEP, OR ALLOW TO BE CONSUMED SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO A MEMBER OR GUEST.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES AN ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–109.

Subsection (a) of this section is revised as an enumeration of prohibited activities for an unlicensed establishment, rather than as the definition of “bottle club”, for clarity and brevity. In the former law, a “bottle club” was defined as an unlicensed establishment that conducts certain activities. The former law then prohibited a bottle club from conducting those activities.

In the introductory language of subsection (a) of this section, the phrase “not licensed by the Board” is added for clarity.

In subsection (a) of this section, the term “establishment” is substituted for the former defined term “bottle club.” Actions that were formerly included within the former defined term “bottle club” are prohibited under the substantive provisions of this subsection.

Also in subsection (a) of this section, the former references to “giv[ing]” and “dispens[ing]” alcoholic beverages are deleted as included in the references to “serv[ing]” alcoholic beverages.

Also in subsection (a) of this section, the former reference to a bottle club used “to evade the alcoholic beverage license laws or hours of operation” is deleted in light of the revised structure of this section.

In subsection (b) of this section, the reference to the “establishment” is substituted for the former reference to an “unlicensed building” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

**28–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**
- (3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**SUBTITLE 26. ENFORCEMENT.**

**28-2601. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 (“INSPECTIONS”);
- (2) § 6-203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);
- (3) § 6-204 (“POWER TO SUMMON WITNESSES”);
- (4) § 6-205 (“PEACE OFFICERS”);
- (5) § 6-206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);
- (6) § 6-207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);
- (7) § 6-208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);
- (8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND
- (9) § 6-211 (“FINES AND FORFEITURES”).

**(B) EXCEPTION.**

**SECTION 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 28-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 28-101  
 “State” § 1-101

**28-2602. LOCAL REGULATION OF DISORDERLY INTOXICATION ALLOWED.**

**THE COUNTY MAY:**

- (1) ADOPT AN ORDINANCE OR RESOLUTION SUPPLEMENTING THE PROHIBITION AGAINST DISORDERLY INTOXICATION UNDER § 6-319 OF THIS ARTICLE; AND



**(2) REGULATE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY, PROPERTY USED BY THE PUBLIC, OR ON A HIGHWAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19–103(a)(11).

In item (1) of this section, the reference to “the prohibition against disorderly intoxication under § 6–319 of this article” is substituted for the former obsolete reference to “this subheading”.

In item (2) of this section, the former reference to the public “in general” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 28–101

**SUBTITLE 27. PROHIBITED ACTS.**

**28–2701. 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) § 6–309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (4) § 6–310 (“PROVIDING FREE FOOD”);**
- (5) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (6) § 6–312 (“BEVERAGE MISREPRESENTATION”);**

(7) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(8) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(9) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(10) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(11) § 6-320 (“DISORDERLY INTOXICATION”);

(12) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(13) § 6-322 (“POSSESSION OF OPEN CONTAINER”);

(14) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(15) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(16) § 6-327 (“TAX EVASION”);

(17) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(18) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 28-2702 OF THIS SUBTITLE;

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 28-2703 OF THIS SUBTITLE; AND

**(3) §§ 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”) AND 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”), SUBJECT TO § 28-2704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 28-101

“License holder” § 1-101

“Retail dealer” § 1-101

**28-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR LICENSE HOLDERS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS**

**ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(ix), which stated that the provisions of former Art. 2B, § 12-108(f) applied in St. Mary's County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 28-101

"License holder" § 1-101

"State" § 1-101

**28-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR AN EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS**

**ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

Defined terms: "Board" § 28-101  
"License holder" § 1-101  
"State" § 1-101

**28-2704. ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER — EXCEPTION.**

**SECTIONS 6-308 AND 6-319 OF THIS ARTICLE DO NOT APPLY TO:**

- (1) A CLASS C BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ISSUED TO A BONA FIDE RELIGIOUS, FRATERNAL, CIVIC, VETERANS', HOSPITAL, OR CHARITABLE ORGANIZATION; OR**
- (2) A LICENSE ISSUED TO AN OUTDOOR MOTOR SPORTS FACILITY THAT IS LOCATED IN MECHANICSVILLE OR BUDDS CREEK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-107(b)(7).

The reference to a "Class C beer license, beer and wine license, or beer, wine, and liquor license" is substituted for the former reference to "[s]pecial licenses issued ... under § 7-101(r) of this article" for clarity.

Defined terms: "Beer" § 1-101  
"License" § 1-101  
"Wine" § 1-101

**28-2705. GIFTS TO BOARD MEMBER OR BOARD EMPLOYEE PROHIBITED.**

**(A) IN GENERAL.**

**A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES, AN AGENT OR EMPLOYEE OF THE PERSON, OR A LICENSE HOLDER MAY NOT, DIRECTLY OR INDIRECTLY, OFFER OR MAKE A PAYMENT OR GIFT TO:**

- (1) A MEMBER OF THE BOARD;**

**(2) AN EMPLOYEE OF THE BOARD; OR**

**(3) A PERSON ACTING ON BEHALF OF A MEMBER OR AN EMPLOYEE OF THE BOARD.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–102(h)(1)(ii) and (2).

In the introductory language of subsection (a) of this section, the former references to a “corporation” are deleted as included in the defined term “person”.

Also in the introductory language of subsection (a) of this section, the reference to “offer or make a payment or gift” is substituted for the former reference to “offer to pay any commission, profit or remuneration or make any gift” for brevity.

Also in the introductory language of subsection (a) of this section, the defined term “license holder” is substituted for the former reference to a “licensee licensed under the provisions of this article” for brevity and consistency throughout this article.

Also in the introductory language of subsection (a) of this section, the former reference to “beer or other” alcoholic beverages is deleted as included in the defined term “alcoholic beverage”.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **28–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: "County" § 28–101

## **28–2802. LOCAL PENALTIES.**

### **(A) IN GENERAL.**

#### **A PERSON WHO VIOLATES A LAW RELATING TO:**

**(1) LICENSING THE SALE OF ALCOHOLIC BEVERAGES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000; AND**

**(2) HOURS OR DAYS FOR THE SALE OF ALCOHOLIC BEVERAGES IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT OR A FINE NOT EXCEEDING \$250 OR BOTH.**

### **(B) LICENSE VIOLATION.**

**FOR A LICENSE VIOLATION, THE BOARD MAY REVOKE OR SUSPEND A LICENSE OR IMPOSE A FINE ON THE LICENSE HOLDER OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(t).

In subsection (a)(1) 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).

In subsection (a)(2) of this section, the reference to "imprisonment" is substituted for the former reference to "confined in the county jail or the House of Correction" for brevity and consistency with other similar provisions of the Code.

Also in subsection (a)(2) of this section, the former reference to "trial and" conviction is deleted as surplusage.

Also in subsection (a)(2) of this section, the former references to imprisonment “not less than 60 days” and a fine “not less than \$50” are deleted as unenforceable in light of § 14–102 of the Criminal Law Article, which provides that if a law sets a minimum penalty, the court in lieu of the minimum penalty may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 28–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **TITLE 29. SOMERSET COUNTY.**

### **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

#### **29–101. DEFINITIONS.**

##### **(A) IN GENERAL.**

##### **IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

##### **(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR SOMERSET COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Somerset County”.

##### **(C) COUNTY.**

**“COUNTY” MEANS SOMERSET COUNTY.**



REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to "Somerset County".

**29-102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**29-103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-103.

The reference to the "County Commissioners" is substituted for the former reference to the "local governing body" for clarity.

The reference to this "title" is substituted for the former reference to this "subtitle" to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 29-101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4-101(u), which defined "light wine" in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**29-201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Somerset County exists.

**29-202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) NOT MORE THAN TWO MEMBERS MAY BELONG TO THE SAME POLITICAL PARTY.**

**(C) TENURE.**

**THE TERM OF A MEMBER IS 2 YEARS.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS MADE ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (4) and (u)(2), (3), and the second clause of (4) and 15–110(a).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the reference to “the advice and consent of” the Senate is substituted for the former reference to “confirmation by” the Senate for clarity.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Somerset County.

In subsection (b)(1)(ii) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the definition of “person” may serve as a member of a board of license commissioners.

In subsection (c) of this section, the former phrase “who hold office” is deleted as surplusage.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended

to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(u)(1), which provided that former subsection (u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101

“County” § 29–101

### **29–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first clause of former Art. 2B, § 15–101(u)(4).

The reference to “[i]n making the appointments, the Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 29–101

### **29–204. SALARIES; EXPENSES; STAFF.**

#### **(A) SALARIES; EXPENSES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$3,500 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$3,000 ANNUALLY.**

**(3) THE COUNTY COMMISSIONERS SHALL PAY THE SALARIES OF THE MEMBERS OF THE BOARD.**

**(4) THE COUNTY COMMISSIONERS MAY PAY FOR EXPENSES OF THE BOARD, INCLUDING:**

**(I) SALARIES OF PERSONNEL OTHER THAN MEMBERS OF THE BOARD; AND**

**(II) COSTS OF PRINTING, SUPPLIES, AND OTHER EXPENSES RELATED TO THE OPERATION OF THE BOARD.**

**(B) STAFF.**

**THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, SET THE COMPENSATION OF THE EMPLOYEES.**

**(C) CLERK AND ATTORNEY.**

**THE BOARD:**

**(1) SHALL APPOINT A CLERK TO THE BOARD AT A SALARY OF \$3,500 ANNUALLY; AND**

**(2) MAY DESIGNATE AN ATTORNEY FOR THE BOARD AT A SALARY OF \$4,000 ANNUALLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(u) and 15–112(a)(2) and (u)(2).

In subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member of the Board is added for clarity.

In subsection (a)(3) of this section, the requirement that the County Commissioners “pay” Board salaries is substituted for the former requirement that the County Commissioners “provide a sum sufficient to pay” Board salaries for clarity and brevity. Similarly, in subsection (a)(4) of this section, the authorization for the County Commissioners to “pay” Board expenses is substituted for the former authorization for the County Commissioners to “provide a sum sufficient to pay” Board expenses.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–112(u)(1), which provided that former Art. 2B, § 15–112(u) applied only in Somerset County is deleted as surplusage.

Defined terms: “Board” § 29–101  
 “County” § 29–101

## **29–205. REGULATIONS.**

### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Somerset County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 29–101

### **SUBTITLE 3. LIQUOR CONTROL BOARD.**

**29-301. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: This subsection is new language added as the standard introductory language to a definition section.

**(B) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to a store established and maintained by the Liquor Control Board.

Defined terms: “Alcoholic beverage” § 1-101  
“Liquor Control Board” § 29-301

**(C) LIQUOR CONTROL BOARD.**

**“LIQUOR CONTROL BOARD” MEANS THE LIQUOR CONTROL BOARD FOR THE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the Liquor Control Board for the County.

Defined term: “County” § 29-101

**29-302. ESTABLISHED.**

**THERE IS A LIQUOR CONTROL BOARD FOR SOMERSET COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-201(a)(1) and, as it related to Somerset County, § 15-210.

**29-303. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL BOARD.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER IN THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND RECOGNIZED BUSINESS CAPACITY.**

**(C) RESTRICTIONS.**

**(1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE, PURCHASE, OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE PURCHASE OR SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

**(D) TENURE.**

**THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JUNE 1.**

**(E) VACANCIES.**

**IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-201(b)(1)(i) and (ii), (c)(1) and (2), (d)(3), (e)(2)(iii), (j)(1), and the first sentence of (f) and, as it related to membership in a liquor control board, § 15-208(a).

In subsection (c)(1)(ii) of this section, the former reference to "wages" is deleted as included in the reference to a "salary".



In subsection (e) of this section, the former phrase “[e]xcept as provided in paragraph (2) of this subsection” is deleted as unnecessary because former paragraph (2) did not apply to the County.

Also in subsection (e) of this section, the former phrase “for any reason whatsoever” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“Liquor Control Board” § 29–301

“Person” § 1–101

#### **29–304. CHAIR.**

**THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The reference to electing a chair “from among its members” is added for clarity and consistency within the Code. *See, e.g.*, CP § 16–301(e).

The former reference requiring a liquor control board to “organize by” electing a chair is deleted for clarity and brevity.

Defined term: “Liquor Control Board” § 29–301

#### **29–305. MEETINGS; SALARIES; STAFF.**

##### **(A) MEETINGS.**

**THE LIQUOR CONTROL BOARD SHALL MEET AT LEAST TWICE EACH MONTH.**

##### **(B) SALARIES.**

**(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,500.**

**(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$2,000.**

##### **(C) STAFF.**

**(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(2) (I) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

**1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(5) and (i)(2), and, as it related to employees of the Liquor Control Board, § 15–208(a).

In subsection (b) of this section, the references to the “salary” of Liquor Control Board members are substituted for the former reference to “compensation” for the members for clarity and consistency within this revised article.

In subsection (c)(1) of this section, the former reference to the duties “of the ... position, as herein prescribed or authorized” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the reference to the defined term “person” who performs specific prohibited acts is substituted for the former reference to “any employee of said board” who performs specific prohibited acts for clarity and brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

“Person” § 1–101

## **29–306. MONOPOLY CONTROL.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A MONOPOLY ON THE SALE AND DISTRIBUTION OF LIQUOR IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–203(a)(3)(i) and 15–204(a) and (c).

The reference to “liquor” is substituted for the former reference to “particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell” and to the former references excluding the sale of beer and the sale and distribution of light wine from monopoly control for brevity and clarity.

Defined terms: “County” § 29–101

“Liquor Control Board” § 29–301

### **29–307. BORROWING POWER.**

#### **(A) LOANS FROM COUNTY COMMISSIONERS TO LIQUOR CONTROL BOARD.**

**(1) THE COUNTY COMMISSIONERS MAY LOAN MONEY TO THE LIQUOR CONTROL BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE WORKING CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY SYSTEM AND WAREHOUSE FACILITIES.**

**(2) THE COUNTY COMMISSIONERS MAY FINANCE A LOAN UNDER THIS SUBSECTION BY ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS THE COUNTY COMMISSIONERS FIND NECESSARY.**

#### **(B) LOANS FROM BANKING INSTITUTIONS.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LIQUOR CONTROL BOARD MAY BORROW MONEY FROM A BANKING INSTITUTION ON THE LIQUOR CONTROL BOARD'S OWN CREDIT.**

**(2) THE AGGREGATE SUM LOANED TO OR BORROWED BY THE LIQUOR CONTROL BOARD MAY NOT EXCEED \$150,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–202(a) and (b)(1) and (2)(i).

In subsections (a)(1) and (b)(1) of this section, the former phrase “from time to time” is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this section, the references stating that the County Board of Commissioners “may” loan or finance a loan are substituted for the former references stating that a county “is hereby authorized and empowered” to loan or finance a loan for brevity.

In subsection (a)(1) of this section, the reference authorizing a county to “loan” money to a county dispensary is substituted for the former reference authorizing a county to “advance” money to a county dispensary for clarity.

Also in subsection (a)(1) of this section, the former reference to “branch dispensaries” is deleted as included in the reference to the “dispensary system”.

Also in subsection (a)(1) of this section, the former reference to dispensary system and warehouse facilities “as found necessary under this subtitle” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to dispensaries and warehouses “as found necessary under this subtitle” is deleted as implicit in the authority of a county to establish a county dispensary system.

Also in subsection (a)(1) of this section, the former reference to “a sum of” money is deleted as unnecessary.

In subsection (a)(2) of this section, the reference authorizing a county to “finance a loan under this subsection” is substituted for the former reference authorizing a county to “borrow upon the credit of the county” to advance money to a liquor control board expressly states what was only implicit in the former law, that the County may finance a loan.

Former Art. 2B, § 15–202(c)(1), which stated that the interest rate provided in former Art. 2B, § 15–202(c)(2) does not apply in Somerset County, is deleted in light of the organization of this revised article.

Defined terms: “County” § 29–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

## **29–308. OTHER POWERS.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

- (II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**
- (3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**
- (4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**
- (5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**
- (6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**
- (7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**
- (8) SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSIONERS, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**
- (9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

In the introductory language of this section, the reference stating that the Liquor Control Board “may” perform certain functions is substituted for the former reference stating that the liquor control board “shall have full power and authority” to perform these functions for clarity and brevity.

Also in the introductory language of this section, the former reference to the liquor control board “of each county” is deleted as unnecessary, since this section applies only to the Liquor Control Board for Somerset County.

In item (1) of this section, the former reference authorizing the purchase of “any sparkling or fortified wine” is deleted as included in the reference authorizing the purchase of “alcoholic beverages”.

In item (2)(i) of this section, the reference to the resale of alcoholic beverages “that the Liquor Control Board is authorized to sell” is added to state expressly what was only implied in the former law.

Also in item (2)(i) of this section, the former reference to the sale of alcoholic beverages “as hereinafter provided” is deleted as surplusage. Similarly, in item (3) of this section, the former reference to the sale of alcoholic beverages “as above provided” is deleted.

In item (3) of this section, the reference to the defined term “dispensaries” is substituted for the former reference to “stores” in the county for consistency within this subtitle.

Also in item (3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensaries”.

In item (5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in item (5) of this section, the former reference to the authority of the Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Liquor Control Board to “restrict” the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Liquor Control Board to restrict alcoholic beverages sales.

In item (6) of this section, the references to the authority of the Liquor Control Board to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Liquor Control Board to “make” a contract or regulation for clarity and to conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in item (6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in item (6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In item (7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In item (9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in item (9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in item (9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“County” § 29–101

“Dispensary” § 29–301

“License holder” § 1–101

“Liquor Control Board” § 29–301

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler’s license” § 1–101

## **29–309. DISPENSARIES.**

### **(A) ESTABLISHED.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES KNOWN AS “DISPENSARIES”.**

### **(B) AUTHORIZED SALE ITEMS.**

#### **A DISPENSARY:**

**(1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**

**(2) SHALL SELL ALCOHOLIC BEVERAGES IN SEALED PACKAGES OR CONTAINERS.**

### **(C) AUTHORIZED LOCATIONS.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN A DISPENSARY ONLY IN:**

- (1) CRISFIELD;**
  - (2) THE WEST PRINCESS ANNE ELECTION DISTRICT; AND**
  - (3) THE DUBLIN ELECTION DISTRICT.**
- (D) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

- (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) BY MAY 1, TO THE COUNTY:**

**(I) 75% OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE ELECTION DISTRICT; AND**

**(II) ALL OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARY IN THE DUBLIN ELECTION DISTRICT; AND**

**(2) BY JUNE 1, TO THE CITY OF CRISFIELD AND THE TOWN OF PRINCESS ANNE, IN EQUAL AMOUNTS, 25% OF THE REMAINING PROCEEDS GENERATED BY THE DISPENSARIES IN CRISFIELD AND THE WEST PRINCESS ANNE ELECTION DISTRICTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–207(f).

In subsection (a) of this section, the requirement to apply profits “first” to repayment of debt is added for clarity and to state expressly what was only implied under the former law.

Also in subsection (a) of this section, the reference to “proceeds” is substituted for the former reference to “net profits” for consistency within this revised article.

In the introductory language of subsection (b)(1) of this section, the former reference to repayment “of the money” is deleted as unnecessary.

In subsection (b)(1)(ii) of this section, the reference to the authority to “cover” losses is substituted for the former reference to the authority to “meet” losses for clarity.

In subsection (b)(2) of this section, the reference that the Liquor Control Board “may distribute up to” \$50,000 to each dispensary is substituted for the former reference that each dispensary “shall receive ... up to” \$50,000 for clarity and because the ceiling referenced under the source law makes that provision discretionary.

In the introductory language of subsection (c) of this section, the reference requiring the Liquor Control Board to “distribute” remaining proceeds is substituted for the former references requiring remaining proceeds to be “remitted” for clarity.

Defined terms: “County” § 29–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

## **29–311. RECORDS AND REPORTS.**

### **(A) RECORDS REQUIREMENT.**

**(1) THE LIQUOR CONTROL BOARD SHALL KEEP ACCURATE RECORDS OF ALL PURCHASES OF ALCOHOLIC BEVERAGES.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

### **(B) ANNUAL REPORT.**

**(1) THE LIQUOR CONTROL BOARD SHALL PREPARE AND FORWARD TO THE COUNTY COMMISSIONERS AN ANNUAL REPORT FOR THE PERIOD ENDING ON APRIL 30.**

**(2) THE REPORT SHALL CONTAIN A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a).

In subsection (a)(2) of this section, the former reference to the Comptroller “or any of his deputies” is deleted for brevity.

In subsection (b)(2) of this section, the reference to a statement of “operational achievements” is substituted for the former reference to a statement of “results of the operation” for clarity.

Also in subsection (b)(2) of this section, the former reference to a “full” statement of business transacted is deleted as included in the reference to a “complete” statement of business transacted.

Also in subsection (b)(2) of this section, the former reference to a county dispensary system “established under the authority of this subtitle” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“Dispensary” § 29–301

“Liquor Control Board” § 29–301

#### **SUBTITLE 4. MANUFACTURER’S LICENSES.**

##### **29–401. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”);**

- (8) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (9) § 2-211 (“RESIDENCY REQUIREMENT”);
- (10) § 2-212 (“ADDITIONAL LICENSES”);
- (11) § 2-213 (“ADDITIONAL FEES”);
- (12) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (13) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (14) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (15) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

- (1) § 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”); AND
- (2) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”).

REVISOR’S NOTE: Subsection (a) of this section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b)(1) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Subsection (b)(2) of this section is new language derived without substantive change from former Art. 2B, § 2-207(a)(4)(iv).

Former Art. 2B, § 2-208(b)(2)(xx), which provided that a Class 7 micro-brewery license shall be issued in the County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 29-101  
“Manufacturer’s license” § 1-101

**29-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11-101(b)(14).

Defined terms: “Alcoholic beverage” § 1-101  
“Manufacturer’s license” § 1-101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**29-501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);**
- (3) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);**
- (4) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);**
- (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);**
- (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);**
- (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);**

- (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (9) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

**(B) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 29-504 OF THIS SUBTITLE:

- (1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”); AND
- (2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 29-101  
 “Wholesaler’s license” § 1-101

**29-502. HOURS AND DAYS OF SALE OR DELIVERY.**

EXCEPT AS PROVIDED IN § 29-503 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

**29-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the "effective date of the per diem license" is substituted for the former reference to delivery on the "effective day of the license" for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day "of delivery" is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101  
 “Wholesaler’s license” § 1–101

#### **29–504. RESTRICTION ON SALES.**

**A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

REVISOR’S NOTE: This section is new language added to incorporate the restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages by wholesalers in Somerset County.

Defined terms: “County” § 29–101  
 “Wholesaler’s license” § 1–101

### **SUBTITLE 6. BEER LICENSES.**

#### **29–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL DISPENSING BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY KNOWN AS A DRUGSTORE.**

**(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**



**(C) FEES.****THE ANNUAL LICENSE FEES ARE:**

- (1) \$126 FOR A 6-DAY LICENSE; AND**
- (2) \$158 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (u)(2) through (4).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “[a] license may not be issued” is substituted for the former phrase “[a] person may not hold a license” to conform to other similar provisions of this article.

Also in subsection (b)(2) of this section, the former phrase “referred to as” is deleted as surplusage.

In subsection (b)(3) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Former Art. 2B, § 3-101(u)(1), which stated that former Art. 2B, § 3-101(u) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101  
 “Consumer” § 1-101  
 “7-day license” § 1-101  
 “6-day license” § 1-101

**29-602. CLASS B BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.****(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Also in subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined terms: "Beer" § 1-101

"Hotel" § 1-101

"Restaurant" § 1-101

**29-603. CLASS C BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$32.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

**29–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(u) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **29-701. CLASS A WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

#### **(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

#### **(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$63.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(17), (b)(6), (c)(1), (d)(1), and (e)(1)(vii) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 29–101  
 “Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **29–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

**(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) DRUGSTORE PROHIBITION.**

**A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH A DIRECT OR INDIRECT CONNECTION TO A DRUGSTORE.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$190 FOR A 6-DAY LICENSE; AND**

**(2) \$221 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (u)(2) through (4).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(1) of this section, the former reference to selling beer and wine "in any quantity to any consumers" is deleted as surplusage.

In subsection (b)(2) of this section, the word "sell" is substituted for the former word "deliver" to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to "a drugstore" is substituted for the former reference to "any drug or pharmaceutical, or other business

establishments of a type commonly known as or referred to as drugstore” for brevity.

Former Art. 2B, § 5–101(u)(1), which stated that former Art. 2B, § 5–101(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

- Defined terms: “Beer” § 1–101
- “Person” § 1–101
- “7–day license” § 1–101
- “6–day license” § 1–101
- “Wine” § 1–101

**29–802. CLASS B BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

- Defined terms: “Beer” § 1–101
- “Hotel” § 1–101
- “Restaurant” § 1–101
- “Wine” § 1–101

**29–803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$45.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Wine" § 1-101

**29-804. CLASS D BEER AND WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**



**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$253.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**29-901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-101(u).

Defined terms: "Beer" § 1-101  
"County" § 29-101  
"License" § 1-101  
"Wine" § 1-101

**29-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER — FOR HOTELS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT A HOTEL OR MOTEL THAT:**

**(1) ACCOMMODATES THE PUBLIC, PROVIDING SERVICES ORDINARILY FOUND IN A HOTEL OR MOTEL;**

**(2) HAS A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING FACILITIES; AND**

**(3) MAINTAINS AT LEAST:**

**(I) 10 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL WAS IN OPERATION ON JUNE 1, 1967; OR**

**(II) 20 ROOMS FOR OCCUPANCY BY GUESTS IF THE HOTEL STARTED OPERATIONS AFTER JUNE 1, 1967, WITH THE HOTEL FACILITIES ASSESSED FOR STATE AND COUNTY TAXATION AT AN AMOUNT THAT IS AT LEAST \$45,000.**

**(C) AUTHORIZED HOLDER — FOR RESTAURANTS.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE AT A RESTAURANT THAT:**

**(1) SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY;**

**(2) EXCLUSIVE OF BAR SEATING OR COUNTER SEATING, HAS TABLE SEATING FOR AT LEAST 50 INDIVIDUALS; AND**

**(3) FOR THE 12 MONTHS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE, HAS DAILY AVERAGE RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE DAILY AVERAGE RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

**(1) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

**(2) BEER FOR OFF-PREMISES CONSUMPTION.**

**(E) PURCHASING AND PRICING OF WINE AND LIQUOR.**

**THE LICENSE HOLDER:**

**(1) SHALL PURCHASE ALL WINE AND LIQUOR FROM THE LIQUOR CONTROL BOARD; AND**

**(2) SHALL BE CHARGED:**

**(I) THE INVOICE PRICE TO THE LIQUOR CONTROL BOARD;**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT MORE THAN 20% OF THE AGGREGATE INVOICE PRICE AND FREIGHT CHARGES.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,265.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(u)(2) through (6).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" hotel or motel is deleted as vague.

In subsection (b)(3)(i) of this section, the reference to a hotel being in operation "on" June 1, 1967, is substituted for the former reference to a hotel "in existence and operated as such" on June 1, 1967. Similarly, in subsection (b)(3)(ii) of this section, the reference to "after June 1, 1967" is substituted for the former phrase "[i]n the case of a hotel or motel not in existence and operated as such on June 1, 1967".

In subsection (c)(2) of this section, the reference to "individuals" is substituted for the former reference to "persons" because this subsection applies only to human beings.

Also in subsection (c)(2) of this section, the former reference to seating "capacity" is deleted as surplusage.

Subsection (d) of this section states expressly what was only implicit in the former law, that a license holder may sell beer for on-premises and off-premises consumption.

In the introductory language of subsection (d) of this section, the phrase “at retail at the place described in the license” is added to conform to the terminology used throughout this title.

In the introductory language of subsection (e) of this section, the reference to “[t]he license holder” is substituted for the former reference to “[e]very hotel or restaurant” for brevity and clarity.

In subsection (e)(1) of this section, the former phrase “sold by them” is deleted as surplusage.

Former Art. 2B, § 6–201(u)(1), which stated that former Art. 2B, § 6–201(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 29–101

“County” § 29–101

“Hotel” § 1–101

“Restaurant” § 1–101

“State” § 1–101

“Wine” § 1–101

### **29–903. CLASS C LICENSE — RESERVED.**

REVISOR’S NOTE: As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

### **29–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE:**

**(1) BEER, WINE, AND LIQUOR FOR ON–PREMISES CONSUMPTION; AND**

**(2) BEER AND WINE FOR OFF–PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,265.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(u) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the reference to "liquor" is substituted for the former reference to "spirituous liquors" to conform to the terminology used throughout this article.

Defined terms: "Beer" § 1-101  
"Wine" § 1-101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**29-1001. FRATERNAL OR SORORAL ORGANIZATION LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (FRATERNAL OR SORORAL ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LODGE OR CHAPTER OF A NONPROFIT AND NATIONWIDE FRATERNAL OR SORORAL ORGANIZATION THAT:**

**(1) IS COMPOSED OF INDUCTED MEMBERS;**

**(2) WAS OPERATING IN THE COUNTY FOR AT LEAST 1 YEAR BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$15 PER YEAR PER MEMBER; AND**

**(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS PRINCIPALLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

**(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL BOARD;**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29-2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-301(u)(2), (4), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (a) of this section, the reference to a fraternal or sororal “organization” is added for clarity.

In the introductory language of subsection (b) of this section, the former reference to a “bona fide” organization is deleted as surplusage. Similarly, in subsection (b)(3)(iii) of this section, the former reference to “bona fide” members is deleted.

In subsection (b)(1) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of such fraternal or sororal organization” for brevity.

In subsection (b)(2) of this section, the former reference to a club “in existence” for 1 year is deleted as included in the reference to a club “operating” for 1 year.

In subsection (b)(4) of this section, the former requirement that an organization “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the organization must be nonprofit.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at any club” is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 29–101

“County” § 29–101

“Wine” § 1–101

## **29–1002. VETERANS’ ORGANIZATION OR CLUB LICENSE.**

### **(A) ESTABLISHED.**

**THERE IS A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT VETERANS' ORGANIZATION OR CLUB THAT:**

**(1) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(2) HAS HELD A CHARTER FROM THE NATIONAL VETERANS' ORGANIZATION OR CLUB FOR AT LEAST 1 YEAR BEFORE THE LICENSE APPLICATION WAS MADE;**

**(3) HAS AT LEAST 35 MEMBERS PAYING DUES OF AT LEAST \$4 PER YEAR PER MEMBER; AND**

**(4) OWNS OR OPERATES A HOME OR CLUBHOUSE THAT IS ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

**(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL BOARD;**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**



**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29–2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–301(u)(2), (5), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (a) of this section, the reference to a veterans' "organization or club" is added for clarity.

In the introductory language of subsection (b) of this section, the reference to a "veterans" club is added for clarity.

Also in the introductory language of subsection (b) of this section, the former reference to a "bona fide" organization is deleted as surplusage. Similarly, in subsection (b)(3) of this section, the former reference to "bona fide" membership is deleted.

In subsection (b)(4) of this section, the former requirement that an organization "not [be] directly or indirectly owned or operated as a public business" is deleted as unnecessary because the organization must be nonprofit.

In subsection (c) of this section, the reference to "beer, wine, and liquor" is substituted for the former, broader reference to "all alcoholic beverages" for clarity.

Also in subsection (c) of this section, the former reference to "keep[ing] for sale" is deleted as implicit in the reference to "sell[ing]".

Also in subsection (c) of this section, the former phrase "at the place described in the license" is deleted as surplusage.

Also in subsection (c) of this section, the former reference to consumption "only" on the licensed premises is deleted as surplusage.

Defined terms: "Beer" § 1–101

“Board” § 29–101  
“County” § 29–101  
“Wine” § 1–101

**29–1003. YACHT OR COUNTRY AND GOLF CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (YACHT OR COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(1) HAS AT LEAST 30 MEMBERS PAYING DUES OF AT LEAST \$20 PER YEAR PER ADULT MEMBER; AND**

**(2) OWNS AND OPERATES A CLUBHOUSE ON PREMISES THAT ARE PRINCIPALLY USED FOR ITS MEMBERS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

**(D) PURCHASE OF WINE AND LIQUOR.**

**(1) THE LICENSE HOLDER SHALL PURCHASE FROM THE LIQUOR CONTROL BOARD ALL WINE AND LIQUOR SOLD BY THE LICENSE HOLDER.**

**(2) THE LIQUOR CONTROL BOARD SHALL CHARGE THE LICENSE HOLDER THE TOTAL OF:**

**(I) THE INVOICE PRICE CHARGED TO THE LIQUOR CONTROL BOARD;**

**(II) FREIGHT CHARGES; AND**

**(III) AN AMOUNT NOT EXCEEDING 20% OF THE AGGREGATE OF THE INVOICE PRICE AND FREIGHT CHARGES.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 29–2004 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$316.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6–301(u)(2), (3), and (6) and, as it related to Somerset County, (a)(1).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class C beer, wine, and liquor license in Somerset County.

In subsection (b)(1) of this section, the former reference to “bona fide” members is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a clubhouse used for “its members” is substituted for the former reference to “no other purpose” for clarity.

In subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former, broader reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (c) of this section, the former phrase “at any club” is deleted as surplusage.

Former Art. 2B, § 6–301(u)(1), which stated that former Art. 2B, § 6–301(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 29–101

“Club” § 1–101

“County” § 29–101

“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.****29-1101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 29-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**SUBTITLE 12. CATERER’S LICENSES.****29-1201. LOCAL CATERER’S LICENSE.****(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES:**

**(I) THE HOLDER OF A CLASS B BEER AND WINE LICENSE TO PROVIDE BEER AND WINE AT EVENTS THAT ARE HELD OFF THE PREMISES OF THE RESTAURANT OR HOTEL; AND**

**(II) THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE TO PROVIDE BEER, WINE, AND LIQUOR AT EVENTS THAT ARE HELD OFF THE PREMISES OF THE RESTAURANT OR HOTEL.**

**(2) THE HOLDER MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE ONLY DURING THE HOURS AND DAYS THAT ARE ALLOWED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF AN EXISTING CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Somerset County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-714(b) through (g).

In subsection (c)(1)(ii) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (d) of this section, the former phrase "as well as alcoholic beverages" is deleted as surplusage.

Former Art. 2B, § 6-714(a)(1), which stated that former Art. 2B, § 6-714 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-714(a)(2), which defined "Board", is deleted as redundant of the definition of "Board" in § 29-101 of this title.

Defined terms: "Beer" § 1-101

"Board" § 29-101

"Hotel" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **29-1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 ("TEMPORARY LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 ("PER DIEM LICENSES");**
- (2) § 4-1206 ("LICENSE TO DISPOSE OF STOCK");**
- (3) § 4-1207 ("TEMPORARY MOVE OF LICENSED PREMISES");**

(4) § 4-1208 (“HOURS AND DAYS OF SALE”); AND

(5) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

(1) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”), WHICH IS SUPERSEDED BY § 29-1308 OF THIS SUBTITLE;

(2) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 29-1308 OF THIS SUBTITLE; AND

(3) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 29-1309 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 29-101

**29-1302. RESERVED.**

**29-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**29-1304. MARYLAND WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A SOMERSET COUNTY MARYLAND WINE FESTIVAL (SCMWF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A TEMPORARY ALCOHOLIC BEVERAGES LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS PRODUCED AND PROCESSED IN THE STATE.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

**(1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE SOMERSET COUNTY MARYLAND WINE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE 1 WEEKEND DURING THE MONTHS OF MAY OR JUNE FOR THE SOMERSET COUNTY MARYLAND WINE FESTIVAL; AND**

**(2) SHALL CHOOSE A LOCATION FOR THE FESTIVAL.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) FEE.**

**THE LICENSE FEE IS \$19.**

**(H) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-312(b) through (i).

Throughout this section, the former references to a "special" license are deleted as surplusage.



Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the reference to the “Somerset County Maryland Wine Festival (SCMWF)” license is substituted for the former reference to the “Maryland Wine Festival (MWF)” license to distinguish this license from the license for the Maryland Wine Festival in Carroll County. Similarly, in subsections (d) and (e)(1), the references to the “Somerset County Maryland Wine Festival” are substituted for the former references to the “Maryland Wine Festival”.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In the introductory language of subsection (d) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (f) of this section, the provision stating that the license holder “may hold” another license is substituted for the former statement that “[t]he provisions of this section do not prohibit the licensee from holding” another license for clarity.

Former Art. 2B, § 8–312(a), which stated that former Art. 2B, § 8–312 applied only in Somerset 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 subsection (c) of this section, which authorizes the holder of the license “to display and sell wine that is produced and processed in the State”, may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is produced and processed outside the State.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 29–101

“Wine” § 1–101

## **29–1305. BEER AND WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A BEER, WINE, AND LIQUOR LICENSE OR A BEER AND WINE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER OR WINE THAT MAY BE SOLD UNDER THE BEER, WINE, AND LIQUOR LICENSE OR THE BEER AND WINE LICENSE FOR TASTING IF THE CONSUMER IS NOT CHARGED FOR THE BEER OR WINE.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

**(1) THE QUANTITY OF BEER OR WINE TO BE SERVED TO EACH INDIVIDUAL; AND**

**(2) THE NUMBER OF BOTTLES OF BEER OR WINE FROM WHICH THIS QUANTITY IS BEING SERVED.**

**(E) FEE.**

**(1) IN ADDITION TO THE COST OF THE BEER, WINE, AND LIQUOR LICENSE OR THE BEER AND WINE LICENSE, THE ANNUAL BWT LICENSE FEE IS \$150.**

**(2) IN ADDITION TO THE ANNUAL BWT LICENSE FEE, THE ISSUING FEE IS \$100.**

**(F) PROHIBITION DURING FESTIVAL EVENT.**

**THE PRIVILEGES GRANTED BY THE LICENSE MAY NOT BE EXERCISED DURING A FESTIVAL EVENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-410.3(b) through (d).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former phrase “[n]otwithstanding any other provision of law,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the license authorizing “the holder to allow” the consumption of beer or wine is added for clarity and consistency with terminology used throughout this article.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overbroad reference to each “person” for clarity.

Former Art. 2B, § 8–410.3(a), which stated that former Art. 2B, § 8–410.3 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–410.3(e), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 29–205 of this title.

Defined terms: “Beer” § 1–101

“Board” § 29–101

“Consumer” § 1–101

**29–1306. RESERVED.**

**29–1307. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**29–1308. PER DIEM LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A PER DIEM LICENSE OF ANY CLASS.**

**(B) SCOPE OF AUTHORIZATION.**

**A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE AT ANY ENTERTAINMENT EVENT HELD BY A CLUB.**

**(C) PUBLICATION OF APPLICATION NOT REQUIRED.**

**THE BOARD MAY NOT REQUIRE THAT AN APPLICATION FOR A PER DIEM LICENSE BE PUBLISHED BEFORE ISSUING THE LICENSE.**

**(D) LICENSE PERIOD.****THE PERIOD FOR WHICH A LICENSE MAY BE ISSUED IS:**

**(1) FOR A PER DIEM BEER LICENSE OR A PER DIEM BEER AND WINE LICENSE, NOT LONGER THAN 7 CONSECUTIVE DAYS; AND**

**(2) FOR A PER DIEM BEER, WINE, AND LIQUOR LICENSE, NOT LONGER THAN 14 CONSECUTIVE DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(s)(2) through (4) and (7).

In subsection (a) of this section, the former phrase “except manufacturer’s and wholesaler’s licenses” is deleted as unnecessary because manufacturer’s and wholesaler’s licenses are statewide licenses issued by the Comptroller.

In subsection (b) of this section, the reference to an entertainment “event” is added to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to “bona fide” entertainment is deleted as surplusage.

Also in subsection (b) of this section, the former reference to entertainment “conducted” is deleted as unnecessary in light of the reference to entertainment “held”.

Also in subsection (b) of this section, the former reference to “society, association, civic, or charitable organization” is deleted as included in the defined term “club”.

Former Art. 2B, § 7–101(s)(1), which stated that former Art. 2B, § 7–101(s) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

**29–1309. FEES.****(A) IN GENERAL.**

**THE FEE FOR A PER DIEM BEER LICENSE, A PER DIEM BEER AND WINE LICENSE, AND A PER DIEM BEER, WINE, AND LIQUOR LICENSE IS:**

- (1) \$63 EACH DAY FOR THE FIRST AND SECOND DAY OF THE LICENSE PERIOD; AND**
  - (2) \$32 EACH DAY AFTER THE SECOND DAY OF THE LICENSE PERIOD.**
- (B) PAYMENT TO BOARD FOR DEPOSIT IN TREASURY.**

**THE FEE SHALL BE PAID TO THE BOARD FOR DEPOSIT IN THE COUNTY TREASURY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(s)(5) and (6).

In subsection (b) of this section, the phrase "for deposit in the County treasury" is substituted for the former phrase "for use of the county" for clarity.

Also in subsection (b) of this section, the former reference to the fee being paid "before the license is issued" is deleted as an unnecessary statement of normal practice.

Defined terms: "Board" § 29-101  
"County" § 29-101  
"License" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**29-1401. APPLICATION OF GENERAL PROVISIONS.**

- (A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**
- (2) § 4-103 ("APPLICATION ON BEHALF OF PARTNERSHIP");**
- (3) § 4-104 ("APPLICATION ON BEHALF OF CORPORATION OR CLUB");**

- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
- (7) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 29-1402 THROUGH 29-1404 OF THIS SUBTITLE; AND**

**(2) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO §§ 29-1405 AND 29-1406 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Former Art. 2B, § 10-204(u), which stated that former § 10-204(a) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “County” § 29-101

**29-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)3C.

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 29–101  
“Central Repository” § 1–101  
“License” § 1–101

**29–1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND DESIGNEES.**

**THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)4.

Defined term: “Board” § 29–101

**29–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD SHALL CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT'S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(v)5.

The reference to the “applicant's” fingerprints is added for clarity.

Former Art. 2B, § 10–103(b)(9)(v)2, which stated that former Art. 2B, § 10–103(b)(9)(v) applied only to Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101  
“State” § 1–101

**29–1405. CONSENT TO RECORDS CHECK.**

**AN APPLICANT SHALL INCLUDE IN THE APPLICATION A STATEMENT OF CONSENT TO AN INVESTIGATION BY THE BOARD OF THE APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(iii), as it related to Somerset County.

The reference to "information" is added to conform with the terminology used in CP § 10-201.

Defined term: "Board" § 29-101

**29-1406. OTHER INFORMATION MAY BE REQUIRED.**

**IN ADDITION TO THE INFORMATION REQUIRED UNDER TITLE 4, SUBTITLE 1 OF THIS ARTICLE, THE BOARD MAY REQUIRE AN APPLICANT FOR A LICENSE TO INCLUDE ANY OTHER INFORMATION THAT THE BOARD CONSIDERS NECESSARY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(u).

The former phrase "from time to time" is deleted as surplusage.

Defined terms: "Board" § 29-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**29-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-209 ("HEARING");**



- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (7) § 4-212 (“LICENSE NOT PROPERTY”);
- (8) § 4-213 (“REPLACEMENT LICENSES”); AND
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 29-1502 OF THIS SUBTITLE;
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 29-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 29-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 29-1504 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 29-101

“License” § 1-101

“Local licensing board” § 1-101

**29-1502. ISSUANCE OF LICENSE.**

**(A) DUTY OF COUNTY TREASURER.**

**AFTER THE BOARD APPROVES A LICENSE APPLICATION, THE COUNTY SUPERVISOR OF TAX COLLECTION SHALL ISSUE THE LICENSE ON PAYMENT OF THE LICENSE FEE AND THE FEE REQUIRED BY SUBSECTION (B) OF THIS SECTION.**

**(B) PAYMENT OF ADVERTISING AND PROCESSING FEE.**

**A LICENSE APPLICANT SHALL PAY TO THE BOARD A FEE OF \$350 TO COVER THE COSTS OF:**

- (1) THE NOTICE REQUIRED UNDER § 29–1504 OF THIS SUBTITLE; AND**
- (2) PROCESSING THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(p)(2) and (3).

In subsection (b)(1) of this section, the reference to the “notice” is substituted for the former reference to the “advertising” for clarity.

Defined terms: “Board” § 29–101

“County” § 29–101

“License” § 1–101

**29–1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

**29–1504. NOTICE OF LICENSE APPLICATION.**

**NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE MUNICIPALITY OR UNINCORPORATED AREA IN WHICH OR NEAREST TO WHICH THE LOCATION DESCRIBED IN THE APPLICATION IS SITUATED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(p)(1).

The reference to the “location described in the application” is substituted for the former reference to the applicant’s proposed “place of business” for consistency with the terminology used throughout this article.

Defined term: “License” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**29–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP, SCHOOL, LIBRARY, OR YOUTH CENTER.**

**(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF A PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER.**

**(2) THE DISTANCE IS TO BE MEASURED FROM THE NEAREST POINT OF THE ESTABLISHMENT TO THE NEAREST POINT OF THE PROPERTY LINE OF THE PLACE OF WORSHIP, PUBLIC LIBRARY, SCHOOL, OR YOUTH CENTER.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A LICENSED ESTABLISHMENT THAT EXISTED BEFORE THE PLACE OF WORSHIP, SCHOOL, PUBLIC LIBRARY, OR YOUTH CENTER WAS BUILT WITHIN 300 FEET OF THE LICENSED ESTABLISHMENT;**

**(2) AN ESTABLISHMENT HAVING ANY PREVIOUS OWNER WHO WAS THE HOLDER OF A LICENSE TO SELL ALCOHOLIC BEVERAGES; AND**

**(3) A TEMPORARY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-220.

Throughout this section, the former references to a "church" are deleted as included in the references to a "place of worship".

In subsection (a)(1) of this section, the prohibition against the Board "issu[ing]" a license is substituted for the former prohibition against the Board "approv[ing]" a license for clarity.

Also in subsection (a)(1) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license".

In subsection (a)(2) of this section, the former reference to the nearest point of the "building that is the proposed" establishment "for which the license is requested" is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to a "special" license is deleted as unnecessary in light of the reference to a "temporary" license.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 29-101

"License" § 1-101

**29-1602. RESERVED.**

**29-1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**29-1604. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**29-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**  
**AND**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 29–1705 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 29–1703 OF THIS SUBTITLE; AND**

**(2) § 4–305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 29–1704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 29–101  
“License” § 1–101

**29–1702. CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(v)3C and, as it related to an applicant for a transfer of a license, 1B.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross-reference to “§ 4-107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1-101  
 “State” § 1-101

**29-1703. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

**THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER § 4-302 OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

**(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES INELIGIBLE; AND**

**(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES INELIGIBLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(u)(2).

In the introductory language of this section, the former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Former Art. 2B, § 10-503(u)(1), which stated that former Art. 2B, § 10-503(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29-101  
 “Club” § 1-101  
 “License” § 1-101  
 “Person” § 1-101

**29-1704. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$50, IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(u)(3).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

Defined term: “License” § 1–101

**29–1705. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE TO THE COUNTY TREASURER, THE BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, third, and fifth sentences of former Art. 2B, § 10–301(h)(1), as they related to Somerset County.

In subsection (a) of this section, the former reference to an officer who has “been removed from office” is deleted as included in the reference to an officer who “no longer holds an office in the corporation or club”.

In the introductory language of subsection (a)(1) of this section, the reference to “any officer who” is substituted for the former reference to “the deleted officer” for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any “class of alcoholic beverage” license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “during any license year” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase “notwithstanding any other provision of this article” is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements “applicable to the original officer” is substituted for the former reference to requirements “the substitute would have to meet if the substitute were named in the original application” for brevity.

Also in subsection (a)(2) of this section, the former reference to a “fit” individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to “officers” is deleted in light of the reference to “officer” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 29–101



“Club” § 1–101  
 “License” § 1–101  
 “License holder” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**29–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

**(B) EXCEPTION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 29–1802 OF THIS SUBTITLE.**

**(C) VARIATION.**

**SECTION 4–405 (“CONTENTS OF RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–1803 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 29–101

“License” § 1–101

**29–1802. RENEWAL APPLICATION.**

**(A) RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE COUNTY TREASURER IN ADDITION TO THE LICENSE FEE.**

**(B) LATE FILING.**

**IF AN APPLICANT FAILS TO RENEW A LICENSE IN A TIMELY MANNER AS DETERMINED BY THE BOARD, THE APPLICANT SHALL PAY A LATE RENEWAL FEE OF \$100 IN ADDITION TO THE RENEWAL APPLICATION FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–301(s)(3) and (5).

In subsection (a) of this section, the phrase “in addition to the license fee” is added to state expressly that which only was implied in the former law.

Also in subsection (a) of this section, the reference to the “County treasurer” is substituted for the former reference to the “local collecting agent” in light of former Art. 2B, § 1–102(a)(18)(i)3, which defined “[l]ocal collecting agent” in Somerset County to be the “treasurer of the county”.

Also in subsection (a) of this section, the former reference to a license “issued by the Board” is deleted as unnecessary.

In subsection (b) of this section, the former reference to the renewal application fee “of \$50 required by paragraph (3) of this subsection” is deleted as unnecessary.

Former Art. 2B, § 10–301(s)(1), which stated that former Art. 2B, § 10–301(s) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–301(s)(2), which defined “Board” to mean the Board of License Commissioners of Somerset County, is deleted as redundant of the defined term “Board” in § 29–101 of this title.

Defined terms: “Board” § 29–101

“County” § 29–101

“License” § 1–101

**29-1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER HAS PRESENTED THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY FINANCE OFFICE SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE COUNTY OR STATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(s)(4).

The reference to a "renewal" applicant is added for clarity.

The reference to a certificate of receipt "issued by" the County Finance Office is substituted for the former reference to a certificate of receipt "from" that Office for clarity.

Defined terms: "Board" § 29-101

"County" § 29-101

"License" § 1-101

"License holder" § 1-101

"State" § 1-101

**29-1804. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

**THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4-107 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(9)(v)6.

The reference to "applicants for license renewal" is substituted for the former reference to "a license holder who seeks to renew an alcoholic beverages license" for brevity and consistency.

Defined terms: "Board" § 29-101

"License" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**29-1901. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “County” § 29–101  
 “License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**29–2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and, as it related to Somerset County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided in this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any

license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **29–2002. BEER LICENSES.**

### **(A) CLASS A BEER LICENSE.**

**(1) A HOLDER OF A 6–DAY CLASS A BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7–DAY CLASS A BEER LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

### **(B) CLASS B BEER LICENSE.**

**A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER:**

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(c) CLASS C BEER LICENSE.

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER:**

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(d) CLASS D BEER LICENSE.

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER:**

(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11–301(b)(1), (c)(1), and (d)(1), 11–403(a)(1)(ii) and, as they related to the sale of beer, 11–520(2) and the introductory language of 11–520.

Throughout this section, former references to the prohibition against sales of alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are deleted as unnecessary in light of the stated hours of sale in this section.

In this section, the former phrase “[t]he hours during which” is deleted as unnecessary.

Former Art. 2B, § 11–403(b)(2)(x), which stated that the provisions of former Art. 2B, § 11–403 were subordinate to the provisions of former Art. 2B, § 11–520, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Beer” § 1–101

**29–2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(I) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY;  
AND**

**(II) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7-DAY CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON SUNDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

**(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the introductory language of former Art. 2B, § 11-520, as it

related to the sale of beer, and § 11–520(2), as it related to 7–day Class A (off–sale) beer and wine licenses.

In this section, the references to a “beer and wine license” are substituted for the former reference to a “beer and light wine license” to avoid confusion. In former Art. 2B, § 4–101(s), “light wine” was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Throughout this section, former references to the prohibition against sales of alcoholic beverages on Sunday from 2 a.m. to 8 a.m. the following day are deleted as unnecessary in light of the stated hours of sale in this section.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

#### **29–2004. BEER, WINE, AND LIQUOR LICENSES.**

##### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

##### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

##### **(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON–SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**



**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY, FROM 8 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON TUESDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-520(1), 11-303(b)(1) and (c)(1), 11-403(a)(1)(ii), and, as it related to the sale of beer, wine, and liquor, the introductory language of 11-520.

In subsections (b) and (c) of this section, the references to "license holder" are substituted for the former references to "retail dealer" for clarity.

Also in subsections (b) and (c) of this section, the former phrase "[t]he hours during which" is deleted as unnecessary.

Also in subsections (b) and (c) of this section, the former references to license holders "who may sell alcoholic beverages ... as authorized by their licenses ... provided that under those Sunday licenses the sale and disposal of alcoholic beverages will be permitted" are deleted as redundant in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**29-2005. HOURS ON DECEMBER 31 AND JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON DECEMBER 31 AND JANUARY 1, REGARDLESS OF THE DAY OF THE WEEK ON WHICH THESE DATES FALL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(u)(2).

Former Art. 2B, § 11-402(u)(1), which stated that former Art. 2B, § 11-402(u) applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101  
 "Board" § 29-101

## **29-2006. TIME AND PLACE RESTRICTIONS.**

**ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED ON A LICENSED PREMISES FROM 2 A.M. ON SUNDAY TO 8 A.M. ON THE FOLLOWING DAY EXCEPT FOR ALCOHOLIC BEVERAGES SOLD:**

**(1) FOR ON-PREMISES CONSUMPTION, BY A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE OR CLASS C BEER, WINE, AND LIQUOR LICENSE, WHO MAY SELL BEER, WINE, AND LIQUOR FROM 12:30 P.M. TO MIDNIGHT ON SUNDAY, IF FOOD IS AVAILABLE FOR PURCHASE ON THE PREMISES; OR**

**(2) FOR OFF-PREMISES CONSUMPTION, BY A HOLDER OF A 7-DAY CLASS A BEER LICENSE OR A 7-DAY CLASS A BEER AND WINE LICENSE, WHO MAY SELL ALCOHOLIC BEVERAGES AS AUTHORIZED BY THE LICENSE FROM 8 A.M. ON SUNDAY TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-520, as it related to the consumption of alcoholic beverages.

In item (1) of this section, the former phrase "provided that under those Sunday licenses the sale or disposal of alcoholic beverages will be permitted only" if food is available is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101  
 "Beer" § 1-101  
 "Wine" § 1-101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **29-2101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4-606 (“EFFECTS OF REVOCATION”).**

**(B) EXCEPTION.**

**SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 29-101  
“License” § 1-101  
“Local licensing board” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**29-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 29-101  
“License” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**29-2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**

**(2) § 4–804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**

**(3) § 4–805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**

**(4) § 4–806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4–803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 29–101

“License” § 1–101

“License holder” § 1–101

**29–2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–506(b)(8).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.

In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 29–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **29–2401. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–902 (“JUDICIAL REVIEW OF DECISION OF LOCAL LICENSING BOARD”);**

**(2) § 4–904 (“STAY OF LOCAL BOARD’S PETITION”);**

**(3) § 4–905 (“SCOPE OF JUDICIAL REVIEW”);**

**(4) § 4–906 (“REPRESENTATION OF LOCAL LICENSING BOARD”);**

**(5) § 4–907 (“AFFIRMATIONS, MODIFICATIONS, AND REVERSALS”);**

**AND**

**(6) § 4–908 (“APPEALS TO COURT OF SPECIAL APPEALS AND COURT OF APPEALS”).**

#### **(B) VARIATION.**

**SECTION 4–903 (“PETITIONERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29–2402 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined terms: "County" § 29-101  
"Local licensing board" § 1-101

**29-2402. REVIEW FEE.**

**IN ADDITION TO THE REQUIREMENTS OF § 4-903 OF THIS ARTICLE WITH RESPECT TO THE PAYMENT OF ALL COSTS INCIDENT TO A HEARING BEFORE THE BOARD, A PERSON THAT PETITIONS FOR JUDICIAL REVIEW OF A DECISION OF THE BOARD TO THE CIRCUIT COURT SHALL PAY TO THE BOARD A FEE OF \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-101(b)(2).

The reference to a person that "petitions for judicial review" is substituted for the former reference to a person that "appeals" to reflect that this section concerns the judicial review of an administrative agency – a board of license commissioners – and not a court.

Defined terms: "Board" § 29-101  
"Person" § 1-101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**29-2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–110(a), (c), and (d).

In subsection (a) of this section, the reference to “adult” entertainment is substituted for the former references to “public” entertainment for clarity.

Also in subsection (a) of this section, the former references to “dispense” are deleted as included in the references to “serve”.

In subsection (a)(2) of this section, the reference to a “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–110(b), which provided that former Art. 2B, § 20–110 applied only in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**29–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**



**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 29-2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

## **SUBTITLE 26. ENFORCEMENT.**

### **PART I. IN GENERAL.**

#### **29-2601. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 ("ENFORCEMENT") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6-202 ("INSPECTIONS");**
- (2) § 6-203 ("USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES");**
- (3) § 6-204 ("POWER TO SUMMON WITNESSES");**
- (4) § 6-205 ("PEACE OFFICERS");**
- (5) § 6-206 ("CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE");**
- (6) § 6-207 ("DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE");**
- (7) § 6-208 ("REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES");**
- (8) § 6-209 ("ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION"); AND**
- (9) § 6-210 ("STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS").**

##### **(B) EXCEPTION.**

**SECTION 6-211 ("FINES AND FORFEITURES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 29-2602 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 29-101  
"State" § 1-101

**29-2602. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISPOSED OF AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Somerset County.

Defined term: "County" § 29-101

**29-2603. RESERVED.**

**29-2604. RESERVED.**

**PART II. TOWN OF CRISFIELD.**

**29-2605. SCOPE OF PART.**

**THIS PART APPLIES TO THE TOWN OF CRISFIELD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(q), as it related to the Town of Crisfield.

**29-2606. SEARCH WARRANTS.**

**(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR ANY OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;**
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;**

**(3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND**

**(4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.**

**(B) CONTENTS; REQUIREMENTS.**

**A WARRANT ISSUED UNDER THIS SECTION SHALL:**

**(1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;**

**(2) INCLUDE A COPY OF THE AFFIDAVIT;**

**(3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT AND SEIZE ANY:**

**(I) ALCOHOLIC BEVERAGES AND THEIR VESSELS FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;**

**(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;**

**(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND**

**(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND**

**(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH 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, SOMERSET COUNTY, TO WIT:  
TO: ....., OF SOMERSET 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 SOMERSET 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).

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” § 29–101

“Person” § 1–101

## **29–2607. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

**(1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**

- (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**  
**AND**
- (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(g).

In the introductory language of this section, the reference to an "applicant" for a warrant is substituted for the former reference to the "person making affidavit" for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search "any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section" is deleted as included in the reference to a warrant "under this subtitle".

In item (3) of this section, the reference to "assist" is substituted for the former reference to "give information and assistance" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person's actions are not limited to assisting the officer in the execution of the warrant.

**29-2608. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

- (1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**
- (2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**
- (3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

**(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

- (1) THE APPLICANT FOR THE WARRANT; OR**
- (2) OTHER EVIDENCE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(f).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.



Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

**29–2609. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED OR AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(e).

In the introductory language of this section, the phrase “from which alcoholic beverages or other items are seized” is substituted for the former phrase “where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the phrase “[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served” is substituted for the former phrase “[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found” for clarity.

Also in the introductory language of this section, the reference to the officer “seizing the items” is substituted for the former reference to the officer “taking the same” for clarity.

In item (2) of this section, the reference to “that action” is substituted for the former reference to “his doing thereto” for clarity.

Also in item (2) of this section, the former phrase “take possession of such liquor and means used for the sale of the same” is deleted as surplusage.

Defined term: “Alcoholic beverage” § 1–101

**29–2610. NOTICE OF HEARING.**

**(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

**(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16-414(e).

In subsection (a)(2) of this section, the former term "premises" is deleted as included in the term "place".

In subsection (b) of this section, the former reference to items being "destroyed" is deleted as included in the reference to items being "disposed of".

Defined term: "Alcoholic beverage" § 1-101

## **29-2611. DISPOSITION OF SEIZED ITEMS.**

**(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

**(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

**(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON'S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**

**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(d) and (h).

In the introductory language of subsection (a) of this section, the reference to a “prosecution under this article results in a conviction” is substituted for the former reference to “upon final judgment ..., the accused shall be found guilty” for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is “not taken” is substituted for the former phrase “after the time for appeal has expired and if no appeal is taken” for brevity.

In subsection (a)(2) of this section, the reference to the “defendant” is substituted for the former reference to the “accused” for consistency with the language used throughout the Code.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **29–2612. PUBLIC NUISANCE.**

### **(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

### **(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

**(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR AN APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(a) and the fifth sentence of (p).

In subsection (a) of this section, the reference to “Title 5 of the Tax – General Article” is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to “owner or operator” are substituted for the former references to “keeper” for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14–120.

In subsections (b)(1) and (c) of this section, the references to a place being “closed” are substituted for the former references to a place being “shut up and abated” for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase “the public nuisance may be abated” is added for clarity.

Also in subsection (b)(1) of this section, the former phrase “with sufficient security to be approved by the court, in the penal sum” of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages “in violation of this article” is substituted for the former reference to selling intoxicating liquor “contrary to law” for clarity and consistency with language used throughout this article.

In subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

Also in subsection (d) of this section, the former references to the minimum penalties of “not less than fifty dollars” and “not less than six months” are deleted in light of CR § 14–102, which allows the court to impose, instead of a minimum penalty, a lesser penalty of the same character.

Also in subsection (d) of this section, the former reference to the penalties applying “[i]n Crisfield” is deleted as unnecessary in light of the scope of Part II this subtitle.

Also in subsection (d) of this section, the former reference to imprisonment “in the House of Correction” is deleted as surplusage.

Also in subsection (d) of this section, the reference to being “guilty of a misdemeanor” is added to state expressly that which only was implied by the reference in the former law to a “conviction”. 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) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Defined terms: “Alcoholic beverage” § 1–101

“County” § 29–101

“Person” § 1–101

“State” § 1–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **29–2701. 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) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6-310 (“PROVIDING FREE FOOD”);**
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6-313 (“TAMPERING WITH THE ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);**
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);**
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (13) § 6-320 (“DISORDERLY INTOXICATION”);**
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);**
- (15) § 6-322 (“POSSESSION OF OPEN CONTAINER”);**

(16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(18) § 6-327 (“TAX EVASION”);

(19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(20) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 29-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 29-2703 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 29-101

“License holder” § 1-101

“Retail dealer” § 1-101

**29-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(f)(2).



Former Art. 2B, § 12–108(f)(1)(x), which stated that the provisions of former Art. 2B, § 12–108(f) applied in Somerset County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 29–101  
“License holder” § 1–101

**29–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Defined terms: “Board” § 29–101  
“License holder” § 1–101

**SUBTITLE 28. PENALTIES.**

**29–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 29–101

**29–2802. PENALTY IMPOSED BY BOARD.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$4,000 OR SUSPEND A LICENSE OR BOTH FOR A VIOLATION THAT IS CAUSE FOR LICENSE SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(u).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 29–101  
“County” § 29–101  
“License” § 1–101

**TITLE 30. TALBOT COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**30–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR TALBOT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Talbot County”.

**(C) COUNTY.**

**“COUNTY” MEANS TALBOT COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Talbot County”.

**30–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN TALBOT COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**30-103. COUNTY GOVERNING BODY TO REGULATE RETAIL SALES.**

**(A) IN GENERAL.**

**THE COUNTY GOVERNING BODY SHALL REGULATE THE RETAIL SALE OF ALCOHOLIC BEVERAGES IN THE COUNTY.**

**(B) CONSTRUCTION OF LOCAL AND GENERAL LAWS.**

**(1) A LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES THAT IS ENACTED BY THE COUNTY GOVERNING BODY PREVAILS OVER A PROVISION IN THE CODE OF PUBLIC GENERAL LAWS OF MARYLAND.**

**(2) UNLESS THE COUNTY GOVERNING BODY ENACTS A CONFLICTING OR INCONSISTENT LAW REGULATING THE RETAIL SALE OF ALCOHOLIC BEVERAGES, THE CODE OF PUBLIC GENERAL LAWS REMAINS IN EFFECT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18-101.

Throughout this section, the references to the "County governing body" are substituted for the former references to the "Talbot County Commissioners" for accuracy. Talbot County operates under the charter home rule form of government.

In subsection (b)(1) of this section, the former reference to a law enacted "pursuant to this section" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to a "conflicting or inconsistent law" is substituted for the former reference to a "law which is contrary to a provision of the Code of Public General Laws" for clarity and brevity.

Defined terms: "Alcoholic beverage" § 1-101  
"County" § 30-101

**30-104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE**

**DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 30–101

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(v), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**30–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR TALBOT COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Talbot County exists.

**30–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(I) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**

**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 6 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR’S FINDINGS ON THE CHARGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(1), (3), and (4) and the first sentence of (v) and 15–110(a).

In subsection (a)(1) of this section, the defined term “Board” is substituted for the former reference to persons “who shall constitute and be styled ‘The Board of License Commissioners for Baltimore City or ... County’, as the case may be” because this title applies only to the Board of License Commissioners for Talbot County.

In subsection (a)(2)(i) of this section, the former reference to “by and” with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Talbot County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(2) of this section, the former reference to the requirement that the Governor “biennially” appoint persons to the Board is deleted as included in the requirement that the terms of the members of the Board be staggered as required on July 1, 2016. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Talbot County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 30–101  
“County” § 30–101

**30–203. CHAIR.**

**FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 15–101(v).

The requirement that the Board “elect a” chair is substituted for the former requirement that the Board “organize by electing its own” chair for brevity.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 30–101

**30–204. SALARIES; STAFF.**

**(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF \$750 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF \$500 ANNUALLY.**

**(B) STAFF.**

**THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(v) and 15–112(a)(2).

In subsection (a)(1) of this section, the reference to “a salary of \$750 annually” is substituted for the former reference to the salary for the chair being the sum of a regular member’s “salary of \$500 per year” and an additional “salary of \$250 per year” for brevity.

Also in subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member is added for clarity.

Also in subsection (a)(2) of this section, the former reference to a salary of \$500 “as compensation” is deleted as surplusage.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Defined term: “Board” § 30–101

### **30–205. DISPOSITION OF LICENSE FEES.**

#### **(A) SALARIES AND EXPENSES TO BE PAID FROM LICENSE FEES.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COUNTY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD FROM LICENSE FEES.**

#### **(B) \$3,500 LIMIT ON SALARIES AND EXPENSES.**

**THE BOARD MAY NOT SPEND MORE THAN \$3,500 IN ANY YEAR FOR SALARIES AND EXPENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(v).

In subsection (a) of this section, the former reference to “necessary office, clerical, and investigational” expenses is deleted as surplusage.

In subsection (b) of this section, the former phrase “in its discretion” is deleted as surplusage.

Defined terms: “Board” § 30–101



“County” § 30–101

**30–206. REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Talbot County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 30–101

**SUBTITLE 3. LIQUOR CONTROL.**

**30–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 30–101

**SUBTITLE 4. MANUFACTURER’S LICENSES.**

**30–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**
- (10) § 2–213 (“ADDITIONAL FEES”);**
- (11) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (12) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);**
- (13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO § 30–403 OF THIS SUBTITLE; AND**

**(2) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 30–404 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 30–101  
“Manufacturer’s license” § 1–101

**30–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101  
“Manufacturer’s license” § 1–101

**30–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY.**

**(B) SPECIFICATION OF EQUIVALENT LICENSE.**

**THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN § 2-208(B) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(j) and, as it related to the availability of a Class 6 pub-brewery license in Talbot County, the introductory language of (a)(4).

In subsection (b) of this section, the former reference to the "Office of the" Comptroller "of Maryland" is deleted as unnecessary.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"County" § 30-101

"License" § 1-101

"Wine" § 1-101

**30-404. CLASS 7 MICRO-BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO-BREWERY LICENSE IN THE COUNTY.**

**(B) SPECIFICATION OF EQUIVALENT LICENSE.**

**THE COMPTROLLER SHALL SPECIFY WHICH LOCAL LICENSE IS THE EQUIVALENT OF THE CLASS B BEER, WINE, AND LIQUOR LICENSE SPECIFIED IN § 2-209(B) OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xxi), and (h).

In subsection (a) of this section, the former reference to a Class 7 micro-brewery "(on- and off-sale)" license is deleted for consistency with other similar provisions of this article.

In subsection (b) of this section, the former reference to the “Office of the” Comptroller “of Maryland” is deleted as unnecessary.

Defined terms: “Beer” § 1–101  
“Comptroller” § 1–101  
“County” § 30–101  
“License” § 1–101  
“Wine” § 1–101

**SUBTITLE 5. WHOLESALER’S LICENSES.**

**30–501. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 30–101  
“Wholesaler’s license” § 1–101

**30–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 30–503 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 AND ELECTION DAYS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(f)(2).

Former Art. 2B, § 11–102(f)(1), which provided that former Art. 2B, § 11–102(f) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“Wholesaler’s license” § 1–101

**30–503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**30–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$25.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Former Art. 2B, § 3-101(v)(2), which stated that former Art. 2B, § 18-101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30-103 of this title.

Defined terms: "Beer" § 1-101  
"Consumer" § 1-101

**30-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Former Art. 2B, § 3-201(v)(2), which stated that former Art. 2B, § 18-101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30-103 of this title.

Defined terms: “Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

**30-603. CLASS C BEER LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**



**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$25.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(a)(1) and (v)(1).

In subsection (a) of this section, the former reference to a license being "issued by the local licensing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b) of this section, the former reference to "bona fide" members is deleted as surplusage.

Former Art. 2B, § 3-301(v)(2), which stated that former Art. 2B, § 18-101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30-103 of this title.

Defined terms: "Beer" § 1-101  
"Club" § 1-101

**30-604. CLASS D BEER LICENSE — NOT APPLICABLE.**

**A CLASS D BEER LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(v)(1).

Former Art. 2B, § 3-401(v)(2), which stated that former Art. 2B, § 18-101 allowed the Talbot County Council to enact alcoholic beverages laws, which superseded the provisions of this article, is deleted as redundant of § 30-103 of this title.

Defined terms: "Beer" § 1-101  
"County" § 30-101

**SUBTITLE 7. WINE LICENSES.**

**30-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(18), (b)(1), (c)(1), (d)(1), and (e)(1)(viii) and (2).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 3 winery license” is substituted for the former reference to a “Class 3 manufacturer’s license, who makes wine from agricultural products grown in Maryland” for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license”.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 30–101  
“Wine” § 1–101

**SUBTITLE 8. BEER AND WINE LICENSES.**

**30–801. CLASS A BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS A BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–101(v)(1).

Former Art. 2B, § 5–101(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

**30–802. CLASS B BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS B BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(v)(1).

Former Art. 2B, § 5–201(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30–103 of this title.

Defined terms: “Beer” § 1–101  
“County” § 30–101  
“Wine” § 1–101

**30–803. CLASS C BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS C BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(v)(1).

Former Art. 2B, § 5-301(v)(2), which stated that the County Council may provide for retail alcoholic beverage laws that supersede the provisions of this article, is deleted as redundant of § 30-103 of this title.

Defined terms: "Beer" § 1-101

"County" § 30-101

"Wine" § 1-101

**30-804. CLASS D BEER AND WINE LICENSE — NOT APPLICABLE.**

**A CLASS D BEER AND WINE LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(v).

Defined terms: "Beer" § 1-101

"County" § 30-101

"Wine" § 1-101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**30-901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE LICENSE MAY BE ISSUED ONLY TO A GROCERY STORE, A DRUGSTORE, AN INCORPORATED CLUB, A RESTAURANT, OR A HOTEL THAT HAS BEEN DOING BUSINESS IN THE COUNTY FOR MORE THAN 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL DELIVER THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(a)(1) and (v)(1).

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 references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (c)(1) of this section, the former reference to “keep[ing] for sale” is deleted as included in the reference to “sell[ing]”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

Former Art. 2B, § 6–101(v)(2), which stated that the County Council may enact alcoholic beverages laws that superseded former Art. 2B, is deleted as redundant of § 30–103 of this title.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Club” § 1–101

“County” § 30–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**30–902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE IN:**

- (I) A HOTEL THAT:**
- 1. HAS 25 OR MORE BEDROOMS LOCATED UNDER ONE ROOF; AND**
  - 2. REGULARLY SERVES MEALS; OR**
- (II) A RESTAURANT:**
- 1. THAT SEATS AT LEAST 50 INDIVIDUALS; AND**
  - 2. FOR WHICH AT LEAST 60% OF THE GROSS INCOME IS DERIVED FROM THE SALE OF FOOD.**
- (2) THE LICENSE HOLDER MAY NOT MAKE A LIQUOR SALE THAT:**
- (I) EXCEEDS 1 QUART; OR**
  - (II) IS MADE AT A BAR OR COUNTER.**
- (C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (v)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1) of this section, the reference to "[t]he Board" issuing the license is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

In the introductory language of subsection (b)(1)(i) of this section, the former reference to a "bona fide" hotel is deleted as vague.

In subsection (b)(1)(ii) of this section, the former phrase “notwithstanding the other requirements of this article, and otherwise complying with the provisions of this article” is deleted as surplusage.

In subsection (b)(1)(ii)1 of this section, the reference to “individuals” is substituted for the former, broader reference to “persons” because this subsection applies only to human beings.

In subsection (b)(2) of this section, the reference to a “license holder” is added for clarity.

Former Art. 2B, § 6–201(v)(1), which stated that former Art. 2B, § 6–201(v) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 30–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **30–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

##### **(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A CLUB THAT:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS PARAGRAPH, HAS HAD AT LEAST 50 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER MEMBER FOR THE 5 YEARS IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED; OR**

**(II) IF THE CLUB IS COMPOSED EXCLUSIVELY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES AND IS AFFILIATED WITH A NATIONAL ORGANIZATION, HAS AT LEAST 50 MEMBERS PAYING THE DUES THAT WERE REQUIRED BY THE NATIONAL ORGANIZATION IN THE YEAR IMMEDIATELY BEFORE THE YEAR FOR WHICH THE LICENSE IS ISSUED.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (v)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b)(1) of this section, the former reference to issuing a license “only” to a club is deleted as surplusage.

In subsection (b)(1) of this section, the former references to “bona fide” members are deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “which is not operated for profit,” is deleted as unnecessary in light of the defined term “club”.

Also in subsection (b)(1) of this section, the former reference to “consecutive” years is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b)(2) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b)(2) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6-301(v)(1), which stated that former Art. 2B, § 6-301(v) applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-301(v)(5), which stated that the County Council may enact alcoholic beverages laws that supersede former Art. 2B, is deleted as redundant of § 30-103 of this title.

Defined terms: “Beer” § 1-101



“Board” 30–101

“Club” § 1–101

“Wine” § 1–101

**30–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(v)(1).

Former Art. 2B, § 6–401(v)(2), which stated that former Art. 2B, § 18–101 allows the Talbot County Council to provide for the retail alcoholic beverages laws for the county which, if enacted, supersede the provisions of this article is deleted as redundant of § 30–103 of this title.

Defined term: “Beer” § 1–101

“County” § 30–101

“License” § 1–101

“Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**30–1001. RESERVED.**

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**30–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);**  
**AND**

**(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
“County” § 30-101  
“License” § 1-101  
“License holder” § 1-101  
“Wine” § 1-101

**SUBTITLE 12. CATERER’S LICENSES.**

**30-1201. RESERVED.**

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**30-1301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 30-101

**30-1302. RESERVED.**

**30-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**30-1304. RESERVED.**

**30-1305. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**30-1306. RESERVED.**

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**30-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (8) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);**
- (9) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (10) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (11) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (12) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATION.**

**SECTION 4-107 (“CRIMINAL HISTORY RECORDS CHECK”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 30-1402 THROUGH 30-1404 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 30-101

**30-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language added for clarity.

Defined terms: “Board” § 30-101  
“Central Repository” § 1-101  
“License” § 1-101

**30-1403. CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND DESIGNEES.**

**THE BOARD MAY MAKE CRIMINAL HISTORY RECORD INFORMATION AVAILABLE ONLY TO BOARD MEMBERS AND THEIR DESIGNEES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiii)4.

Defined term: “Board” § 30-101

**30-1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(xiii)5.

The reference to the Board's ability to "set" and charge a fee is added to expressly state what was only implied in the former law.

The reference to the "applicant's" fingerprints is added for clarity.

Former Art. 2B, § 10-103(b)(13)(xiii)2, which stated that former Art. 2B, § 10-103(b)(9)(xiii) applied only to Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 30-101  
 "State" § 1-101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **30-1501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**
- (2) § 4-205 ("CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE");**
- (3) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (4) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (5) § 4-208 ("NOTICE OF LICENSE APPLICATION REQUIRED");**
- (6) § 4-209 ("HEARING");**
- (7) § 4-210 ("APPROVAL OR DENIAL OF LICENSE APPLICATION");**
- (8) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**
- (9) § 4-212 ("LICENSE NOT PROPERTY");**
- (10) § 4-213 ("REPLACEMENT LICENSES"); AND**
- (11) § 4-214 ("WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS").**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4–203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 30–1502 OF THIS SUBTITLE; AND**

**(2) § 4–204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 30–1502 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 30–101

“License” § 1–101

“Local licensing board” § 1–101

**30–1502. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Wine” § 1–101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**30–1601. RESERVED.**

**30–1602. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.**

**30–1603. RESERVED.**

**SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**30–1701. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(v).

The reference to the application of this section “without exception or variation” is added to conform to the terminology used in similar provisions throughout this article.

Defined terms: “County” § 30–101  
“License” § 1–101

**30–1702. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiii), as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§

4–107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
“State” § 1–101

#### **SUBTITLE 18. RENEWAL OF LICENSES.**

##### **30–1801. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 30–101  
“License” § 1–101

##### **30–1802. BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWALS FROM CRIMINAL HISTORY RECORDS CHECK REQUIREMENT.**

**THE BOARD MAY EXEMPT APPLICANTS FOR LICENSE RENEWAL FROM THE REQUIREMENT FOR A CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(xiii)6.

The reference to “applicants for license renewal” is substituted for the former reference to “a license holder who seeks to renew an alcoholic beverages license” for brevity and consistency.

Defined terms: “Board” § 30–101  
“License” § 1–101

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **30–1901. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**



REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: "County" § 30-101  
 "License holder" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**30-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Talbot County, (2).

In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in this title" is added for clarity.

Also in subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to "a premises licensed under this title" is substituted for the former reference to "any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article" for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

### **30–2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **THE HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT;**  
**AND**

**(2) ON SUNDAY, FROM 8 A.M. TO 10 P.M.**

#### **(B) CLASS B BEER LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER LICENSE MAY SELL BEER FOR ON–PREMISES CONSUMPTION:**

**(i) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; AND**

(II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER LICENSE.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER FOR ON-PREMISES CONSUMPTION:

(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; AND

(II) ON SUNDAY, FROM 12:30 P.M. TO 10 P.M.

(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.

(D) CLASS D BEER LICENSE.

RESERVED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(a)(1), (b)(1), and (c)(1) and 11-403(a)(1)(ii) and, as it related to beer licenses, (b)(3).

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30-103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: "Beer" § 1-101

**30-2003. BEER AND WINE LICENSES.**

(A) CLASS A BEER AND WINE LICENSE.

A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

(B) CLASS B BEER AND WINE LICENSE.

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(a)(1), (b)(1), and (c)(1) and 11-403(a)(1)(ii).

In this section, the references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. In former Art. 2B, § 4-101(s), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30-103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: "Beer" § 1-101  
 "Wine" § 1-101

**30-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 8 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FOR CONSUMPTION ON THE PREMISES, FROM 8 A.M. TO 10 P.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FOR ON-PREMISES CONSUMPTION, FROM 12:30 P.M. TO 10 P.M.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-303(a)(1) and (2)(viii), (b)(1), and (c)(1) and 11-403(a)(1)(ii) and, as it related to beer, wine, and liquor licenses, (b)(3).

Former Art. 2B, § 6-201(v)(4), which stated that the hours and days for sale for a Class B beer, wine and liquor license are from 7 a.m. to 1 a.m. the

following day, is deleted as obsolete and is superseded by subsection (b) of this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 30–103 of this title, the County Council has the authority to regulate the retail sale of alcoholic beverages and that any enactment by the County Council is to prevail over any State law that regulates the retail sale of alcoholic beverages.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

### **30–2005. ELECTION DAYS.**

#### **(A) LICENSE HOLDER PROHIBITED FROM SELLING ALCOHOLIC BEVERAGES ON ELECTION DAY.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LICENSE HOLDER UNDER THIS SUBTITLE OR OTHER PERSON MAY NOT, DIRECTLY OR INDIRECTLY, SELL OR PROVIDE ANY ALCOHOLIC BEVERAGE WITHIN AN ELECTION DISTRICT OR PRECINCT OF THE COUNTY ON THE DAY OF A GENERAL, SPECIAL, OR PRIMARY ELECTION DURING THE HOURS WHEN THE POLLS ARE OPEN.**

**(2) A LICENSE HOLDER WHO IS A RESTAURANT OWNER MAY EXERCISE THE PRIVILEGES CONFERRED BY THE LICENSE FOR ON–PREMISES CONSUMPTION ON THE DAY OF AN ELECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100 FOR EACH OFFENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–401(a).

In subsection (a) of this section, the reference to “provide” is substituted for the former reference to “barter, give or dispose of” for brevity.

In subsection (a)(1) of this section, the defined term “license holder” is substituted for the former reference to “the keeper of any hotel, tavern, store, drinking establishment or any other place where liquors are sold” for brevity.

Also in subsection (a)(1) of this section, the defined term “alcoholic beverage” is substituted for the former reference to “any spirituous or fermented liquors, ale or beer, or intoxicating drinks of any kind” for brevity.

In subsection (a)(2) of this section, the reference to “exercise the privileges conferred by the license” is substituted for the former reference to “dispense those alcoholic beverages that are in accordance with that license” to conform to the terminology used throughout this article.

In subsection (b) of this section, the former minimum penalty of \$50 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 30–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **30–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

#### **(B) EXCEPTION.**

**SECTION 4–605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: "County" § 30-101  
"License" § 1-101  
"Local licensing board" § 1-101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **30-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 ("EXPIRATION OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: "County" § 30-101  
"License" § 1-101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **30-2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 ("DEATH OF LICENSE HOLDER") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: "County" § 30-101  
"License holder" § 1-101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **30-2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 ("JUDICIAL REVIEW") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: "County" § 30-101



**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.****30–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL DISPLAY PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–111(a), (c), and (d).

In subsection (a) of this section, the reference to “adult” entertainment is substituted for the former references to “public” entertainment for clarity.

Also in subsection (a) of this section, the former references to “dispense” are deleted as included in the references to “serve”.

In subsection (a)(2) of this section, the reference to “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–111(b), which provided that former Art. 2B, § 20–111 applied only in Talbot County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**30–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an “establishment” are substituted for the former references to “premises” to avoid the implication that the establishment is licensed.

In subsection (b) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **30–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**
- (8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**

**(9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATION.**

**SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 30-2602 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 30-101  
 “State” § 1-101

**30-2602. DISTRIBUTION OF FINES.**

**ONE-HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7-507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-502(c), as it related to Talbot County.

Defined term: “County” § 30-101

## **SUBTITLE 27. PROHIBITED ACTS.**

**30-2701. 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) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**

**(2) § 6-305 (“PROOF OF AGE FOR SALE OF ALCOHOLIC BEVERAGES”);**

**(3) § 6-306 (“DEFENSE TO PROSECUTION FOR SALE TO UNDERAGE INDIVIDUAL”);**

(4) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);

(5) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(6) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);

(7) § 6-310 (“PROVIDING FREE FOOD”);

(8) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);

(9) § 6-312 (“BEVERAGE MISREPRESENTATION”);

(10) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);

(11) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);

(12) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(13) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(14) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(15) § 6-320 (“DISORDERLY INTOXICATION”);

(16) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(17) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(18) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(19) § 6-327 (“TAX EVASION”);

**(20) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND**

**(21) § 6-329 (“PERJURY”).**

**(B) EXCEPTION.**

**SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 30-101

“License holder” § 1-101

“Retail dealer” § 1-101

**SUBTITLE 28. PENALTIES.**

**30-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 30-101

**TITLE 31. WASHINGTON COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**31-101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1-101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR'S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Washington County”.

**(C) COUNTY.**

**“COUNTY” MEANS WASHINGTON COUNTY.**

REVISOR'S NOTE: This subsection is new language added to avoid repetition of the full reference to “Washington County”.

**(D) LIGHT WINE.**

**“LIGHT WINE” MEANS WINE THAT CONTAINS NOT MORE THAN 15.5% OF ALCOHOL BY VOLUME.**

REVISOR'S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 4–101(a) and (w).

The defined term “wine” is substituted for the former reference to “a fermented beverage” to conform to the terminology used throughout this article.

Defined term: “Wine” § 1–101

**31–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN WASHINGTON COUNTY.**

REVISOR'S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**31–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 31–101

## **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

### **31–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WASHINGTON COUNTY.**

REVISOR'S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Washington County exists.

### **31–202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**(1) THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(2) THE APPOINTMENTS SHALL BE MADE:**

**(1) IF THE SENATE IS IN SESSION, WITH THE ADVICE AND CONSENT OF THE SENATE; OR**



**(II) IF THE SENATE IS NOT IN SESSION, BY THE GOVERNOR ALONE.**

**(B) QUALIFICATIONS.**

**(1) EACH MEMBER OF THE BOARD SHALL BE:**

**(I) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(II) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(2) NOT MORE THAN TWO MEMBERS OF THE BOARD MAY BELONG TO THE SAME POLITICAL PARTY.**

**(C) RESTRICTIONS.**

**A MEMBER OF THE BOARD MAY NOT HAVE A PECUNIARY OR OTHER INTEREST IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

**(D) TENURE.**

**(1) THE TERM OF A MEMBER IS 6 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(E) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-101(a)(1), (3), and (4) and (w)(2) and (3), 15-110(a), and 15-109(w)(4), as it related to members of the Board.

In subsection (a)(1) of this section, the defined term "Board" is substituted for the former reference to persons "who shall constitute and be styled 'The Board of License Commissioners for Baltimore City or ..... County', as the case may be" because this title applies only to the Board of License Commissioners for Washington County.

In subsection (a)(2)(i) of this section, the former reference to "by and" with the advice and consent of the Senate is deleted as surplusage.

In subsection (b)(1)(i) of this section, the defined term "County" is substituted for the former reference to "Baltimore City or the respective counties, as the case may be" because this title applies only to Washington County.

In subsection (b)(1)(ii) of this section, the reference to an "individual" is substituted for the former reference to "persons" because only a human being and not the other entities included in the defined term "person" may serve as a member of a board of license commissioners.

In subsection (b)(2) of this section, the reference to "members of the Board" is substituted for the former reference to "appointees" for clarity and consistency throughout this subtitle.

In subsection (d)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on "July 1, 2016" is substituted for the former obsolete requirement that the terms be staggered as required on "January 1, 1994".

Also in subsection (d)(2) of this section, the former reference to the requirement that the Governor "biennially" appoint persons to the Board is deleted as included in the requirement that the terms be staggered. This

substitution is not intended to alter the term of any member of the Board of License Commissioners for Washington County.

Subsection (e) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (f)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (f)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Former Art. 2B, § 15–101(w)(1), which provided that the provisions of former Art. 2B, § 15–101(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 31–101  
 “County” § 31–101

### **31–203. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(a)(2).

The defined term “Board” is substituted for the former reference to “Baltimore City and each of the counties” because this section applies only to the Board of License Commissioners for Talbot County. Correspondingly, the former phrase “of the respective boards” is deleted.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Defined term: “Board” § 31–101

### **31–204. SALARIES; STAFF.**

**(A) SALARIES.**

**(1) THE ANNUAL SALARIES FOR THE BOARD SHALL BE SET BY THE COUNTY COMMISSIONERS UNDER TITLE 28, SUBTITLE 2 OF THE LOCAL GOVERNMENT ARTICLE.**

**(2) THE SALARIES SPECIFIED IN THIS SUBSECTION ARE PAYABLE MONTHLY FROM THE LICENSE FEES DERIVED FROM THE ISSUANCE OF LICENSES AUTHORIZED BY THIS ARTICLE.**

**(B) STAFF.****(1) THE BOARD MAY:****(I) EMPLOY:**

- 1. A SECRETARY;**
- 2. INSPECTORS; AND**
- 3. CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(II) SET THE COMPENSATION OF THE EMPLOYEES.**

**(2) AN EMPLOYEE OF THE BOARD MAY NOT HAVE A PECUNIARY OR OTHER INTEREST IN ANY PHASE OF THE MANUFACTURE, SALE, OR DISTRIBUTION OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(w)(2), (3), and, as it related to employees, (4) and 15–112(a)(2).

In subsection (b)(1)(i)3 of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–109(w)(1), which provided that former Art. 2B, § 15–109(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 31–101

“County” § 31–101

“License” § 1–101

**31-205. AUDIT.**

**(A) TO BE CONDUCTED BY INDEPENDENT FIRM.**

**THE BOARD ANNUALLY SHALL ENGAGE AN INDEPENDENT CERTIFIED PUBLIC ACCOUNTING FIRM TO CONDUCT AN AUDIT IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS TO EXPRESS AN OPINION ON THE FAIR PRESENTATION OF THE FINANCIAL STATEMENTS OF THE BOARD.**

**(B) DISTRIBUTION OF REPORT.**

**BY NOVEMBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR, THE ACCOUNTING FIRM SHALL PROVIDE COPIES OF THE AUDIT REPORT TO THE MEMBERS OF THE BOARD AND THE SENATORS AND DELEGATES WHO CONSTITUTE THE WASHINGTON COUNTY DELEGATION TO THE MARYLAND GENERAL ASSEMBLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(w)(2) and (3).

Former Art. 2B, § 15-112(w)(1), which provided that former Art. 2B, § 15-112(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Board" § 31-101

**31-206. DISPOSITION OF LICENSE FEES.**

**(A) FOR PAYMENT OF SALARIES AND EXPENSES.**

**FROM THE LICENSE FEES COLLECTED, THE BOARD SHALL PAY THE SALARIES OF BOARD MEMBERS AND BOARD EMPLOYEES AND THE EXPENSES OF THE BOARD.**

**(B) PAYMENT TO MUNICIPALITY OR COUNTY COMMISSIONERS.**

**AFTER PAYMENTS MADE UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL PAY THE FEES COLLECTED FROM LICENSED PREMISES:**

**(1) TO THE MUNICIPALITY WHERE THE LICENSED PREMISES IS LOCATED; OR**

**(2) IF THE LICENSED PREMISES IS NOT IN A MUNICIPALITY, TO THE COUNTY COMMISSIONERS FOR THE USE OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(w).

In subsection (a) of this section, the phrase “[f]rom the license fees collected” is added for clarity.

Also in subsection (a) of this section, the former reference to expenses “as the Board may deem necessary” is deleted as surplusage.

Also in subsection (a) of this section, the former reference to “deduct[ing] funds necessary” to pay salaries and expenses is deleted as surplusage.

In subsection (b) of this section, the references to a “municipality” are substituted for the former references to an “incorporated town” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the references to a “licensed premises” are substituted for the former references to a “place of business” for clarity.

In the introductory language of subsection (b) of this section, the phrase “[a]fter payments made under subsection (a) of this section” is added for clarity.

Defined terms: “Board” § 31–101

“County” § 31–101

“License” § 1–101

### **31–207. REGULATIONS.**

#### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Washington County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 31–101

**SUBTITLE 3. LIQUOR CONTROL.**

**31–301. LIQUOR CONTROL — NOT APPLICABLE.**

**THERE IS NO LIQUOR CONTROL BOARD OR DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to clarify that there is no liquor control board or department of liquor control in the County.

Defined term: “County” § 31–101

**SUBTITLE 4. MANUFACTURER’S LICENSES.**

**31–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**

(10) § 2-213 (“ADDITIONAL FEES”);

(11) § 2-214 (“SALE OR DELIVERY RESTRICTED”);

(12) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);

(13) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND

(14) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

(B) EXCEPTION.

SECTION 2-203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”), SUBJECT TO § 31-403 OF THIS SUBTITLE;

(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO § 31-404 OF THIS SUBTITLE; AND

(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 31-405 OF THIS SUBTITLE.

REVISOR’S NOTE: Subsections (a) and (c) are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2-202.1(a) and (b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 31-101



“Manufacturer’s license” § 1–101

**31–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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 OR AN ELECTION DAY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–101(a).

The former phrase “[e]xcept as provided in subsections (b) and (c)” is deleted as unnecessary.

Defined terms: “Alcoholic beverage” § 1–101

“Manufacturer’s license” § 1–101

**31–403. CLASS 6 PUB–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REFILLABLE CONTAINERS — NOT APPLICABLE.**

**SECTION 2–208(D) OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–207(a)(4), as it related to the availability of a Class 6 pub–brewery license in Washington County, and, as it authorized off–sale privileges of beer in refillable containers only in specific jurisdictions, not including Washington County, the introductory language of (g)(1).

Defined terms: “County” § 31–101

“License” § 1–101

**31–404. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2-209(B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; OR**

**(2) A CLASS D ALCOHOLIC BEVERAGES LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE EXISTING CLASS D LICENSE LOCATED IN THE COUNTY.**

**(C) LIMITATION — LEASED PREMISES.**

**THE COMPTROLLER MAY NOT ISSUE A LICENSE FOR PREMISES ON PROPERTY THAT HAS BEEN LEASED UNLESS THE LANDLORD OF THE PROPERTY PRESENTS TO THE COMPTROLLER A RECEIPT OR CERTIFICATE SHOWING THAT THERE ARE NO UNPAID TAXES DUE TO THE STATE, A COUNTY, OR ANY LOCAL GOVERNMENT FROM THE LANDLORD OR ANY ENTITY IN WHICH THE LANDLORD HAS A DIRECT OR INDIRECT INTEREST THAT:**

**(1) IS PROPRIETARY; OR**

**(2) HAS BEEN OBTAINED BY A LOAN, MORTGAGE, OR LIEN, OR IN ANY OTHER MANNER.**

**(D) HOURS AND DAYS OF SALE.**

**NOTWITHSTANDING § 2-209(G) OF THIS ARTICLE, FOR THE HOLDER OF A CLASS D LICENSE IN THE COUNTY THE HOURS AND DAYS FOR RETAIL SALES UNDER THE CLASS 7 MICRO-BREWERY LICENSE ARE THOSE ESTABLISHED FOR A CLASS D LICENSE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(a), (b)(2)(xxii) and (3)(i) and (iii)2, (f)(3), and (j)(2).

In subsection (b) of this section, the qualification “[n]otwithstanding § 2-209(b) of this article” is added to reflect the availability of a Class 7 micro-brewery license to the holder of a Class D license in Washington County, even though the general rule, revised in § 2-209(b) of Division I of this article, allows only the holder of a Class B beer, wine, and liquor license

to hold a Class 7 license. Similarly, in subsection (d) of this section, the qualification “[n]otwithstanding § 2–209(g) of this article”, relating to the operating hours under a Class 7 micro–brewery license, is added for clarity.

Former Art. 2B, § 2–208(j)(1), which provided that former Art. 2B, § 2–208(j) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Comptroller” § 1–101

“County” § 31–101

“License” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**31–405. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) SCOPE OF SECTION.**

**THIS SECTION AND § 2–215 OF THIS ARTICLE DO NOT APPLY TO A:**

**(1) CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) CONSTRUCTION OF SECTION.**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER.**

**(2) FOR PURPOSES OF CONSTRUING § 2–215 OF THIS ARTICLE:**

**(I) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(II) A CHECK THAT IS GIVEN IN PAYMENT FOR ALCOHOLIC BEVERAGES TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE IN A CIVIL CASE OF A VIOLATION OF THIS SECTION OR § 2–215 OF THIS ARTICLE.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-222(c), (d), (f), and (h).

In subsection (a) of this section, the former references to club and hotel "as defined by ... this article" are deleted as unnecessary in light of the use of defined terms that apply throughout this article.

In subsection (b)(2)(i) of this section, the former phrase "in addition to currency" is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, subsection (b)(2)(ii) of this section states that a check that is given in payment for "alcoholic beverages" to a license holder and is returned uncollected is prima facie evidence in a civil case of a violation of this section "or § 2-215 of this article". Section 2-215, however, concerns the sale only of beer and not of any other type of alcoholic beverage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"County" § 31-101

"Hotel" § 1-101

"License" § 1-101

"Retail dealer" § 1-101

"Wine" § 1-101

## **SUBTITLE 5. WHOLESALER'S LICENSES.**

### **31-501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

#### **(1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");**

- (2) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”);
- (3) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”);
- (4) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER’S LICENSE”);
- (5) § 2-305 (“CLASS 4 BEER WHOLESALER’S LICENSE”);
- (6) § 2-306 (“CLASS 5 WINE WHOLESALER’S LICENSE”);
- (7) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER’S LICENSE”);
- (8) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (9) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (10) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (11) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (12) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (13) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (14) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (15) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (16) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) VARIATION.

SECTION 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-504 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler's licenses.

Defined terms: "County" § 31-101  
 "Wholesaler's license" § 1-101

**31-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 31-503 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

**31-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization

of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

### **31–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

#### **(A) SCOPE OF SECTION.**

**THIS SECTION AND § 2–314 OF THIS ARTICLE DO NOT APPLY TO A:**

**(1) CLUB THAT IS THE HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE; OR**

**(2) HOTEL THAT IS THE HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) CONSTRUCTION OF SECTION.**

**FOR PURPOSES OF APPLYING § 2–314 OF THIS ARTICLE:**

**(1) A CASH DEPOSIT FOR A RETURNABLE CONTAINER SHALL BE REQUIRED AT THE TIME OF SALE OR DELIVERY OF BEER;**

**(2) A CHECK ACCEPTED FOR PAYMENT THAT IS NOT POSTDATED AND IS PROMPTLY DEPOSITED FOR COLLECTION IS CONSIDERED CASH; AND**

**(3) A CHECK THAT IS GIVEN IN PAYMENT FOR BEER TO A HOLDER OF THE LICENSE, AND IS RETURNED UNCOLLECTED, IS PRIMA FACIE EVIDENCE OF A VIOLATION BY THE WHOLESALER OF § 2–314 OF THIS ARTICLE.**

**(C) ENFORCEMENT PROHIBITED.**

**A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED OR ENFORCE PAYMENT OF A CHECK GIVEN FOR PAYMENT IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**

**(D) PENALTY.**

**A PERSON WHO VIOLATES § 2-314 OF THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 6 MONTHS OR A FINE NOT EXCEEDING \$500 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-222(c) through (f) and (h).

In subsection (a) of this section, the former references to club and hotel "as defined by ... this article" are deleted as unnecessary in light of the use of defined terms that apply throughout this article.

In subsection (b)(2) of this section, the former phrase "in addition to currency" is deleted as surplusage.

In subsection (b)(3) of this section, the phrase "by the wholesaler" is added for clarity.

Also in subsection (b)(3) of this section, the former phrase "in any civil case" is deleted because a proceeding relating to a violation of § 2-314 of this article is an administrative action rather than a civil case.

In subsection (c) of this section, the reference to a "civil" action is substituted for the former reference to an action "ex contractu" for clarity. No substantive change is intended.

Former Art. 2B, § 12-222(a), which provided that former Art. 2B, § 12-222 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12-222(b), which limited the sale of alcoholic beverages to cash unless the alcoholic beverages are delivered to the purchaser at a place designated by the purchaser other than the premises of the license holder, is deleted as obsolete.

Former Art. 2B, § 12-222(g), which prohibited a license holder from using property related to the holder's alcoholic beverages business as collateral for a loan of more than \$1,000 if a person dealing in, manufacturing, or



distributing vending machines, vending devices, pinball machines, or music boxes is a party, is deleted as obsolete.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Hotel” § 1–101

“License” § 1–101

“State” § 1–101

“Wine” § 1–101

## **SUBTITLE 6. BEER LICENSES.**

### **31–601. CLASS A BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

#### **(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–101(w) and (a)(1) and 11–403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b)(1) of this section, the former phrase “in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell[ing]” is substituted for the former reference to “deliver[ing]” for clarity and accuracy.

Defined terms: “Beer” § 1-101  
 “Consumer” § 1-101

### **31-602. CLASS B BEER (ON- AND OFF-SALE) LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

#### **(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$350.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3-201(a)(1) and (w)(2) and 11-403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Beer” § 1-101  
 “Hotel” § 1-101  
 “Restaurant” § 1-101

**31-603. CLASS B BEER (ON-SALE ONLY) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (ON-SALE ONLY) BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

**(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

**(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;**

**(VI) SERVES FOOD AT ALL TIMES WHENEVER BEER IS BEING SERVED OR CONSUMED; AND**

**(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.**

**(2) THE LICENSE:**

**(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND**

**(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.**

**(3) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) TERM OF LICENSE.**

**THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.**

**(D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.**

**(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:**

- 1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;**
- 2. FINE A LICENSE HOLDER; OR**
- 3. SUSPEND A LICENSE.**

**(2) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE LICENSE HOLDER SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

**(3) THE LICENSE HOLDER OR THE LICENSE HOLDER'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.**

**(E) PREREQUISITE FOR RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(F) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$50.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language for a license section.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 3–201(w)(1) and 8–222.1(b), (d), (e), (c)(1), and (f)(1) and (4).

In the introductory language of subsection (b)(1) of this section, the reference to the license being issued to a “restaurant” is substituted for the former reference to the license being issued “if the establishment for which the license is issued is a restaurant” for brevity.

In subsection (b)(1)(vi) of this section, the reference to “beer” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c) of this section, the former phrase May 1 “of each year” is deleted as surplusage.

In subsection (d) of this section, the references to “ratio” are substituted for the erroneous references to “ration” for clarity.

In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is substituted for the former phrase “issue a fine” for clarity.

In subsection (d)(2) and (3) of this section, the references to the “license holder” are substituted for the former references to the “applicant” for clarity and consistency within this subsection.

Former Art. 2B, § 8–222.1(a)(1)(i), which was the standard introduction to a definitions provision, is deleted as unnecessary because this revised section does not define any terms.

Former Art. 2B, § 8–222.1(a)(1)(ii), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as unnecessary because the term is already defined in § 31–101 of this title.

Former Art. 2B, § 8–222.1(a)(1)(iii), which defined “Class B (on–sale) license of any type”, is deleted as unnecessary because that term is not used in this section.

Former Art. 2B, § 8–222.1(a)(2), which stated that former Art. 2B, § 8–222.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

“On–sale” § 1–101

“Restaurant” § 1–101

### **31–604. CLASS C BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

#### **(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

**SUBTITLES 14 AND 15 OF THIS TITLE AND § 3–102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

#### **(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–301(w) and (a)(1), 11–403(b)(2)(iii)3, and, as it related to Class C beer licenses, 7–101(t)(4)(x).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Club” § 1–101

### **31–605. CLASS D BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

#### **(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$100.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 3–401(w) and (a)(1) and 11–403(b)(2)(iii)3.

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined term: “Beer” § 1–101

### **SUBTITLE 7. LIGHT WINE LICENSES.**

#### **31–701. CLASS A LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A LIGHT WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZED THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE LIGHT WINE PRODUCED AT THE WINERY.**

**(2) LIGHT WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(19), (b)(1), (c)(1), (d)(1), and (e)(1)(ix) and (2).

In subsection (b) of this section, the reference to a "Class 3 winery license" is substituted for the former reference to a "Class 3 manufacturer's license, who makes wine from agricultural products grown in Maryland" for brevity and to conform to the terminology used throughout this article. Similarly, the reference to a "Class 4 limited winery license" is substituted for the former reference to a "Class 4 manufacturer's license".

Also in subsection (b) of this section, the former reference to a license being issued "by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (c)(1) of this section, the former phrase "in any quantity to any consumer" is deleted as surplusage.



In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 31–101  
 “Light wine” § 31–101

## **SUBTITLE 8. BEER AND LIGHT WINE LICENSES.**

### **31–801. CLASS A BEER AND LIGHT WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER AND LIGHT WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND LIGHT WINES IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR LIGHT WINE IS SOLD.**

#### **(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–101(w) and (a)(1) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being “issued by the license issuing authority of the county in which the place of business is located” are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and light wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

Defined terms: “Beer” § 1–101  
 “Light wine” § 31–101

**31–802. CLASS B BEER AND LIGHT (ON– AND OFF–SALE) WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$400.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–201(a)(1) and (w)(2) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101  
 “Hotel” § 1–101  
 “Light wine” § 31–101  
 “Restaurant” § 1–101

**31-803. CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(III) HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT, EXCLUDING SEATS AT BARS OR COUNTERS, CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

**(IV) IS EQUIPPED WITH SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

**(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;**

**(VI) SERVES FOOD AT ALL TIMES WHENEVER BEER AND LIGHT WINE ARE BEING SERVED OR CONSUMED; AND**

**(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(3) THE LICENSE:**

**(I) MAY BE ISSUED COUNTYWIDE BY THE BOARD; AND**

**(II) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.**

**(C) TERM OF LICENSE.**

**THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.**

**(D) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.**

**(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:**

- 1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;**
- 2. FINE A LICENSE HOLDER; OR**
- 3. SUSPEND A LICENSE.**

**(2) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE LICENSE HOLDER SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

**(3) THE LICENSE HOLDER OR THE LICENSE HOLDER'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.**

**(E) PREREQUISITE FOR RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(F) FEES.**

- (1) THE ANNUAL LICENSE FEE IS \$200.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsection (a) of this section is new language added as the standard introductory language for a license section.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 5–201(w)(1) and 8–222.1(b), (d), (e), (c)(2), and (f)(2) and (4).

In the introductory language of subsection (b)(1) of this section, the reference to the license being issued to a “restaurant” is substituted for the former reference to the license being issued “if the establishment for which the license is issued is a restaurant” for brevity.

In subsection (b)(1)(vi) of this section, the reference to “beer and light wine” is substituted for the former reference to “alcoholic beverages” for clarity.

In subsection (c) of this section, the former phrase May 1 “of each year” is deleted as surplusage.

In subsection (d) of this section, the references to “ratio” are substituted for the erroneous references to “ration” for clarity.

In subsection (d)(1)(ii)2 of this section, the phrase “fine a license holder” is substituted for the former phrase “issue a fine” for clarity.

In subsection (d)(2) and (3) of this section, the references to the “license holder” are substituted for the former references to the “applicant” for clarity and consistency within this subsection.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Light wine” § 1–101

**31–804. CLASS C BEER AND LIGHT WINE LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) REQUIREMENTS FOR REGULAR LICENSES NOT APPLICABLE.**

**SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$200.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5-301(w) and (a)(1), 11-403(b)(2)(iii)3, and, as it related to Class C beer and light wine licenses, 7-101(t)(4)(x).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption "only" on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a "bona fide" member is deleted as surplusage.

Defined terms: "Beer" § 1-101

"Club" § 1-101

"Light wine" § 31-101

**31-805. CLASS D BEER AND LIGHT WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER AND LIGHT WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$150.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 5–401(w) and (a)(1) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101  
“Light wine” § 31–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**31–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER, WINE, OR LIQUOR IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(C) DRUGSTORE PROHIBITION; EXCEPTION.**

**A LICENSE UNDER THIS SECTION MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$300.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–101(w) and (a)(1) and (3) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the references to “beer, wine, or liquor” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (b)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

Also in subsection (b)(1) of this section, the former phrase “at retail, in any quantity” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to “sell” is substituted for the former reference to “deliver” to conform to the terminology used throughout this article.

In subsection (c)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.



In subsection (c)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**31–902. CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(II) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(III) EXCLUDING SEATS AT BARS OR COUNTERS, HAS A DINING AREA WITH REGULAR SEATING CAPACITY AT TABLES, CHAIRS, AND BOOTHS, THAT CAN ACCOMMODATE AT LEAST 50 CUSTOMERS;**

**(IV) HAS SUFFICIENT KITCHEN AND DINING FACILITIES FOR REGULARLY PREPARING AND SERVING MEALS TO THE PUBLIC;**

**(V) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;**

**(VI) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC BEVERAGES ARE BEING SERVED OR CONSUMED; AND**

**(VII) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE:**

**(1) AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

**(2) IS NOT SUBJECT TO THE POPULATION RATIO QUOTA REQUIREMENTS UNDER § 31-1601 OF THIS TITLE.**

**(D) TERM OF LICENSE.**

**THE TERM OF THE LICENSE IS 1 YEAR AND BEGINS ON MAY 1.**

**(E) FOOD ALCOHOL RATIO REPORT TO BE SUBMITTED.**

**(1) (I) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(II) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:**

**1. REQUEST THAT A LICENSE HOLDER PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;**

**2. FINE A LICENSE HOLDER; OR**

**3. SUSPEND A LICENSE.**

**(2) THE APPLICANT OR THE APPLICANT'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.**

**(3) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE APPLICANT SHALL INCLUDE A CURRENT MENU AND INFORMATION ON HOURS OF OPERATION AND SALES AMOUNTS AND PERCENTAGES FOR THE SPECIFIED QUARTERS FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES.**

**(F) PREREQUISITE FOR RENEWAL OF LICENSE.**

**AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE APPLICANT SHALL HAVE DEMONSTRATED COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(1)(VII) OF THIS SECTION.**

**(G) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE UNDER § 31-2004(C) OF THIS TITLE.**

**(H) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$750.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsection (a) of this section is added as standard introductory language for a license section.

Subsections (b) through (f) and (h) of this section are new language derived without substantive change from former Art. 2B, §§ 8-222.1(b), (d), (e), (c)(3), and (f)(3) and (4) and 6-201(w)(2)(ii).

Subsection (g) of this section is new language added for clarity.

In the introductory language of subsection (b)(1) of this section, the language stating that the license may be issued to a "restaurant" is substituted for the former language stating that the license may be issued "if the establishment for which the license is issued is a restaurant" for brevity.

In subsection (c) of this section, the former language stating that the license may "be issued countywide by the Board" is deleted as unnecessary, as it merely repeats common practice.

In subsection (d) of this section, the former phrase May 1 "of each year" is deleted as surplusage.

In subsection (e) of this section, references to the Food Alcohol "Ratio" Report are substituted for the former erroneous references to the Food Alcohol "Ration" Report for clarity.

In subsection (e)(1)(ii)2 of this section, the phrase "fine a license holder" is substituted for the former phrase "issue a fine" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

“Beer” § 1-101

“Board” § 31-101

“Restaurant” § 1-101

“Wine” § 1-101

**31-903. CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) HOTEL AND RESTAURANT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) HOTEL AND RESTAURANT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A HOTEL THAT:**

**(1) IS IN A BUILDING AT LEAST THREE STORIES TALL THAT WAS ORIGINALLY CONSTRUCTED FOR HOTEL PURPOSES;**

**(2) HAS A CAPITAL INVESTMENT OF AT LEAST \$500,000; AND**

**(3) CONTAINS:**

**(I) AT LEAST ONE PASSENGER ELEVATOR;**

**(II) AT LEAST 100 ROOMS TO ACCOMMODATE THE PUBLIC; AND**

**(III) A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS FOR AT LEAST 125 INDIVIDUALS AT ONE SEATING.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE UNDER § 31-2004(B) OF THIS TITLE.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$1,000.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, §§ 6-201(a)(1) and (3)(i) and (w)(2)(i) and 11-403(b)(2)(iii)3.

Subsection (d) of this section is new language added for clarity.

Subsection (a) of this section is revised standard language used throughout this article to establish a license.

Defined terms: "Beer" § 1-101

"Board" § 31-101

"Hotel" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**31-904. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) FEES.**

**(1) THE ANNUAL LICENSE FEE IS:**

**(I) \$500 FOR A CLUB WITH FEWER THAN 600 MEMBERS, INCLUDING SOCIAL MEMBERS; AND**

**(II) \$1,000 FOR A CLUB WITH AT LEAST 600 MEMBERS, INCLUDING SOCIAL MEMBERS.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–301(a)(1) and (w)(2) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsection (b) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (b) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (b) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on–premises consumption”.

Also in subsection (b) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

Former Art. 2B, § 6–301(w)(1), which stated that former Art. 2B, § 6–301(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

As to Class C licenses for specific organizations or venues, *see* Subtitle 10 of this title.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

### **31–905. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

#### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.****(D) FEES.****(1) THE ANNUAL LICENSE FEE IS \$750.****(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–401(w) and (a)(1) and 11–403(b)(2)(iii)3.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the reference to the place described “in the license” is substituted for the former reference to the place described “in it” for clarity.

Defined terms: “Beer” § 1–101  
 “Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.****31–1001. AMUSEMENT PARK LICENSE.****(A) ESTABLISHED.****THERE IS AN AMUSEMENT PARK BEER LICENSE.****(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OPERATOR OF AN AMUSEMENT PARK, WHETHER AN INDIVIDUAL, AN ASSOCIATION OF INDIVIDUALS, OR A CORPORATION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT ONE OR MORE LOCATIONS WITHIN THE CONFINES OF THE PARK.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER FROM 8 A.M. TO MIDNIGHT ON EVERY DAY FROM MAY 1 TO SEPTEMBER 30 OF EACH YEAR, EXCEPT SUNDAYS AND ELECTION DAYS.**

**(E) ISSUANCE OF MULTIPLE LICENSES.**

**SECTIONS 4-203, 4-204, AND 4-205 OF THIS ARTICLE DO NOT APPLY TO A LICENSE ISSUED UNDER THIS SECTION.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-222(b).

Subsection (a) of this section states expressly what was only implicit in the former law, that an amusement park license exists in the County.

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues the license.

In subsection (e) of this section, the former statement that "[s]uch licensees shall be subject to all laws, rules and regulations applicable in the county to the sale of beer, not inconsistent with the provisions of this section" is deleted as an unnecessary statement of common practice.

Former Art. 2B, § 8-222(a), which stated that former Art. 2B, § 8-222 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"Board" § 31-101

**31-1002. COUNTRY AND GOLF CLUB LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS C (COUNTRY AND GOLF CLUB) BEER, WINE, AND LIQUOR LICENSE.**



**(B) SIGNING OF APPLICATION.**

**AN APPLICATION FOR THE LICENSE SHALL BE SIGNED BY THREE OFFICERS OF THE COUNTRY AND GOLF CLUB.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A COUNTRY AND GOLF CLUB THAT:**

**(1) HAS AT LEAST 200 MEMBERS PAYING DUES OF AT LEAST \$30 PER YEAR PER MEMBER; AND**

**(2) MAINTAINS A REGULAR OR CHAMPIONSHIP GOLF COURSE OF AT LEAST NINE HOLES.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR TO MEMBERS OF THE CLUB AND THEIR GUESTS AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR CONSUMPTION ON THE PREMISES AND GROUNDS OF THE CLUB.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 31-2004 OF THIS TITLE.**

**(F) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$1,000 FOR THE LICENSE YEAR THAT BEGINS IN MAY.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6-301(w)(3)(i) and (ii)1 through 4 and, as it related to hours and day of sale, 5 and 11-403(b)(2)(iii)3.

In subsection (b) of this section, the former reference to the application "filed on behalf of any such golf and country club" is deleted as surplusage.

In the introductory language of subsection (c) of this section, the former reference to a country and golf club “in the county” is deleted as surplusage.

In subsections (c)(1) and (d) of this section, the former references to “bona fide” members are deleted as surplusage.

In subsection (c)(1) of this section, the former reference to “whether or not the club is operated for profit” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, [or] liquor” is substituted for the former reference to “[a]lcoholic beverages” for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 31–2004 of this title” is substituted for the former reference to the “license [being] subject to all the provisions of this article and shall include all of the privileges and restrictions applicable thereunder to Class C license holders in Washington County” for clarity and consistency with similar provisions on hours and days of sale in this article.

In subsection (f)(1) of this section, the former reference to May “of each year” is deleted as unnecessary in light of the reference to the “license year”.

Former Art. 2B, § 6–301(w)(3)(ii)5, which stated that a country and golf club license “shall be subject to all the provisions of this article and shall include all of the privileges and restrictions applicable thereunder to Class C license holders in Washington County” is deleted as an unnecessary statement of common practice, except as it related to hours and days of sale for this license.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

### **31–1003. GOLF COURSE BEER AND WINE LICENSES.**

#### **(A) ESTABLISHED.**

#### **THERE IS:**

#### **(1) A CLASS C (GOLF COURSE) BEER AND WINE LICENSE; AND**

**(2) A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER AND WINE FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER AND LIGHT WINE LICENSE UNDER § 31-2003 OF THIS TITLE.**

**(2) THE BOARD MAY REDUCE THE LICENSE HOLDER'S HOURS OF SALE OF BEER AND WINE FOR ALL OR PART OF THE LICENSED PREMISES.**

**(E) FEES.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$750 FOR A 6-DAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE; AND**

**(2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER AND WINE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-505.1(d), (f) through (g), (e)(1) and (3), and, as it related to Class C (golf course) beer and wine licenses, (c).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (c) and (d)(2) of this section, the references to “beer and wine” are substituted for the former references to “alcoholic beverages” for clarity.

In subsection (c) of this section, the former reference to “only” on the land and in the buildings used for golfing purposes is deleted to conform to terminology used throughout this article.

In subsection (d)(1) of this section, the reference to the authority of the “license holder” to “sell beer and wine during the hours and days as set out for a Class C beer and light wine license under § 31–2003 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–522 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8–505.1(a), which stated that the provisions of former Art. 2B, § 8–505.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–505.1(b), which defined the term “Board” to mean the Board of License Commissioners, is deleted as redundant of the definition of “Board” in § 31–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Wine” § 1–101

### **31–1004. GOLF COURSE BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

(1) A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE;

AND

(2) A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR

LICENSE.

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSES FOR USE BY A PUBLIC GOLF COURSE OR ORGANIZATION THAT HAS A REGULAR OR CHAMPIONSHIP GOLF COURSE WITH A MINIMUM OF NINE HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 31-2004 OF THIS TITLE.**

**(2) THE BOARD MAY REDUCE A LICENSE HOLDER'S HOURS OF SALE OF BEER, WINE, AND LIQUOR FOR ALL OR PART OF THE LICENSED PREMISES.**

**(E) FEES.**

**THE ANNUAL LICENSE FEE IS:**

**(1) \$1,000 FOR A 6-DAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) \$250 FOR A SUNDAY CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-505.1(d), (f) through (h), (e)(2) and (4), and, as it related to Class C (golf course) beer, wine, and liquor licenses, (c).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In subsections (c) and (d)(2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the former reference to "only" on the land and in the buildings used for golfing purposes is deleted to conform to terminology used throughout this article.

In subsection (d)(1) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor during the hours and days as set for a Class C beer, wine, and liquor license under § 31–2004 of this title” is substituted for the former reference to the “hours and days of sale are as specified in § 11–522 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Wine” § 1–101

### **31–1005. STADIUM LICENSE.**

#### **(A) “PREMISES” DEFINED.**

**IN THIS SECTION, “PREMISES” INCLUDES THE ENTIRE STADIUM FACILITY AND THE STADIUM PARKING LOTS.**

#### **(B) ESTABLISHED.**

**THERE IS A STADIUM BEER AND LIGHT WINE LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM FRANCHISE THAT MAY BE IN ANY FORM OF BUSINESS ORGANIZATION, INCLUDING PARTNERSHIP, CORPORATION, AND LIMITED LIABILITY COMPANY.**

#### **(D) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND LIGHT WINE:**

**(I) FOR ON–PREMISES CONSUMPTION TO INDIVIDUALS PRESENT AT AN EVENT HELD IN THE STADIUM; AND**

**(II) IN PLASTIC, STYROFOAM, OR PAPER CONTAINERS.**

**(2) THE WRITTEN APPROVAL OF THE BOARD IS REQUIRED BEFORE BEER AND LIGHT WINE MAY BE SOLD, SERVED, OR CONSUMED:**

**(I) ON A PARKING LOT OF THE STADIUM; OR**

**(II) DURING AN EVENT OTHER THAN A BASEBALL GAME IN WHICH THE TEAM OF THE LICENSE HOLDER IS PLAYING.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE FROM THE TIME THE STADIUM OPENS FOR THE EVENT UNTIL THE EVENT ENDS.**

**(F) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM LICENSED PREMISES.**

**THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

**(G) FEES.**

**(1) THE ANNUAL LICENSE FEE IS \$2,000.**

**(2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–222(c) and 11–403(b)(2)(iii)3.

In subsections (d)(1)(i) and (f) of this section, the references to “individuals” and “individual” are substituted for the former references to “persons” and “person” because these subsections apply only to human beings.

In subsection (f) of this section, the former phrase “[e]xcept for a wholesaler or distributor of beer and light wine that is conducting business with the license holder” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 31–101

**31–1006. THEATER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B–THEATER LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE IN A THEATER THAT:**

- (1) IS OPERATED BY A NONPROFIT ORGANIZATION;**
- (2) APPEARS ON THE NATIONAL REGISTER OF HISTORIC PLACES;**
- (3) ACCOMMODATES AT LEAST 1,400 INDIVIDUALS; AND**
- (4) IS LOCATED ON THE SOUTH SIDE OF HAGERSTOWN.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ONLY TO INDIVIDUALS WHO ATTEND A PERFORMANCE OR AN EVENT HELD AT THE THEATER.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 31-2004 OF THIS TITLE.**

**(E) FEES.**

- (1) THE ANNUAL LICENSE FEE IS \$200.**
- (2) THE FEE FOR A SUNDAY PERMIT IS \$250.**

REVISOR'S NOTE: Subsections (a) through (c) and (e) of this section are new language derived without substantive change from former Art. 2B, §§ 6-201(w)(3) and 11-403(b)(2)(iii)3.

Subsection (d) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Washington County.

In subsections (b)(3) and (c) of this section, the references to "individuals" are substituted for the former references to "persons" because this section concerns only human beings.

Former Art. 2B, § 6-201(w)(1), which stated that former Art. 2B, § 6-201(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.



Defined terms: “Beer” § 1–101  
“Board” § 31–101  
“Wine” § 1–101

**SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

**31–1101. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

**(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4–1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31–1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1–101  
“County” § 31–101  
“License” § 1–101  
“License holder” § 1–101  
“Wine” § 1–101

**31–1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.**

**(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF A CLASS A LICENSE, A CLASS B LICENSE, OR A CLASS D LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) FEES.**

**THE ANNUAL PERMIT FEES ARE:**

**(1) \$50 FOR AN APPLICANT WHOSE LICENSE HAS AN OFF-SALE PRIVILEGE; AND**

**(2) \$500 FOR AN APPLICANT WHOSE LICENSE DOES NOT HAVE AN OFF-SALE PRIVILEGE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-222.2.

In subsection (a) of this section, the phrase "for draft beer" is added for clarity.

In subsection (b) of this section, the former language "[b]efore the Board issues a refillable container permit to an applicant" is deleted because it merely states the normal practice of the Board.

In subsection (c) of this section, the reference to the "underlying license" is substituted for the former reference to the "license already held by the person to whom the refillable container permit is issued" for brevity.

Former Art. 2B, § 8-103(a)(1)(ix), which stated that former Art. 2B, § 8-103, consisting of refillable container provisions, applied to Washington County, and former Art. 2B, § 8-222.2(a), which stated that former Art. 2B, §

8-222.2 applied only in Washington County, are deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-222.2(b), which defined “Board” to mean the Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 31-101 of this title.

Former Art. 2B, § 8-222.2(c) is deleted as unnecessary because it merely repeated provisions concerning refillable container permits that appear in § 4-1104 of this article.

Former Art. 2B, § 8-222.2(g), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31-207 of this title.

Defined terms: “Board” § 31-101  
“License” § 1-101  
“Off-sale” § 1-101

**31-1103. SIDEWALK CAFE PERMIT.**

**(A) ESTABLISHED.**

**THERE IS A SIDEWALK CAFE PERMIT.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF OR AN APPLICANT FOR A CLASS B LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE PERMIT AUTHORIZES THE PERMIT HOLDER TO SELL AND SERVE ALCOHOLIC BEVERAGES IN AN AREA ON THE SIDEWALK DIRECTLY IN FRONT OF THE LICENSED ESTABLISHMENT.**

**(D) REQUIREMENTS.**

**TO MAINTAIN A SIDEWALK CAFE PERMIT, THE PERMIT HOLDER SHALL:**

**(1) COMPLY WITH REGULATIONS APPLICABLE TO THE ISSUANCE OF THE UNDERLYING CLASS B LICENSE AND WITH ALL MUNICIPAL ORDINANCES AND FIRE AND HEALTH DEPARTMENT REGULATIONS;**

**(2) ENSURE THAT AT LEAST ONE EMPLOYEE CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM IS ON THE PREMISES AT ALL TIMES DURING THE OPERATION OF THE SIDEWALK CAFE; AND**

**(3) KEEP THE KITCHEN OPEN DURING ALL HOURS OF OPERATION AND HAVE PREPARED MEALS AVAILABLE TO BE SERVED IN THE SIDEWALK CAFE.**

**(E) HOURS AND DAYS OF SALE.**

**A PERMIT HOLDER MAY SELL OR SERVE ALCOHOLIC BEVERAGES IN THE SIDEWALK CAFE EVERY DAY OF THE WEEK FROM NOON TO MIDNIGHT.**

**(F) FEE.**

**THE ANNUAL PERMIT FEE IS \$500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-222(d).

Throughout this section, the references to a "permit" are substituted for the former references to a "license" to conform to the rule followed in this article that a permit is a secondary type of authorization that may be granted to a person who already has a license.

In subsection (d)(1) of this section, the former reference to "rules" is deleted as included in the reference to "regulations".

Defined terms: "Alcoholic beverage" § 1-101  
"Board" § 31-101

## **SUBTITLE 12. CATERER'S LICENSES.**

### **31-1201. LOCAL CATERER'S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(2) BEFORE THE BOARD ISSUES OR RENEWS THE LICENSE, THE COUNTY HEALTH DEPARTMENT SHALL APPROVE THE FOOD PREPARATION FACILITIES FOR A CATERED EVENT.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(D) DUTIES.**

**THE LICENSE HOLDER SHALL:**

**(1) PREPARE, DELIVER, AND PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT;**

**(2) PROVIDE THE SERVICE EMPLOYEES TO SERVE THE BEER, WINE, AND LIQUOR AT THE CATERED EVENT; AND**

**(3) ENSURE THAT AT LEAST ONE SERVICE EMPLOYEE IS CERTIFIED BY AN ALCOHOL AWARENESS PROGRAM UNDER § 4-505 OF THIS ARTICLE AND IS ON THE PREMISES AT ALL TIMES DURING THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$1,500.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE AND OFF-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Washington County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, § 6-709(b) through (i).

In subsection (b)(2) of this section, the phrase "for a catered event" is added for clarity.

In subsections (c)(1) and (d)(2) of this section, the references to "beer, wine, and liquor" are substituted for the former references to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the reference to the "holder's" license is substituted for the former reference to the "underlying" license for clarity.

Also in subsection (c)(2) of this section, the former phrase "under this article" is deleted as surplusage.

In subsection (d)(1) of this section, the former reference to preparing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a "local" caterer's license is added for clarity.

Also in subsection (f) of this section, the former reference to an "existing" license is deleted as surplusage.

Former Art. 2B, § 6-709(a)(1), which stated that former Art. 2B, § 6-709 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-709(a)(2), which defined "Board", is deleted as redundant of the definition of "Board" in § 31-101 of this title.

Defined terms: "Beer" § 1-101

"Board" § 31-101

"County" § 31-101

"Hotel" § 1-101

"Off-sale" § 1-101

"On-sale" § 1-101

"Restaurant" § 1-101

"Wine" § 1-101

**SUBTITLE 13. TEMPORARY LICENSES.**

**PART I. IN GENERAL.**

**31-1301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-1202 (“PER DIEM LICENSES”);**

**(2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(4) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);**

**(5) § 4-1208 (“HOURS AND DAYS OF SALE”); AND**

**(6) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).**

**(B) EXCEPTIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

**(1) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”), WHICH IS SUPERSEDED BY § 31-1312 OF THIS SUBTITLE; AND**

**(2) § 4-1205 (“LICENSE FEES”), WHICH IS SUPERSEDED BY § 31-1314 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 31-101

**31-1302. RESERVED.**

**31-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**31-1304. CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CUMBERLAND AND SHENANDOAH VALLEY WINE FESTIVAL (C&SVWF) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NONPROFIT WILLIAMSPORT CLUB THAT IS CHARTERED BY AN INTERNATIONAL SERVICE ORGANIZATION HEADQUARTERED IN THE UNITED STATES.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES HOLDERS OF A CLASS 3 WINERY LICENSE OR A CLASS 4 LIMITED WINERY LICENSE TO DISPLAY AND SELL WINE THAT IS MANUFACTURED AND PROCESSED IN THE STATE AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) TIME AND LOCATION OF FESTIVAL.**

**THE BOARD:**

**(1) MAY CHOOSE 1 WEEKEND EACH YEAR FOR THE FESTIVAL IN JUNE, JULY, OR AUGUST THAT DOES NOT CONFLICT WITH THE DATES OF THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY; AND**

**(2) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED.**

**(E) FEE.**

**THE BOARD SHALL SET THE LICENSE FEE.**

**(F) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-313.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (d)(1) of this section, the reference to the Maryland Wine Festival "in Carroll County" is added for clarity.

In subsection (d)(2) of this section, the reference to "choos[ing] a location that is not already licensed" is substituted for the former reference to "hav[ing] a wine festival on premises not already licensed under this article" for consistency with terminology used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that subsection (c) of this section, which authorizes license holders to display and sell wine "that is manufactured and processed in the State" may violate the Commerce Clause of the U.S. Constitution, as it apparently excludes wine that is manufactured and processed outside the State.

Defined terms: "Board" § 31-101

"License" § 1-101

"State" § 1-101

"Wine" § 1-101

### **31-1305. WINE FESTIVAL LICENSE.**

#### **(A) "FESTIVAL" DEFINED.**

**IN THIS SECTION, "FESTIVAL" MEANS THE WASHINGTON COUNTY WINE FESTIVAL.**

#### **(B) ESTABLISHED.**

**THERE IS A WASHINGTON COUNTY WINE FESTIVAL (WF) LICENSE.**

#### **(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

#### **(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS DISTRIBUTED IN THE STATE.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**
- (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

- (1) EACH YEAR MAY CHOOSE 2 WEEKENDS FOR THE FESTIVAL;**
- (2) SHALL CHOOSE LOCATIONS THAT ARE NOT ALREADY LICENSED;**

**AND**

**(3) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$20.**

**(I) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-313.1(c) through (k) and (a)(1) and (3).

Throughout this section, the former references to a "special" festival license are deleted as surplusage.

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 a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (e) of this section, the reference to the requirement that a “license holder shall” display and sell is substituted for the former reference to a “license entitl[ing] the holder to” display and sell for clarity and consistency with terminology used throughout this article.

In subsections (e)(2) and (f)(2) of this section, the former references to a festival or locations “in the county” are deleted as surplusage.

In subsection (f)(2) of this section, the reference to locations that are not “already licensed” is substituted for the former reference to locations that are not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the festivals” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

Former Art. 2B, § 8–313.1(a)(2), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 31–101 of this title.

Former Art. 2B, § 8–313.1(b), which stated that former Art. 2B, § 8–313.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 31–101

“State” § 1–101

“Wine” § 1–101

### **31–1306. BEER AND WINE STREET FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A NOT-FOR-PROFIT CLUB, SOCIETY, ASSOCIATION, OR ORGANIZATION.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO EXERCISE ANY OF THE PRIVILEGES CONFERRED BY THE CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE AT AN ENTERTAINMENT EVENT THAT IS:**

**(I) HELD IN THE ARTS AND ENTERTAINMENT DISTRICT IN HAGERSTOWN; AND**

**(II) APPROVED BY THE MAYOR OF HAGERSTOWN AND THE HAGERSTOWN CITY COUNCIL.**

**(2) DURING THE EVENT FOR WHICH THE LICENSE IS ISSUED, AN INDIVIDUAL, WITHIN THE APPROVED EVENT AREA AND IN A DESIGNATED CONTAINER UNIQUE TO THE EVENT, MAY:**

**(I) PURCHASE BEER OR WINE FROM THE LICENSE HOLDER, OR PURCHASE BEER OR WINE FROM, AND CONSUME ON THE PREMISES OF, ANY OTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES WITHIN THE ARTS AND ENTERTAINMENT DISTRICT;**

**(II) TRANSPORT THE BEER OR WINE IN THE DESIGNATED CONTAINER TO THE PREMISES OF ANOTHER LICENSE HOLDER WITH ON-SALE PRIVILEGES IN THE ARTS AND ENTERTAINMENT DISTRICT AND WITHIN THE APPROVED EVENT AREA; AND**

**(III) CONSUME THE BEER OR WINE WITHIN THE ARTS AND ENTERTAINMENT DISTRICT EVENT AREA AS APPROVED BY THE MAYOR AND CITY COUNCIL, INCLUDING THE PREMISES OF ANY LICENSE HOLDER WITH ON-SALE PRIVILEGES.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION UNDER OATH ON THE FORM THAT THE BOARD PROVIDES.**

**(2) SUBTITLES 14 AND 15 OF THIS TITLE AND § 3-102 OF THE GENERAL PROVISIONS ARTICLE DO NOT APPLY TO AN APPLICANT FOR THE LICENSE.**

**(E) USE OF WRISTBANDS REQUIRED.**

**(1) THE LICENSE HOLDER:**

**(I) AT THE EVENT FOR WHICH THE LICENSE IS ISSUED, SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL WHO IS AT LEAST 21 YEARS OLD; AND**

**(II) MAY NOT SERVE BEER OR WINE TO AN INDIVIDUAL WHO DOES NOT WEAR A WRISTBAND.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS SUBJECT TO:**

**(I) FOR A FIRST OFFENSE, A FINE OF \$250; AND**

**(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING \$1,000 AND DENIAL OF FURTHER REQUESTS FOR A CLASS C (ON-SALE) BEER AND WINE STREET FESTIVAL LICENSE.**

**(F) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

**THE LICENSE MAY BE USED FOR A MAXIMUM OF 26 DAYS IN A CALENDAR YEAR.**

**(H) FEE.**

**THE LICENSE FEE IS \$30 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(12)(iii) and (t)(4)(i) through (iv), (vi) through (viii), (xi), and, as it related to Class C (on-sale) beer and wine street festival licenses, (x) and § 12-107(b)(11).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(2) of this section, the reference to “the event for which the license is issued” is substituted for the former reference to “a bona fide entertainment event held in the Arts and Entertainment District in Hagerstown and approved by the Mayor and City Council” for brevity and consistency with language used in subsection (e) of this section.

In subsection (e)(2)(ii) of this section, the reference to “beer and wine” is substituted for the former reference to the broader term “alcoholic beverage” in accordance with the scope of this section.

In subsection (f) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his paragraph does not prohibit a holder” from holding another license for clarity.

Former Art. 2B, § 7–101(t)(4)(v), which stated that the fee shall be paid before the license is issued, is deleted as unnecessary because it merely states common practice.

Former Art. 2B, § 7–101(t)(4)(ix), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31–207 of this title.

Defined terms: “Beer” § 1–101  
 “Board” § 31–101  
 “License” § 1–101  
 “License holder” § 1–101  
 “Wine” § 1–101

### **31–1307. BEER TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER TASTING (BT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A OR CLASS B BEER AND WINE (BW) LICENSE OR A CLASS A OR CLASS B BEER, WINE, AND LIQUOR (BWL) LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE CONSUMPTION OF BEER FOR TASTING IF THE CONSUMER IS NOT CHARGED.**

**(D) LIMIT ON SERVINGS.**

**THE BOARD SHALL REGULATE:**

- (1) THE QUANTITY OF BEER TO BE SERVED TO EACH INDIVIDUAL;**
- (2) THE NUMBER OF BOTTLES OR OTHER CONTAINERS OF BEER FROM WHICH THIS QUANTITY IS BEING SERVED; AND**
- (3) THE SIZE OF THE BOTTLES OR OTHER CONTAINERS.**

**(E) FEE.**

**IN ADDITION TO THE BW LICENSE FEE OR THE BWL LICENSE FEE, THE ANNUAL LICENSE FEE IS \$100.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–902(c) through (g).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section, the former reference to “alcoholic beverages” is deleted in light of the reference to “beer” in accordance with the scope of this section.

In subsection (b) of this section, the former phrase “in the county” is deleted as surplusage.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder” to allow consumption of beer is added for clarity and consistency with terminology used throughout this article.

In subsection (d)(1) of this section, the reference to each “individual” is substituted for the former, overbroad reference to each “person”.

Former Art. 2B, § 8–902(a), which stated that former Art. 2B, § 8–902 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–902(b), which defined “Board” to mean the Washington County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 31–101 of this title.

Former Art. 2B, § 8–902(h), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31–207 of this title.

Defined terms: “Beer” § 1–101

“Board” § 31–101

“Consumer” § 1–101

### **31–1308. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WTL) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION OF WINE FOR TASTING.**

**(D) NOTICE TO BOARD BEFORE TASTING EVENT.**

**THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A TASTING EVENT.**

**(E) LIMIT ON SERVINGS.**

**A LICENSE HOLDER MAY NOT SERVE MORE THAN 2 OUNCES OF A SINGLE WINE TO A SINGLE CUSTOMER.**

**(F) TASTING CHARGE PROHIBITED.**

**A LICENSE HOLDER MAY NOT CHARGE FOR THE WINE TASTING.**

**(G) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**



**THE LICENSE MAY BE USED NOT MORE THAN 12 DAYS IN A LICENSING YEAR.**

**(H) FEE.**

**IN ADDITION TO THE ANNUAL LICENSE FEE OF A CLASS A BEER, WINE, AND LIQUOR LICENSE, THE ANNUAL LICENSE FEE IS \$200.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–411(b) through (g).

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.

Former Art. 2B, § 8–411(a), which stated that former Art. 2B, § 8–411 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–411(h), which stated that the Board may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 31–207 of this title.

Defined terms: “Board” § 31–101

“Beer” § 1–101

“Wine” § 1–101

**31–1309. LIQUOR TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LIQUOR TASTING LICENSE (LTL).**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF LIQUOR FOR TASTING.**

**(2) A LICENSE HOLDER MAY NOT HOLD MORE THAN ONE LIQUOR, BEER, OR WINE TASTING EVENT ON THE SAME DAY.**

**(D) APPLICATION PROCESS.**

**AN APPLICANT FOR THE LICENSE SHALL SUBMIT AN APPLICATION ON THE FORM THAT THE BOARD PROVIDES.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 10 DAYS BEFORE A TASTING EVENT.**

**(F) LIMIT ON SERVING.**

**AN INDIVIDUAL MAY CONSUME LIQUOR COVERED BY THE LICENSE IN A QUANTITY OF NOT MORE THAN:**

**(1) ONE-HALF OUNCE FROM EACH OFFERING OF LIQUOR; AND**

**(2) FOUR OFFERINGS IN 1 DAY.**

**(G) PROCEDURES FOR TASTING EVENT.**

**(1) A MAXIMUM OF FOUR BOTTLES MAY BE OPEN AT ANY ONE TIME AT A LIQUOR TASTING EVENT.**

**(2) AFTER A BOTTLE OF LIQUOR IS OPENED FOR A TASTING EVENT:**

**(I) THE CONTENTS OF THE BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE; AND**

**(II) THE BOTTLE SHALL BE DESTROYED WHEN EMPTY.**

**(H) TASTING CHARGE PROHIBITED.**

**A LICENSE HOLDER MAY NOT CHARGE FOR THE LIQUOR TASTING.**

**(I) MAXIMUM NUMBER OF DAYS THAT LICENSE MAY BE USED.**

**THE LICENSE MAY BE USED FOR A MAXIMUM OF:**

- (1) 12 DAYS IN A LICENSING YEAR FOR A 12-TASTING LICENSE; AND
- (2) 24 DAYS IN A LICENSING YEAR FOR A 24-TASTING LICENSE.

**(J) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$300 FOR A 12-TASTING LICENSE; AND
- (2) \$500 FOR A 24-TASTING LICENSE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-9A-02(c) through (j).

Throughout this section, the former references to a "special" liquor tasting license are deleted as surplusage.

Also throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(1) of this section, the reference to the license "authoriz[ing] the holder" to allow the consumption of liquor is added for clarity and consistency with the terminology used throughout this article.

In the introductory language of subsection (g)(2) of this section, the language "after a bottle of liquor is opened for a tasting event" is added for clarity and consistency with the terminology used throughout this article.

Former Art. 2B, § 8-9A-02(a), which defined "Board" to mean the Washington County Board of License Commissioners, is deleted as redundant of the defined term "Board" in § 31-101 of this title.

Former Art. 2B, § 8-9A-02(b), which stated that former Art. 2B, § 8-9A-02 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-9A-02(k), which authorized the Board to adopt regulations to implement this section, is deleted as unnecessary because the Board has power to adopt regulations under § 31-207 of this title.

Defined terms: "Beer" § 1-101

“Board” § 31–101  
“License” § 1–101  
“License holder” §1–101  
“Wine” § 1–101

**31–1310. RESERVED.**

**31–1311. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**31–1312. CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A CLUB THAT HAS AN ANNUAL ON–SALE BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR AT A PLACE OTHER THAN THE LICENSE HOLDER’S REGULAR PLACE OF BUSINESS.**

**(D) PERIOD OF AUTHORIZATION.**

**THE BOARD MAY NOT ISSUE THE LICENSE FOR MORE THAN 5 CONSECUTIVE DAYS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(t)(2)(i) and (ii).

Former Art. 2B, § 7–101(t)(1), which stated that former Art. 2B, § 7–101(t) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 31–101  
“Club” § 1–101  
“On–sale” § 1–101

**31–1313. SUNDAY PICNIC LICENSE.**

**(1) A PICNIC LICENSE AUTHORIZES A CLUB OWNER TO SELL BEER AT A PLACE OTHER THAN THE CLUB OWNER'S REGULAR PLACE OF BUSINESS.**

**(2) THE LICENSE MAY BE EXERCISED ONLY ON SUNDAY BETWEEN NOON AND MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(t)(3)(i) and (ii).

Defined terms: "Beer" § 1-101

"Club" § 1-101

**31-1314. FEES.**

**THE LICENSE FEE IS:**

**(1) \$15 PER DAY FOR A CLASS C PER DIEM BEER LICENSE;**

**(2) \$25 PER DAY FOR A CLASS C PER DIEM BEER AND WINE LICENSE;**

**(3) \$30 PER DAY FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE, EXCEPT THERE IS NO FEE ON SUNDAY; AND**

**(4) \$15 PER DAY FOR A "PICNIC" LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(12)(i) and (ii) and (t)(2)(iii) and (3)(iii).

In item (2) of this section, the reference to "wine" is substituted for the former reference to "light wine" to avoid confusion. In Washington County, a license holder is not restricted to selling wine only with an alcohol content at or below the traditional maximum level for light wine, which is 15.5% by volume.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**31-1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**
- (2) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**
- (3) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”);**
- (4) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”);**
- (5) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);**
- (6) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**
- (7) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”);**
- (8) § 4-111 (“PAYMENT OF LICENSE FEES”);**
- (9) § 4-112 (“DISPOSITION OF LICENSE FEES”);**
- (10) § 4-113 (“REFUND OF LICENSE FEES”); AND**
- (11) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 31-1403 THROUGH 31-1408 OF THIS SUBTITLE; AND**
- (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”), SUBJECT TO § 31-1402 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 31–101

**31–1402. RESIDENTS WHO MAY SIGN PETITION OF SUPPORT FOR LICENSE.**

**WITH THE LICENSE APPLICATION, THE APPLICANT SHALL SUBMIT A PETITION OF SUPPORT THAT:**

**(1) IS SIGNED BY AT LEAST THREE RESIDENTS WHO ARE OWNERS OF REAL PROPERTY AND REGISTERED VOTERS IN THE COUNTY; AND**

**(2) DECLARES THAT THE APPLICANT:**

**(I) IS PERSONALLY KNOWN TO THEM; AND**

**(II) HAS BEEN A RESIDENT OF THE COUNTY FOR 2 YEARS IMMEDIATELY BEFORE PRESENTING THEM WITH THE APPLICATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(w).

In the introductory language of this section, the reference to a “petition of support” is substituted for the former reference to a “certificate” to conform to the terminology used throughout this article.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that in item (1) of this section, the reference to “residents” is substituted for the former reference to “citizens” who are owners of real estate and registered voters in the County because the former reference to “citizens” is unclear in this context.

Defined terms: “County” § 31–101  
“License” § 1–101

**31–1403. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

**THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(3)(i).

The reference to “criminal history record information” is substituted for the former reference to “criminal history records check” to conform to the terminology used in CP § 10–201.

Defined terms: “Board” § 31–101  
“Central Repository” § 1–101  
“License” § 1–101

**31–1404. FEE TO COVER COSTS OF OBTAINING FINGERPRINTS AND RECORDS CHECK RESULTS.**

**THE BOARD MAY SET AND CHARGE A FEE TO COVER THE COST OF OBTAINING THE APPLICANT’S FINGERPRINTS AND THE RESULTS OF THE STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(4).

The reference to the “applicant’s” fingerprints is added for clarity.

The reference to the requirement to “set and charge” a fee is substituted for the former requirement to “establish” a fee for clarity.

Defined terms: “Board” § 31–101  
“State” § 1–101

**31–1405. CRIMINAL HISTORY RECORD INFORMATION TO BE KEPT IN SEALED ENVELOPE.**

**THE BOARD SHALL KEEP ALL CRIMINAL HISTORY RECORD INFORMATION IN A SEALED ENVELOPE AVAILABLE ONLY TO MEMBERS, INSPECTORS, ADMINISTRATORS, AND DESIGNEES OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(5)(iii).

The reference to “criminal history record information” is substituted for the former reference to “[i]nformation obtained from the Central Repository” to conform to the terminology used in CP § 10–201.

Defined term: “Board” § 31–101

**31–1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION ON COMPLETION OF THE APPLICATION PROCESS.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(5)(iv).

The reference to “criminal history record information” is substituted for the former reference to “[i]nformation” for clarity and to conform to the terminology used in CP § 10–201.

The reference to “the application process” is substituted for the former reference to “their necessary use” for clarity.

Defined term: “Board” § 31–101

**31–1407. HEARING MAY NOT BE DELAYED ON ACCOUNT OF FAILURE TO PROVIDE RECORDS CHECK.**

**THE HEARING FOR A NEW APPLICANT AND THE ISSUANCE OF A LICENSE MAY NOT BE DELAYED DUE TO THE FAILURE OF THE FEDERAL BUREAU OF INVESTIGATION TO PROVIDE THE REQUESTED CRIMINAL HISTORY RECORDS CHECK BY THE DATE OF THE SCHEDULED HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(6).

Defined term: “License” § 1–101

**31–1408. REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO PRESERVE THE CONFIDENTIALITY OF THE INFORMATION UNDER AND TO CARRY OUT THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e)(8).

Former Art. 2B, § 10–103(e)(2), which provided that former Art. 2B, § 10–103(e) applied only to Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 31–101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**31–1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (3) § 4-207 (“LICENSES ISSUED TO MINORS”);**
- (4) § 4-209 (“HEARING”);**
- (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);**
- (6) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);**
- (7) § 4-212 (“LICENSE NOT PROPERTY”);**
- (8) § 4-213 (“REPLACEMENT LICENSES”); AND**
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-202 (“AUTHORITY OF LOCAL LICENSING BOARDS”), SUBJECT TO § 31-1502 OF THIS SUBTITLE;**
- (2) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO § 31-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;**
- (3) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO § 31-1503 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE; AND**
- (4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 31-1504 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: "County" § 31-101

"License" § 1-101

"Local licensing board" § 1-101

### **31-1502. HOLDERS OF OUT-OF-STATE LICENSES.**

**THE BOARD MAY NOT ISSUE A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE TO A PERSON THAT HOLDS AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(9), except as it related to the renewal of a license by a person that holds an out-of-state license.

The reference to "[t]he Board" is added for clarity.

The reference to an "out-of-state" license is substituted for the former reference to a license "in any other state or in Washington, D.C." for brevity.

The former reference to a "corporation, or limited liability company" is deleted as included in the defined term "person".

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 31-101

"License" § 1-101

"Light wine" § 31-101

"Person" § 1-101

"Wine" § 1-101

### **31-1503. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

**(1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND LIGHT WINE LICENSES; AND**

**(2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and light wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101

“License” § 1–101

“Light wine” § 31–101

### **31–1504. NOTICE OF LICENSE APPLICATION.**

#### **(A) POSTING NOTICE.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE ON THE LOCATION DESCRIBED IN THE APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

#### **(B) CONTENTS OF POSTING.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(ii) and (i)8.

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with the language used in subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 31-101

“License” § 1-101

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**31-1601. POPULATION QUOTA.**

**(A) “POPULATION RATIO QUOTA” DEFINED.**

**IN THIS SECTION, “POPULATION RATIO QUOTA” MEANS ONE LICENSE FOR EVERY 3,000 INDIVIDUALS RESIDING IN THE ELECTION DISTRICT WHERE THE LICENSE WILL BE ISSUED:**

**(1) AS DETERMINED BY THE LAST FEDERAL POPULATION CENSUS;  
BUT**

**(2) EXCLUDING INDIVIDUALS DETAINED OR CONFINED IN A CORRECTIONAL FACILITY AS DEFINED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.**

**(B) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE IN AN ELECTION DISTRICT IF THE NUMBER OF LICENSES EXCEEDS THE POPULATION RATIO QUOTA.**

**(C) PUBLIC NEED EXCEPTION; RENEWAL OR TRANSFER ALLOWED.**

**FOR ANY CLASS OF LICENSE, THE BOARD MAY:**

**(1) ISSUE THE LICENSE IF THE BOARD:**

**(I) DETERMINES THAT THERE IS A PUBLIC NEED, INCLUDING GOVERNMENT-SANCTIONED ECONOMIC REVITALIZATION; AND**

**(II) STATES IN THE ORDER ISSUING THE LICENSE THE REASONS FOR ITS DECISION TO EXCEED THE POPULATION RATIO QUOTA; OR**

**(2) RENEW THE LICENSE OR APPROVE THE TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

**(D) RESTAURANT EXCEPTION.**

**THE BOARD MAY ISSUE AN ON-SALE LICENSE TO A RESTAURANT THAT:**

**(1) IS LOCATED IN A PERMANENT BUILDING;**

**(2) REGULARLY SELLS AND SERVES FOOD TO THE PUBLIC;**

**(3) HAS A SEATING CAPACITY OF AT LEAST:**

**(I) 75 PERSONS FOR A CLASS B (ON- AND OFF-SALE) LICENSE;**

**OR**

**(II) 50 PERSONS FOR A CLASS B (ON-SALE) LICENSE; AND**

**(4) HAS ANNUAL GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS ANNUAL GROSS SALES OF ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-222(b).

In subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.

In the introductory language of subsection (c)(1) of this section, the former phrase "notwithstanding the population ratio quota" is deleted as unnecessary in light of subsection (b) of this section, which excepts subsection (c) from the quota.

In subsection (c)(2) of this section, the reference to the Board "approv[ing] the" transfer "of" a license is added for accuracy.

In subsection (d) of this section, the former defined term "restaurant", which is used only once, is revised as a substantive provision for brevity.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 31-101

"License" § 1-101

**31-1602. PAYMENT OF GAMING PROCEEDS AND TAXES.**

**(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE:**

**(1) UNTIL ALL OUTSTANDING GAMING PROCEEDS, PAYMENTS, AND FINES THAT ARE UNPAID BY THE LICENSE HOLDER OR APPLICANT HAVE BEEN PAID OR JUDICIALLY SATISFIED; OR**

**(2) FOR ANY LOCATION THAT PREVIOUSLY WAS LICENSED UNDER THIS TITLE, UNTIL ALL COUNTY TAXES THAT ARE UNPAID BY THE LICENSE HOLDER FOR THE OPERATION OF THE BUSINESS UNDER THE PREVIOUS LICENSE HAVE BEEN PAID OR JUDICIALLY SATISFIED.**

**(B) EXCEPTIONS.**

**THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(1) A TEMPORARY LICENSE; OR**

**(2) A CERTIFICATE OF PERMISSION OR RENEWAL LICENSE ISSUED TO A PERSONAL REPRESENTATIVE UNDER § 4-803 OF THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-222(a).

In the introductory language of subsection (a) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license".

In subsection (b)(1) of this section, the former reference to a "special" license is deleted as unnecessary in light of the reference to a "temporary" license.

Defined terms: "Board" § 31-101  
"County" § 31-101  
"License" § 1-101  
"License holder" § 1-101

**31-1603. RESERVED.**

**31-1604. RESERVED.**

**PART II. MULTIPLE LICENSING PLANS.****31-1605. RESERVED.****SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.****31-1701. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”); AND**
- (3) § 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 31-1702 OF THIS SUBTITLE; AND**
- (2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 31-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 31-101

“License” § 1-101

**31-1702. PAYMENT OF TAXES.**



**THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE UNLESS THE BOARD IS PRESENTED WITH AN AFFIDAVIT THAT CERTIFIES THAT ALL REAL AND PERSONAL PROPERTY TAXES THAT ARE DUE TO THE COUNTY BY THE TRANSFEROR ARE PAID.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–503(w)(3).

The reference to the Board's "allow[ing]" the transfer is added to conform to the terminology used throughout this article.

The reference to "real and personal property" taxes is added for clarity and to conform to the terminology used throughout this article.

The former reference to taxes that are "owed" is deleted in light of the reference to taxes that are "due".

Former Art. 2B, § 10–503(w)(1), which stated that former Art. 2B, § 10–503(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10–503(w)(2), which defined "Board" to mean "the Board of License Commissioners", is deleted as duplicative of the term "Board", which is defined in § 31–101 of this title.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that former Art. 2B, § 10–503(w)(3) contained no requirement that before approval of a transfer an affidavit be presented to the Board that no State taxes are due.

Defined terms: "Board" § 31–101

"County" § 31–101

"License" § 1–101

### **31–1703. FEES.**

**ON THE TRANSFER OF A LICENSE, THE BOARD SHALL IMPOSE A FEE OF:**

- (1) \$400 EACH TIME THE LICENSE IS TRANSFERRED; AND**
- (2) \$100 EACH TIME THE TRANSFER IS ADVERTISED.**

REVISOR'S NOTE: This section formerly was Art. 2B, § 10–503(w)(4).

The only changes are in style.

Defined terms: “Board” § 31–101  
 “License” § 1–101

**31–1704. APPLICANTS SUBJECT TO CRIMINAL HISTORY RECORDS CHECK.**

**AN APPLICANT FOR A TRANSFER OF A LICENSE IS SUBJECT TO A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK UNDER § 4–107 OF THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(e), as it related to an applicant for a transfer of a license.

The requirements for a State and national criminal history records check for an applicant for a transfer of a license are identical to the requirements for an applicant for the issuance of a license. The cross–reference to “§ 4–107 of this article”, where those requirements appear in the applications for local licenses subtitle, is substituted for a listing of those requirements, to avoid unnecessary repetition.

Defined terms: “License” § 1–101  
 “State” § 1–101

**SUBTITLE 18. RENEWAL OF LICENSES.**

**31–1801. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**

(7) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”), SUBJECT TO § 31-1802 OF THIS SUBTITLE; AND

(2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 31-1803 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 31-101

“License” § 1-101

**31-1802. LATE FILING.**

A LICENSE HOLDER THAT FILES A COMPLETED APPLICATION FOR LICENSE RENEWAL:

(1) BETWEEN APRIL 2 AND APRIL 11, INCLUSIVE, IS SUBJECT TO A PENALTY OF \$100; OR

(2) ON OR AFTER APRIL 12 IS SUBJECT TO A PENALTY OF \$400.

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(o)(3).

Defined terms: “License” § 1-101

“License holder” § 1-101

**31-1803. PAYMENT OF TAXES.**

THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER:

(1) PAYS ALL COUNTY TAXES THAT ARE DUE UNDER THE LICENSE;  
AND

**(2) CERTIFIES BY AFFIDAVIT TO THE BOARD THAT NO COUNTY TAXES ARE DUE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(o)(2).

The former redundant references to taxes that are "owing" are deleted as included in the references to taxes that are "due".

Former Art. 2B, § 10-301(o)(1), which stated that former Art. 2B, § 10-301(o) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 31-101

"County" § 31-101

"License" § 1-101

"License holder" § 1-101

**31-1804. HOLDERS OF OUT-OF-STATE LICENSES.**

**NOTWITHSTANDING § 31-1502 OF THIS TITLE, THE BOARD MAY RENEW A CLASS A OR CLASS D BEER LICENSE, BEER AND LIGHT WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE ORIGINALLY ISSUED TO A HOLDER OF AN OUT-OF-STATE ALCOHOLIC BEVERAGES LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(b-3)(9), as it related to the renewal of a license by a person who holds an out-of-state license.

The phrase "[n]otwithstanding § 31-1502 of this title," is added to clarify that this section is an exception to § 31-1502.

The reference to an "out-of-state" license is substituted for the former reference to a license "in any other state or in Washington, D.C." for brevity.

The reference to the authority of "the Board" to "renew" a license "originally issued to a holder of an out-of-state" license is substituted for the former reference to the "except[ion] by way of renewal, to a person, corporation, or limited liability company holding" an out-of-state license for clarity and to avoid the implication that a licensee can obtain an out-of-state license after obtaining the original license and continue to renew the original license.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

“Board” § 31-101  
“Wine” § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**31-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 31-1902 OF THIS SUBTITLE; AND**
- (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 31-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
“County” § 31-101  
“License” § 1-101  
“License holder” § 1-101

**31-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**A LICENSE HOLDER MAY EMPLOY AN INDIVIDUAL WHO IS:**

**(1) AT LEAST 18 YEARS OLD TO SELL, SERVE, DELIVER, OR OTHERWISE DEAL WITH ALCOHOLIC BEVERAGES; OR**

**(2) AT LEAST 16 YEARS OLD TO PERFORM ANY TASK OTHER THAN TO SELL, SERVE, OR DELIVER ALCOHOLIC BEVERAGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(12).

In the introductory language of this section, the reference to an "individual" is substituted for the former reference to a "person" because this section applies only to human beings.

Defined terms: "Alcoholic beverage" § 1-101  
"License holder" § 1-101

**31-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(B) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13-101(d) and (c)(2)(i)4, (iii), and (iv)4 and, as it related to Washington County, 1.

In subsection (a) of this section, the references to an "individual" are substituted for the former references to a "person" because this section applies only to human beings.

In subsection (a)(1)(ii) of this section, the reference to being present "on the licensed premises" is added for clarity.

Also in subsection (a)(1)(ii) of this section, the defined term "alcoholic beverage[s]" is substituted for the former reference to "alcohol" to conform to the terminology used throughout this article.

In subsection (a)(2) of this section, the former reference to a "bona fide" personal or business reason is deleted as surplusage.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 31-101

"License holder" § 1-101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

**31-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

**(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Washington County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of subsection (a)(1) of this section.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that,



notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

### **31-2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

#### **(B) CLASS B BEER (ON- AND OFF-SALE) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER (ON- AND OFF-SALE) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

#### **(C) CLASS B (ON-SALE ONLY) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER (ON-SALE ONLY) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF ISSUED A SUNDAY LICENSE.**

**(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) PICNIC LICENSE.**

**A HOLDER OF A PICNIC LICENSE MAY SELL BEER ON SUNDAY FROM NOON TO MIDNIGHT.**

**(E) CLASS C BEER LICENSE.**

**(1) A HOLDER OF A CLASS C BEER (ON-SALE) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(F) CLASS D BEER LICENSE.**

**(1) A HOLDER OF A CLASS D BEER (ON-SALE) LICENSE MAY SELL BEER:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 7-101(t)(3)(ii), 11-301(a)(6), and 11-403(a)(8)(i) and (ii) and (b)(2)(iii)2 and, as they related to beer licenses, (a)(8)(iii) and (b)(2)(iii)1.

In this section, the phrase "if issued a Sunday license" is added for clarity.

In subsection (c)(1)(ii), of this section, the references to a specific class of beer license are substituted for the former references to "the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses" for clarity.

Also in subsection (c)(1)(ii) of this section, the Sunday hours of sale are provided to explicitly state what was only implied in the former law, that the Sunday hours of sale are from noon to midnight and, under certain circumstances, from 11 a.m. to midnight.

Defined terms: "Alcoholic beverage" § 1-101  
"Beer" § 1-101

**31-2003. BEER AND LIGHT WINE LICENSES.**

**(A) CLASS A BEER AND LIGHT WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(B) CLASS B BEER AND LIGHT WINE (ON- AND OFF-SALE) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON- AND OFF-SALE) LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER AND LIGHT WINE (ON-SALE ONLY) POURING LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS B SIDEWALK CAFE PERMIT.**

**A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE BEER AND LIGHT WINE IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY, FROM NOON TO MIDNIGHT.**

**(E) CLASS C BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(F) CLASS D BEER AND LIGHT WINE LICENSE.**

**(1) A HOLDER OF A CLASS D BEER AND LIGHT WINE (ON-SALE) LICENSE MAY SELL BEER AND LIGHT WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER AND LIGHT WINE ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and (8) and (b)(2)(iii)1 and 2.

In this section, the references to specific beer and light wine licenses are substituted for the former references to "the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses" for clarity.

Defined terms: "Alcoholic beverage" § 1-101  
"Beer" § 1-101

**31-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR (OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(B) CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON- AND OFF-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE ONLY) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**

**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY BEFORE THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS B SIDEWALK CAFE PERMIT.**

**A HOLDER OF A CLASS B SIDEWALK CAFE PERMIT MAY SELL OR PROVIDE BEER, WINE, AND LIQUOR IN THE SIDEWALK CAFE ON MONDAY THROUGH SUNDAY, FROM NOON TO MIDNIGHT.**

**(E) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON SUNDAY, FROM 11 A.M. TO MIDNIGHT, IF:**

**(I) THE CONSUMER PLACES AN ORDER FOR A MEAL SIMULTANEOUSLY WITH OR BEFORE PLACING AN ORDER FOR AN ALCOHOLIC BEVERAGE; OR**

**(II) THE CONSUMER IS ENTITLED TO A MEAL ON THE PREMISES AS PART OF A PREARRANGED EVENT.**



**(3) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR ON THE SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

**(F) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON SUNDAY, FROM NOON TO MIDNIGHT, IF A FEE IS PAID.**

**(2) WHEN A FEDERAL HOLIDAY FALLS ON A MONDAY, THE LICENSE HOLDER MAY EXERCISE THE PRIVILEGES CONFERRED BY THE LICENSE ON THE SUNDAY IMMEDIATELY PRECEDING THE MONDAY HOLIDAY, FROM NOON TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-522, 8-222(d)(6), and 11-403(a)(1)(ii) and (8) and (b)(2)(iii)1 and 2.

In this section, the references to specific beer, wine, and liquor licenses are substituted for the former references to "the following classes of alcoholic beverages licenses ... [a] Class A (off-sale) license; and [a]ll classes of on-sale alcoholic beverages licenses" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Wine" § 1-101

**31-2005. WHEN NEW YEAR'S EVE FALLS ON SUNDAY.**

**A LICENSE HOLDER MAY PURCHASE A PER DIEM ON-SALE LICENSE FOR \$50 FOR USE WHEN NEW YEAR'S EVE FALLS ON A SUNDAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-403(b)(2)(iii)4.

The reference to a "per diem" license is substituted for the former reference to a "1 day" license to conform to the terminology used throughout this article.

The former phrase “in addition to any other annual license fee” is deleted as surplusage.

Defined terms: “License” § 1–101

“License holder” § 1–101

“On–sale” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 11–402(w)(1), which stated that former Art. 2B, § 11–402(w) applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11–402(w)(2) and (3) are deleted as unnecessary. These former provisions prohibited construing this article from requiring a holder of an on–sale license to close the licensed premises until 2 a.m. on January 1 of any year. This prohibition is unnecessary in light of § 31–2001 of this subtitle, which prohibits consumption from 2 a.m. to 6 a.m. Additionally, when December 31 falls on a Sunday, the former provisions stated that a holder of an on–sale license may make sales of alcoholic beverages from 9 p.m. on December 31 until 2 a.m. the following day. These provisions are rendered redundant by §§ 31–2002(b)(3), (c)(3), (d)(2), and (e)(3); 31–2003(b)(3), (c)(3), (d)(3), (e)(2), and (f)(2); and 31–2004(b)(3), (c)(3), (d)(3), (e)(3), (f)(2), and (h)(3) of this subtitle, which state that on Sunday the license holder may remain open from noon until 2 a.m. the following Monday when that Monday is a federal holiday. When December 31 falls on a Sunday, the following Monday is a federal holiday.

#### **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

##### **31–2101. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”);**
- (3) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”); AND**
- (4) § 4–606 (“EFFECTS OF REVOCATION”).**

**(B) VARIATION.**

**SECTION 4-605 (“NUDITY AND SEXUAL DISPLAYS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 31-2102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Defined terms: “County” § 31-101

“License” § 1-101

“Local licensing board” § 1-101

**31-2102. NUDITY AND SEXUAL DISPLAYS — EXCEPTIONS FOR THEATERS.**

**SECTION 4-605 OF THIS ARTICLE DOES NOT APPLY TO:**

**(1) THE WASHINGTON COUNTY PLAYHOUSE; AND**

**(2) A THEATER HOLDING A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-405(i).

In item (2) of this section, the former reference to a Class B beer, wine and liquor on-sale license “under § 6-201(w) of this article” is deleted as surplusage.

Former Art. 2B, § 10-405(a)(16), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Wine” § 1-101

**SUBTITLE 22. EXPIRATION OF LICENSES.**

**31-2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 31–101  
“License” § 1–101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**31–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 31–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**31–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 31–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**31–2501. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 1 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

- (1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**
- (2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(w) and (a)(1) and the introductory language of (2).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**SUBTITLE 26. ENFORCEMENT.**

**31-2601. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined term: “County” § 31–101

**SUBTITLE 27. PROHIBITED ACTS.**

**31–2701. 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) § 6–308 (“ALLOWING ON–PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**
- (4) § 6–309 (“ALLOWING ON–PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);**
- (5) § 6–310 (“PROVIDING FREE FOOD”);**
- (6) § 6–311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);**
- (7) § 6–312 (“BEVERAGE MISREPRESENTATION”);**
- (8) § 6–313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);**
- (9) § 6–314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);**

(10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);

(11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);

(12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);

(13) § 6-320 (“DISORDERLY INTOXICATION”);

(14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);

(15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);

(16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);

(17) § 6-327 (“TAX EVASION”);

(18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

(19) § 6-329 (“PERJURY”).

(B) EXCEPTION.

SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

(C) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 31-2702 OF THIS SUBTITLE; AND

(2) § 6-307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 31-2703 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 31-101

"License holder" § 1-101

"Retail dealer" § 1-101

**31-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) DUE CAUTION STANDARD FOR NONRESIDENTS.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF:**

**(1) THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS; AND**

**(2) THE INDIVIDUAL WAS NOT A RESIDENT OF THE STATE.**

**(C) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (3)(ii) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail "bond" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the "finder of fact" is substituted for the former reference to the "jury or the court sitting as a jury" for brevity.

Also in subsection (b)(1) of this section, the former phrase "in fact" is deleted as surplusage.

Former Art. 2B, § 12-108(f)(1)(xi), which stated that the provisions of former Art. 2B, § 12-108(f) applied in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 31-101

"License holder" § 1-101

"State" § 1-101

**31-2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — CRIMINAL PROCEDURE.**

**(A) SUMMONS; BAIL.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-307 OF THIS ARTICLE:**

**(1) SHALL RECEIVE A SUMMONS TO APPEAR IN COURT ON A CERTAIN DAY TO ANSWER THE CHARGES PLACED AGAINST THE LICENSE HOLDER OR EMPLOYEE; AND**

**(2) MAY NOT BE REQUIRED TO POST BAIL PENDING TRIAL IN ANY COURT IN THE STATE.**

**(B) NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(a)(2) and (f)(2).

In subsection (a)(2) of this section, the former reference to bail “bond” is deleted as surplusage.

Defined terms: “Board” § 31-101

“License holder” § 1-101

“State” § 1-101

**31-2704. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO HABITUAL DRUNKARD OR INTELLECTUALLY DISABLED INDIVIDUAL.**

**(A) “KNOWINGLY” DEFINED.**

IN THIS SECTION, “KNOWINGLY” MEANS THE KNOWLEDGE A REASONABLE INDIVIDUAL WOULD HAVE UNDER ORDINARY CIRCUMSTANCES BASED ON THE HABITS, APPEARANCE, OR PERSONAL REPUTATION OF AN INDIVIDUAL.

**(B) PROHIBITED.**

A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT KNOWINGLY SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO:

**(1) A HABITUAL DRUNKARD;**

**(2) AN INDIVIDUAL WITH AN INTELLECTUAL DISABILITY; OR**

**(3) AN INDIVIDUAL IF A FAMILY MEMBER OR GUARDIAN HAS GIVEN WRITTEN NOTICE TO THE LICENSE HOLDER OR EMPLOYEE OF THE LICENSE HOLDER NOT TO SELL OR PROVIDE AN ALCOHOLIC BEVERAGE TO THE INDIVIDUAL BECAUSE OF THE INDIVIDUAL’S PHYSICAL CONDITION, INTEMPERATE HABITS, OR UNSOUND MIND.**

**(C) PENALTY.**

A LICENSE HOLDER WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

**(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$50; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, IMPRISONMENT NOT EXCEEDING 30 DAYS OR A FINE NOT EXCEEDING \$100 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–110(a) and, as it related to Washington County, the first sentence of (b).

In subsection (a) of this section, the former reference to the definition of knowingly applying “as to habitual drunkards” is deleted as surplusage.

In subsection (b) of this section, the defined term “alcoholic beverage” is substituted for the former references to “intoxicating beverages” for clarity and consistency with the terminology used throughout this article.

Also in subsection (b) of this section, the former references to “barter” and “furnish” are deleted as included in the references to “sell” and “provide”.

In subsection (b)(2) of this section, the reference to an individual with an “intellectual disability” is substituted for the former reference to a “mentally deficient” person to conform to the requirements of Chapter 119 of the Acts of 2009. Chapter 119 requires the substitution of the term “intellectual disability” in the Code for the former reference of “mentally deficient”.

In subsection (b)(3) of this section, the reference to a “family member or guardian” is substituted for the former reference to “parent or parents, guardian, husband, wife, son, daughter, brother, or sister” for brevity.

Also in subsection (b)(3) of this section, the reference to an “employee of the license holder” is added for consistency within this subsection.

In subsection (c) of this section, the former reference to imprisonment “in the county jail” and to both fine and imprisonment “in the discretion of the court” are deleted as surplusage and to conform to standard language for imposition of a penalty for a criminal conviction.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the penalty stated in subsection (c) of this section applies only to a license holder who violates this section and not to an employee of a license holder, even though, under subsection (b) of this section, both a license holder and the holder’s employee are prohibited from selling or providing an alcoholic beverage to a habitual drunkard, an individual with an intellectual disability, or to an individual whose relative has given notice. The employee would, presumably, be subject to the general penalty for a violation of this article under § 6–402 of this article.

Defined terms: “Alcoholic beverage” § 1–101  
“License holder” § 1–101

## **SUBTITLE 28. PENALTIES.**

**31-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 31-101

**31-2802. PENALTY IMPOSED BY BOARD.****(A) PENALTY.**

**THE BOARD MAY IMPOSE A FINE NOT EXCEEDING \$2,500 OR SUSPEND A LICENSE OR BOTH ON A LICENSE HOLDER WHO VIOLATES THIS ARTICLE.**

**(B) CONDITIONS.**

**IN DECIDING WHETHER TO FINE A LICENSE HOLDER OR SUSPEND THE LICENSE, THE BOARD SHALL CONSIDER WHETHER:**

**(1) THE PUBLIC WELFARE AND MORALS WOULD BE IMPAIRED BY ALLOWING THE LICENSE HOLDER TO OPERATE DURING THE SUSPENSION PERIOD; AND**

**(2) THE PAYMENT OF THE FINE WILL ACHIEVE THE DESIRED DISCIPLINARY PURPOSES.**

**(C) FINES PAID TO BOARD.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-507(w)(1) through (4).

In the introductory language of subsection (b) of this section, the reference to considering “whether” is substituted for the former reference to considering “the following points” for brevity.

In subsection (b)(2) of this section, the reference to the “fine” is substituted for the former reference to the “sum of money” for brevity.

Former Art. 2B, § 16–507(w)(5), which authorized the Board to adopt regulations, is deleted as unnecessary because the Board has power to adopt regulations under § 31–206 of this title.

Defined terms: “Board” § 31–101

“License” § 1–101

“License holder” § 1–101

**31–2803. EXPUNGEMENT OF RECORD OF VIOLATION.**

**THE BOARD SHALL EXPUNGE THE RECORD OF A VIOLATION OF THIS ARTICLE OR A REGULATION ADOPTED UNDER THIS ARTICLE 5 YEARS AFTER THE DATE THE VIOLATION OCCURRED.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–508.1(b).

The reference to “the record of” a violation is added for clarity and consistency within this article.

Former Art. 2B, § 16–508.1(a), which provided that former Art. 2B, § 16–508.1 applied only in Washington County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 31–101

**TITLE 32. WICOMICO COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**32–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Wicomico County”.

**(C) COUNTY.**

**“COUNTY” MEANS WICOMICO COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Wicomico County”.

**REVISOR’S NOTE TO SECTION**

Former Art. 2B, § 1–102(b)(4), which defined “bowling alley” to be an establishment that provides bowling lanes and bowling activities for the public and which may have a dining room or snack bar area, is deleted as unnecessary because it did not add to the meaning of the term “bowling alley” as it is commonly understood.

Former Art. 2B, § 15–111(c)(2), which stated that, in Wicomico County, the director of finance shall collect license fees, is deleted as redundant of § 1–101(o) of this article, which states that the defined term “local collecting agent” means, in Wicomico County, the director of finance.

**32–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN WICOMICO COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**32–103. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY GOVERNING BODY UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 32–101

#### GENERAL REVISOR'S NOTE TO SUBTITLE

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(x), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

### **SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

#### **32–201. ESTABLISHED.**

##### **(A) IN GENERAL.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WICOMICO COUNTY.**

##### **(B) BOARD AS STATE UNIT.**

**THE BOARD IS A STATE UNIT THAT ADMINISTERS THIS TITLE AND MAY ISSUE, DENY, REVOKE, OR SUSPEND LICENSES.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Wicomico County exists.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 15–108.1.

In subsection (b) of this section, the reference to a State “unit” is substituted for the former reference to a State “agency” to conform to the terminology used in revised articles.

Defined terms: “Board” § 32–101

“License” § 1–101

“State” § 1–101

### **32–202. MEMBERSHIP.**

#### **(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

#### **(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

#### **(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

#### **(D) VACANCIES.**

**(1) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

#### **(E) REMOVAL.**



**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLIGENCE OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (x)(2) and (3) and 15–110(a).

In subsection (a) of this section, the reference to “members” is substituted for the former reference to “persons” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former reference to members “constitut[ing]” the Board is deleted as surplusage.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Wicomico County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on “July 1, 2016” is substituted for the former obsolete requirement that the terms be staggered as required on “July 1, 1994”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Wicomico County.

Also in subsection (c)(2) of this section, the former reference to terms “continu[ing]” to be staggered is deleted as surplusage.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 32–101  
“County” § 32–101

### **32–203. CHAIR.**

**THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(x)(4).

The reference to “[t]he Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–101(x)(1), which provided that former Art. 2B, § 15–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 32–101

### **32–204. SALARIES; STAFF.**

#### **(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE \$5,000 ANNUALLY.**

**(2) EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$4,000 ANNUALLY.**

#### **(B) STAFF.**

**SUBJECT TO THIS SECTION AND § 32–205 OF THIS SUBTITLE, THE BOARD MAY:**

##### **(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

- (2) SET THE COMPENSATION OF THE EMPLOYEES.**
- (C) ATTORNEY.**
  - (1) THE BOARD MAY DESIGNATE AN ATTORNEY FOR THE BOARD.**
  - (2) THE ANNUAL SALARY OF THE ATTORNEY:**
    - (I) IS \$10,000; AND**
    - (II) SHALL BE PROVIDED IN THE COUNTY BUDGET.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(x)(2) and 15–112(a)(2) and (x)(4).

In subsection (a) of this section, the former reference to “compensation” is deleted as surplusage.

In subsection (a)(1) of this section, the reference to a “chair” is substituted for the former reference to a “[c]hairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

In subsection (a)(2) of this section, the reference to each “other” member of the Board is added for clarity.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Former Art. 2B, § 15–109(x)(1), which provided that former Art. 2B, § 15–109(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101  
 “County” § 32–101

### **32–205. INSPECTORS.**

#### **(A) IN GENERAL.**

**(1) THE BOARD SHALL APPOINT A FULL–TIME INSPECTOR AND A PART–TIME INSPECTOR.**

**(2) THE SALARIES OF THE INSPECTORS SHALL BE AS PROVIDED IN THE COUNTY BUDGET.**

**(B) POWERS.**

**THE INSPECTORS HAVE THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

**(C) DUTIES.**

**THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTORS, WHICH SHALL BE FOR THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

**(D) OATH.**

**THE INSPECTORS SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

**(E) BOND.**

**(1) THE INSPECTORS SHALL SEPARATELY PROVIDE A PENALTY BOND OF \$2,000 TO THE BOARD AND THE COUNTY JOINTLY ON THE CONDITION THAT THE INSPECTOR AND PART-TIME INSPECTOR FAITHFULLY PERFORM THE DUTIES OF OFFICE.**

**(2) THE COUNTY SHALL PAY THE COST OF THE BONDS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-112(x)(2).

Throughout this section, references to the "inspectors" are substituted for the former references to the "inspector" and the "part-time inspector".

In subsection (b) of this section, the reference to the powers "arising out of or relating to the enforcement of this article" is substituted for the former reference to the powers "[f]or the purposes of the alcoholic beverages laws" for consistency with other similar provisions of this article.

In subsection (d) of this section, the reference to the requirement to "take the oath required by Article I, § 9 of the Maryland Constitution" is substituted for the former reference to the requirement to "make oath faithfully to perform the duties entrusted to them, as provided in Article I, § 9 of the Maryland Constitution" for brevity.

In subsection (e)(1) of this section, the reference to a “penalty” bond is added for clarity.

Also in subsection (e)(1) of this section, the reference to the inspector and part-time inspector “faithfully perform[ing] the duties of office” is substituted for the former reference to the inspector and part-time inspector “well and faithfully execut[ing] their offices in all things pertaining to them” for brevity and clarity.

Defined terms: “Alcoholic beverage” § 1-101

“Board” § 32-101

“County” § 32-101

“State” § 1-101

### **32-206. DISPOSITION OF LICENSE FEES.**

**THE COUNTY COUNCIL SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-204(x).

Defined term: “Board” § 32-101

### **32-207. ENFORCEMENT AND REGULATIONS.**

#### **(A) ENFORCEMENT.**

**THE BOARD SHALL COORDINATE THE ENFORCEMENT OF ALL ALCOHOLIC BEVERAGES LICENSING LAWS FOR THE COUNTY.**

#### **(B) REGULATIONS.**

**THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-112(x)(3) and 16-301(a), as they related to the authority of the Board to adopt regulations.

In subsection (b) of this section, the defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Wicomico County.

Also in subsection (b) of this section, the reference to the Board “adopt[ing] regulations to carry out this article” is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

Also in subsection (b) of this section, the former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Former Art. 2B, § 15–112(x)(1), which stated that former Art. 2B, § 15–112(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this article.

Defined terms: “Board” § 32–101

“County” § 32–101

### **SUBTITLE 3. LIQUOR CONTROL BOARD.**

#### **32–301. DEFINITIONS.**

##### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

##### **(B) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE LIQUOR CONTROL BOARD FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This subsection is new language added to provide a convenient reference to a store established and maintained by the Liquor Control Board.

Defined terms: “Alcoholic beverage” § 1–101

“Liquor Control Board” § 32–301

##### **(C) LIQUOR CONTROL BOARD.**

**“LIQUOR CONTROL BOARD” MEANS THE LIQUOR CONTROL BOARD FOR THE COUNTY.**

REVISOR'S NOTE: This subsection is new language added to provide a convenient reference to the Liquor Control Board for the County.

Defined term: "County" § 32-101

**32-302. ESTABLISHED.**

**THERE IS A LIQUOR CONTROL BOARD FOR WICOMICO COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15-201(a) and, as it related to Wicomico County, 15-210.

**32-303. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE LIQUOR CONTROL BOARD WITH THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE LIQUOR CONTROL BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER IN THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER, INTEGRITY, AND RECOGNIZED BUSINESS CAPACITY.**

**(C) RESTRICTIONS.**

**(1) A MEMBER OF THE LIQUOR CONTROL BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

**(D) TENURE.**

**THE TERM OF A MEMBER IS 2 YEARS AND BEGINS ON JULY 1.**

**(E) VACANCIES.**

**IF A VACANCY OCCURS, IT SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–201(b)(1)(i) and (ii), (c)(1), (d)(4), (e)(1), (j)(1), and the first sentence of (f) and, as it related to membership in a liquor control board, 15–208(a).

In subsection (d) of this section, the former obsolete reference to “July 1, 1977” as the starting date for the initial members of the Liquor Control Board is deleted.

In subsection (e) of this section, the former phrase “[e]xcept as provided in paragraph (2) of this subsection” is deleted as unnecessary because former paragraph (2) did not apply to the County.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Liquor Control Board” § 32–301

“Person” § 1–101

**32–304. CHAIR.**

**THE LIQUOR CONTROL BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(g).

The reference to electing a chair “from among its members” is added for clarity and consistency within the Code. *See, e.g.*, CP § 16–301(e).

The former reference requiring a liquor control board to “organize by” electing a chair is deleted for clarity and brevity and as unnecessary.

Defined term: “Liquor Control Board” § 32–301

**32–305. MEETINGS; SALARIES; STAFF.**



**(A) MEETINGS.**

**THE LIQUOR CONTROL BOARD SHALL MEET AS OFTEN AS NECESSARY FOR THE PUBLIC BUSINESS.**

**(B) SALARIES.**

**(1) THE CHAIR OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$6,000.**

**(2) THE OTHER MEMBERS OF THE LIQUOR CONTROL BOARD SHALL RECEIVE AN ANNUAL SALARY OF \$5,000.**

**(C) STAFF.**

**(1) THE LIQUOR CONTROL BOARD SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(2) (I) AN EMPLOYEE OF THE LIQUOR CONTROL BOARD MAY NOT:**

**1. HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(II) A PERSON WHO VIOLATES THIS PARAGRAPH IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(a)(1)(i), 15–201(h)(6) and (i)(1), and, as it related to employees of the Liquor Control Board, 15–208(a).

In subsection (b) of this section, the references to the “salary” of Liquor Control Board members are substituted for the former reference to “compensation” for the members for clarity and consistency within this revised article.

In subsection (c)(1) of this section, the former reference to the duties “of the ... position, as herein prescribed or authorized” is deleted as surplusage.

In subsection (c)(2)(ii) of this section, the reference to the defined term “person” who performs specific prohibited acts is substituted for the former reference to “any employee of said board” who performs specific prohibited acts for clarity and brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

“Person” § 1–101

### **32–306. MONOPOLY CONTROL.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD HAS A MONOPOLY ON THE SALE AND DISTRIBUTION IN THE COUNTY OF:**

**(1) WINE THAT CONTAINS MORE THAN 15.5% ALCOHOL BY VOLUME;**  
**AND**

**(2) LIQUOR.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–204(a).

The references to “wine that contains more than 15.5% alcohol by volume” and “liquor” are substituted for the former reference to “particular alcoholic beverages which elsewhere in this subtitle it is empowered to sell” to state expressly what was only implicit in the former law. *See* § 32–309(d) of this subtitle.

Defined terms: “County” § 32–101

“Liquor Control Board” § 32–301

“Wine” § 1–101

### **32–307. BORROWING POWER.**

**(A) LIMITATION.**

**(1) THE COUNTY MAY LOAN MONEY TO THE LIQUOR CONTROL BOARD TO PROVIDE THE LIQUOR CONTROL BOARD WITH ADEQUATE WORKING CAPITAL TO ACQUIRE, ESTABLISH, AND OPERATE THE DISPENSARY SYSTEM AND WAREHOUSE FACILITIES.**

**(2) THE COUNTY MAY FINANCE A LOAN UNDER THIS SUBSECTION BY ISSUING NOTES, CERTIFICATES OF INDEBTEDNESS, OR BONDS AS THE COUNTY FINDS NECESSARY.**

**(3) (I) THE LIQUOR CONTROL BOARD MAY BORROW MONEY FROM A BANKING INSTITUTION ON THE LIQUOR CONTROL BOARD'S OWN CREDIT; BUT**

**(II) THE AGGREGATE SUM ADVANCED TO OR BORROWED BY THE LIQUOR CONTROL BOARD MAY NOT EXCEED \$500,000.**

**(B) INTEREST RATE.**

**(1) MONEY SHALL BEAR INTEREST AT THE LOWEST RATE POSSIBLE, NOT EXCEEDING 6% A YEAR THAT, UNDER THIS SUBTITLE IS:**

**(I) LOANED TO THE LIQUOR CONTROL BOARD BY THE COUNTY;**

**(II) BORROWED BY THE COUNTY; OR**

**(III) BORROWED BY THE LIQUOR CONTROL BOARD.**

**(2) MONEY LOANED OR BORROWED, AND THE INTEREST ON IT, SHALL BE REPAID FROM THE RECEIPTS FROM SALES MADE AT THE DISPENSARIES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-202(a), (b)(1) and (2)(ii), and (c)(2).

Wicomico County adopted a charter form of government in 1964, replacing the Wicomico County Board of Commissioners with the Wicomico County Executive and County Council. In each instance in this section where "county commissioners" is used in the source law, "County" is substituted.

In subsection (a)(1) and (3)(i) of this section, the former phrase "from time to time" is deleted as surplusage. Similarly, in subsection (a)(1) and (2) of this section, the references stating that the County "may" loan or finance a loan are substituted for the former references stating that a county "is hereby authorized and empowered" to loan or finance a loan for brevity.

In subsection (a)(1) of this section, the reference authorizing a county to "loan" money to a county dispensary is substituted for the former reference authorizing a county to "advance" money to a county dispensary for clarity.

Also in subsection (a)(1) of this section, the former reference to “branch dispensaries” is deleted as included in the reference to the “dispensary system”. Similarly, in subsection (b)(2) of this section, the reference to the “dispensaries” is substituted for the former reference to the “county liquor dispensary, or branch dispensaries”.

Also in subsection (a)(1) of this section, the former reference to dispensary system and warehouse facilities “as found necessary under this subtitle” is deleted as surplusage.

Also in subsection (a)(1) of this section, the former reference to “a sum of” money is deleted as unnecessary.

In subsection (a)(2) of this section, the reference authorizing a county to “finance a loan under this subsection” is substituted for the former reference authorizing a county to “borrow upon the credit of the county” to advance money to a liquor control board for clarity, brevity, and because the source law being substituted for is implicit in the reference to the issuance of county debt instruments.

Defined terms: “County” § 32–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

### **32–308. OTHER POWERS.**

**SUBJECT TO § 1–309 OF THIS ARTICLE, THE LIQUOR CONTROL BOARD MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER’S LICENSE OR MANUFACTURER’S LICENSE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5–102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER’S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE LIQUOR CONTROL BOARD IS AUTHORIZED TO SELL; AND**

**(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

**(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT IT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

**(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE LIQUOR CONTROL BOARD, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**

**(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**

**(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

**(7) SELL AND SHIP OUTSIDE THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

**(8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

**(9) ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–205(b), (c), (d), (f), (g), (h), and (e)(1).

In the introductory language of this section, the reference stating that the Liquor Control Board “may” perform certain functions is substituted for the former reference stating that the liquor control board “shall have full power and authority” to perform these functions for clarity and brevity.

Also in the introductory language of this section, the former reference to the liquor control board “of each county” is deleted as unnecessary, since this section applies only to the Liquor Control Board for Wicomico County.

In item (1) of this section, the former reference to authorizing the purchase of “any sparkling or fortified wine” is deleted as included in the reference authorizing the purchase of “alcoholic beverages”.

In item (2)(i) of this section, the reference to the resale of alcoholic beverages “that the Liquor Control Board is authorized to sell” is added to state expressly what was only implied in the former law.

Also in item (2)(i) of this section, the former reference to the sale of alcoholic beverages “as hereinafter provided” is deleted as surplusage. Similarly, in item (3) of this section, the former reference to the sale of alcoholic beverages “as above provided” is deleted.

In item (3) of this section, the reference to the defined term “dispensaries” is substituted for the former reference to “stores” in the county for consistency within this subtitle.

Also in item (3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensar[ies]”.

In item (5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in item (5) of this section, the former reference to the authority of the Liquor Control Board to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Liquor Control Board to “restrict” the sale of alcoholic beverages.

Also item (5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in item (5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Liquor Control Board to restrict alcoholic beverages sales.

In item (6) of this section, the references to the authority of the Liquor Control Board to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Liquor Control Board to “make” a contract or regulation for clarity and to conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in item (6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in item (6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In item (7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In item (9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in item (9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in item (9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“County” § 32–101

“Dispensary” § 32–301

“License holder” § 1–101

“Liquor Control Board” § 32–301

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler’s license” § 1–101

### **32–309. DISPENSARIES.**

#### **(A) ESTABLISHED.**

**THE LIQUOR CONTROL BOARD MAY ESTABLISH AND MAINTAIN STORES KNOWN AS “DISPENSARIES”.**

#### **(B) AUTHORITY.**

**A DISPENSARY:**

**(1) MAY SELL SPARKLING OR FORTIFIED WINE OR OTHER ALCOHOLIC BEVERAGES CONTAINING MORE THAN 14% ALCOHOL BY VOLUME; AND**

**(2) SHALL SELL THE ALCOHOLIC BEVERAGES IN SEALED PACKAGES OR CONTAINERS.**

#### **(C) AUTHORIZED SALE ITEMS.**

**A DISPENSARY MAY SELL CHILLED AND NONCHILLED BEER, WINE, LIQUOR, ICE, OR BOTTLED WATER.**

#### **(D) MONOPOLY SALES.**

**ALL ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE SHALL BE PURCHASED FROM THE LIQUOR CONTROL BOARD.**

**(E) SALE OF LIQUOR TO LICENSE HOLDERS.**

**A DISPENSARY SHALL SELL LIQUOR AT WHOLESALE TO A BEER, WINE, AND LIQUOR LICENSE HOLDER:**

**(1) FOR A CLASS A, B, OR C LICENSE, AT A MARKUP NOT EXCEEDING 15% ABOVE THE OPERATING COST TO THE DISPENSARY; OR**

**(2) FOR A CLASS D LICENSE, AT A MARKUP NOT EXCEEDING 15% ABOVE THE WHOLESALE COST TO THE DISPENSARY.**

**(F) WINE TASTING AND SAMPLING.**

**(1) THE LIQUOR CONTROL BOARD MAY HOLD WINE TASTING AND SAMPLING PROMOTIONAL EVENTS IN DISPENSARIES IN ACCORDANCE WITH THIS SUBSECTION.**

**(2) THE LIQUOR CONTROL BOARD:**

**(I) MAY NOT SERVE TO AN INDIVIDUAL MORE THAN 1 OUNCE FROM EACH BRAND AT AN EVENT;**

**(II) MAY NOT ALLOW MORE THAN SIX WINE BOTTLES TO BE OPEN AT ANY ONE TIME AT AN EVENT;**

**(III) MAY NOT CONDUCT EVENTS IN THE COUNTY ON MORE THAN 10 DAYS IN ANY 12-MONTH PERIOD;**

**(IV) SHALL MARK EACH WINE BOTTLE USED FOR AN EVENT, ONCE OPENED, THAT IT IS TO BE USED ONLY FOR TASTING OR SAMPLING;**

**(V) MAY NOT MIX THE CONTENTS OF A WINE BOTTLE WITH THE CONTENTS OF ANOTHER WINE BOTTLE;**

**(VI) SHALL DESTROY ALL EMPTY WINE BOTTLES;**

**(VII) SHALL ALLOW ON-PREMISES CONSUMPTION AT AN EVENT;**

**AND**

**(VIII) MAY NOT CONDUCT WINE TASTING AND SAMPLING USING A DRIVE-THROUGH WINDOW.**



**(G) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED CONTAINER OR PACKAGE ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

**(H) 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, §§ 6-401(x)(2)(vii) and (3)(vi), 9-102(e), 15-203(a)(1) and (e-1), 15-204(d), and 15-205(m).

In subsection (f)(2)(iv), (v), and (vi) of this section, the references to a "wine" bottle are added for clarity.

In subsection (f)(2)(iv) of this section, the reference to "tasting or sampling" is substituted for the former reference to "that purpose" for clarity.

In subsection (g) of this section, the phrase "of the dispensary" is added for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"County" § 32-101

"Dispensary" § 32-301

"License" § 1-101

"Liquor Control Board" § 32-301

"Person" § 1-101

"Wine" § 1-101

**32-310. 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 LOANED TO OR BORROWED BY THE LIQUOR CONTROL BOARD.**

**(B) RESERVE FUND.**

**AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE LIQUOR CONTROL BOARD, SUBJECT TO THE APPROVAL OF THE COUNTY COUNCIL, MAY CREATE AND MAINTAIN A RESERVE FUND TO:**

**(1) PROVIDE ADEQUATE WORKING CAPITAL; AND**

**(2) COVER ANY LOSSES SUSTAINED BY THE LIQUOR CONTROL BOARD IN OPERATING THE DISPENSARIES.**

**(c) PAYMENT TO COUNTY.**

**THE LIQUOR CONTROL BOARD SHALL PAY ANY REMAINING NET PROCEEDS TO THE COUNTY ON JANUARY 1, APRIL 1, AUGUST 1, AND OCTOBER 1 OF EACH YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–207(g)(2), (3), and (4).

In subsection (a) of this section, the reference to “proceeds” is substituted for the former reference to “net profits” to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to proceeds “derived” from sales is substituted for the former reference to proceeds “arising” from sales for clarity and consistency with other similar provisions relating to dispensaries.

Also in subsection (a) of this section, the reference to the repayment of “money” advanced or borrowed is substituted for the former reference to repayment of “sums” advanced or borrowed for clarity.

Former Art. 2B, § 15–207(g)(1), which stated that former Art. 2B, § 15–207(g) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 32–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

### **32–311. REPORTS.**

**(A) MONTHLY SUBMISSION.**

**(1) THE LIQUOR CONTROL BOARD SHALL:**

**(i) KEEP ACCURATE RECORDS OF:**

**1. ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

**2. A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE LIQUOR CONTROL BOARD AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM; AND**

**(II) SUBMIT ANNUAL AND MONTHLY REPORTS TO THE COUNTY COUNCIL.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

**(B) ANNUAL REPORT.**

**THE LIQUOR CONTROL BOARD SHALL PUBLISH AN ANNUAL REPORT SUBMITTED TO THE COUNTY ON JUNE 30 OF EACH YEAR IN A NEWSPAPER OF FREQUENT AND GENERAL CIRCULATION THAT IS PUBLISHED IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a) and (c).

In subsection (b) of this section, the reference requiring the Liquor Control Board to “publish” a specific report in a newspaper is substituted for the former reference that the report be “printed” in a newspaper for clarity and consistency with similar provisions of the Code. *See, e.g.*, HS §§ 4–213(d)(4) and 4–230(b).

Defined terms: “Alcoholic beverage” § 1–101

“Comptroller” § 1–101

“County” § 32–101

“Dispensary” § 32–301

“Liquor Control Board” § 32–301

**32–312. STALE MALT BEVERAGES.**

**(A) AGREEMENT TO REPLACE MALT BEVERAGES AUTHORIZED.**

**A SUPPLIER MAY ENTER INTO AN AGREEMENT WITH A WHOLESALER OR AUTHORIZED REPRESENTATIVE OF A WHOLESALER TO REPLACE, DIRECTLY OR INDIRECTLY, STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES:**

**(1) ON A CASE FOR CASE BASIS;**

**(2) AT THE SUPPLIER'S EXPENSE; AND**

**(3) UNDER A PLAN THAT THE COMPTROLLER APPROVES.**

**(B) UNILATERAL REPLACEMENT PLAN.**

**(1) IF A WHOLESALER REFUSES TO REPLACE STALE OR OUT-OF-DATE MALT BEVERAGE PRODUCTS ON RETAIL LICENSED PREMISES UNDER THE PLAN DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION, THE SUPPLIER MAY UNILATERALLY SUBMIT A REPLACEMENT PLAN TO THE COMPTROLLER FOR APPROVAL.**

**(2) THE REPLACEMENT PLAN THAT THE SUPPLIER UNILATERALLY SUBMITS TO THE COMPTROLLER MAY INCLUDE THE DESIGNATION OF AN AUTHORIZED REPRESENTATIVE OR WHOLESALER OUTSIDE THE TERRITORY OF THE WHOLESALER WHO REFUSES TO PARTICIPATE IN THE PLAN.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-102(c)(2) through (4).

In the introductory language of subsection (a) and in subsection (b)(2) of this section, the former phrase “[n]otwithstanding any other provision of this section” is deleted as unnecessary in light of the organization of this revised article.

In subsection (a)(3) of this section, the former reference to a plan “submitted to” the Comptroller is deleted as included in the reference to a plan that the Comptroller “approves”.

Former Art. 2B, § 12-102(c)(1), which stated that former Art. 2B, § 12-102(c) applied “only to those counties whose liquor control boards establish and maintain county liquor dispensaries” is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Comptroller” § 1-101  
 “Wholesaler” § 1-101

#### **SUBTITLE 4. MANUFACTURER'S LICENSES.**

##### **32-401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (4) § 2–205 (“CLASS 3 WINERY LICENSE”);**
- (5) § 2–206 (“CLASS 4 LIMITED WINERY LICENSE”);**
- (6) § 2–207 (“CLASS 5 BREWERY LICENSE”);**
- (7) § 2–210 (“CLASS 8 FARM BREWERY LICENSE”);**
- (8) § 2–211 (“RESIDENCY REQUIREMENT”);**
- (9) § 2–212 (“ADDITIONAL LICENSES”);**
- (10) § 2–213 (“ADDITIONAL FEES”);**
- (11) § 2–214 (“SALE OR DELIVERY RESTRICTED”);**
- (12) § 2–215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);**
- (13) § 2–216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);**
- (14) § 2–217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND**
- (15) § 2–218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).**

**(B) EXCEPTION.**

**SECTION 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 2–208 (“CLASS 6 PUB–BREWERY LICENSE”), SUBJECT TO § 32–403 OF THIS SUBTITLE; AND**

**(2) § 2–209 (“CLASS 7 MICRO–BREWERY LICENSE”), SUBJECT TO § 32–404 OF THIS SUBTITLE.**

REVISOR’S NOTE: Subsections (a) and (c) of this section are new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Subsection (b) of this section is new language derived without substantive change from former Art. 2B, § 2–202.1(b)(2) to expressly state what was only implicit in the former law, that a limited distillery license may not be issued in the County.

Defined terms: “County” § 32–101  
 “Manufacturer’s license” § 1–101

**32–402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(15).

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

**32–403. CLASS 6 PUB–BREWERY LICENSE.****(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 6 PUB–BREWERY LICENSE IN THE COUNTY.**

**(B) REQUIRED NOTICE.**

**BEFORE THE COMPTROLLER MAY ISSUE A CLASS 6 PUB-BREWERY LICENSE IN THE COUNTY, THE COMPTROLLER SHALL FORWARD A COPY OF THE APPLICATION TO THE BOARD.**

**(C) REVIEW.**

**THE BOARD SHALL:**

- (1) REVIEW THE APPLICATION;**
- (2) HOLD A PUBLIC HEARING ON THE APPLICATION; AND**
- (3) RECOMMEND TO THE COMPTROLLER WHETHER OR NOT TO ISSUE THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-207(i)(2), and, as it related to the availability of a Class 6 pub-brewery license in Wicomico County, the introductory language of (a)(4).

In subsection (b) of this section, the former reference to the "Office of the" Comptroller "of this State" is deleted as unnecessary. Correspondingly, in subsection (c) of this section, the reference to the "Comptroller" is substituted for the former reference to the "Office".

Former Art. 2B, § 2-207(i)(1), which provided that former Art. 2B, § 2-207(i) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 32-101  
"Comptroller" § 1-101  
"County" § 32-101  
"License" § 1-101

**32-404. CLASS 7 MICRO-BREWERY LICENSE.**

**A HOLDER OF A CLASS 7 MICRO-BREWERY LICENSE MAY NOT COLLECTIVELY BREW, BOTTLE, OR CONTRACT FOR MORE THAN 45,000 BARRELS OF MALT BEVERAGES EACH CALENDAR YEAR.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2-208(b)(2)(xxiii) and (c)(1)(i)5B.

**32-405. ADDITIONAL PUB-BREWERY OR MICRO-BREWERY LICENSE.**

**(A) IN ENTERPRISE ZONE.**

**THE COMPTROLLER MAY ISSUE ONE CLASS 6 PUB-BREWERY LICENSE OR ONE CLASS 7 MICRO-BREWERY LICENSE, BUT NOT BOTH, FOR A LOCATION IN AN ENTERPRISE ZONE, TO A PERSON THAT HOLDS NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(B) CLASS A LICENSE HOLDERS.**

**A HOLDER OF A CLASS A LICENSE MAY ALSO HOLD A CLASS 7 MICRO-BREWERY LICENSE AND NOT MORE THAN FIVE CLASS B BEER, WINE, AND LIQUOR LICENSES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-104(e)(5)(ii), (iii), and (iv).

In subsection (b) of this section, the former phrase “[n]otwithstanding subsection (b)(1) of this section” is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 12-104(e)(5)(i), which stated that former Art. 2B, § 12-104(e)(5) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

**SUBTITLE 5. WHOLESALER'S LICENSES.****32-501. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 (“LICENSES ISSUED BY COMPTROLLER”);**
- (2) § 2-304 (“CLASS 3 BEER AND WINE WHOLESALER'S LICENSE”);**
- (3) § 2-305 (“CLASS 4 BEER WHOLESALER'S LICENSE”);**
- (4) § 2-306 (“CLASS 5 WINE WHOLESALER'S LICENSE”);**
- (5) § 2-307 (“CLASS 6 LIMITED WINE WHOLESALER'S LICENSE”);**



- (6) § 2-308 (“CLASS 7 LIMITED BEER WHOLESALER’S LICENSE”);
- (7) § 2-309 (“SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER’S VEHICLE”);
- (8) § 2-310 (“SALE AND DELIVERY TO RETAIL LICENSE HOLDER”);
- (9) § 2-311 (“ADDITIONAL WHOLESALER’S LICENSES”);
- (10) § 2-312 (“DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES”);
- (11) § 2-313 (“SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT”);
- (12) § 2-314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (13) § 2-315 (“INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS”);
- (14) § 2-316 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (15) § 2-317 (“RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED”).

(B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 32-504 OF THIS SUBTITLE:

- (1) § 2-302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”); AND
- (2) § 2-303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 32-101  
 “Wholesaler’s license” § 1-101

**32-502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 32-503 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

**32-503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-102(b).

In subsection (a) of this section, the reference to a "per diem" license is substituted for the former reference to a "special 1-day" license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued "under Subtitle 13 of this title" is substituted for the former reference to a license issued "pursuant to § 7-101 of this article" to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include [the type of equipment to dispense draft beer]” is substituted for the former language that the “parties shall agree upon [the type of equipment to dispense draft beer]” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**32–504. RESTRICTION ON SALES.**

**A HOLDER OF A CLASS 1 BEER, WINE, AND LIQUOR OR CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE MAY NOT SELL OR DELIVER LIQUOR IN THE COUNTY FOR RESALE EXCEPT TO A COUNTY DISPENSARY.**

REVISOR’S NOTE: This section is new language added to incorporate the restrictions in Subtitle 3 of this title regarding the sale of alcoholic beverages by wholesalers in Wicomico County.

Defined terms: “County” § 32–101

“Wholesaler’s license” § 1–101

**SUBTITLE 6. BEER LICENSES.**

**32–601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A PREMISES HAVING A DIRECT OR INDIRECT CONNECTION WITH A DRUG OR PHARMACEUTICAL BUSINESS OR OTHER BUSINESS ESTABLISHMENT OF A TYPE COMMONLY KNOWN AS A DRUGSTORE.**

**(3) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(4) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$175 FOR A 6-DAY LICENSE; AND**

**(2) \$275 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (x)(2) through (4).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "[a] license may not be issued" is substituted for the former phrase "[a] person may not hold a license" to conform to other similar provisions of this article.

Also in subsection (b)(2) of this section, the former phrase "referred to as" is deleted as surplusage.

In subsection (b)(3) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Former Art. 2B, § 3-101(x)(1), which stated that former Art. 2B, § 3-101(x) applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101

"Consumer" § 1-101

"7-day license" § 1-101

“6-day license” § 1-101

**32-602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) (I) A LICENSE MAY BE ISSUED ONLY FOR A HOTEL OR RESTAURANT WHOSE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$275.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-201(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on- and off-premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Defined terms: “Alcoholic beverage” § 1-101  
“Beer” § 1-101

“Hotel” § 1-101

“Restaurant” § 1-101

**32-603. CLASS C BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$75.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-301(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Defined terms: “Beer” § 1-101

“Club” § 1-101

**32-604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$275.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-401(x) and (a)(1).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the reference to "on- and off-premises" consumption is substituted for the former reference to consumption "on the premises or elsewhere" for clarity.

Also in subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Defined term: "Beer" § 1-101

## **SUBTITLE 7. WINE LICENSES.**

### **32-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE WINE PRODUCED AT THE WINERY.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4–201(a)(20), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 32–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **32–801. CLASS A BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS:**



**(1) A CLASS A BEER AND WINE 6-DAY LICENSE; AND**

**(2) A CLASS A BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) DRUGSTORE PROHIBITION.**

**A PERSON MAY NOT HOLD THE LICENSE FOR USE BY AN ESTABLISHMENT WITH A DIRECT OR INDIRECT CONNECTION WITH A DRUGSTORE.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$275 FOR A 6-DAY LICENSE; AND**

**(2) \$350 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (x)(2) through (4).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to “keep[ing] for sale” are deleted as implicit in the references to “sell[ing]”.

In subsection (b)(1) of this section, the former reference to selling beer and wine “in any quantity to any consumers” is deleted as surplusage.

In subsection (b)(2) of this section, the word “sell” is substituted for the former word “deliver” to conform to the terminology used throughout this article.

In subsection (c) of this section, the reference to “a drugstore” is substituted for the former reference to “any drug or pharmaceutical, or other business establishments of a type commonly known as or referred to as drugstore” for brevity.

Former Art. 2B, § 5–101(x)(1), which stated that former Art. 2B, § 5–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Person” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **32–802. CLASS B BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER AND WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE MAY BE ISSUED FOR USE BY A HOTEL OR RESTAURANT IF, FOR EACH MONTH, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) FOODSTUFF IN A MIXED DRINK MAY NOT BE CONSIDERED AS FOOD WHEN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$400.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–201(x) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(2) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Defined terms: “Beer” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

**32–803. CLASS C BEER AND WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON–PREMISES CONSUMPTION.**

**(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$125.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–301(x) and (a)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Club” § 1–101

“Wine” § 1–101

### **32–804. CLASS D BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS:**

**(1) A CLASS D BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS D BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON– AND OFF–PREMISES CONSUMPTION.**

#### **(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

#### **(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$275 FOR A 6–DAY LICENSE; AND**

**(2) \$400 FOR A 7–DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5–401(a)(1) and (x)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Former Art. 2B, § 5–401(x)(1), which stated that former Art. 2B, § 5–401(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5–401(x)(4), which stated that the days and times for sales of beer and light wine under each license are as provided under former Art. 2B, § 11–523(c)(3) through (8) of this article, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

## **SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

### **32–901. CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) A LICENSE MAY BE ISSUED ONLY TO AN ESTABLISHMENT THAT HAS BEEN:**

**(I) ISSUED A CLASS B LICENSE; AND**

**(II) CONTINUALLY OPERATING AS A RESTAURANT IN THE COUNTY SINCE AT LEAST 3 MONTHS BEFORE THE APPLICATION FOR THE LICENSE.**

**(2) THE BOARD MAY NOT ISSUE A LICENSE TO AN ESTABLISHMENT THAT IS A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE LICENSE APPLICANT OWNS 75% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR THE LIMITED LIABILITY COMPANY.**

**(3) THE BOARD MAY ISSUE NOT MORE THAN THREE LICENSES IN THE COUNTY.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL AT THE PLACE DESCRIBED IN THE APPLICATION, FOR OFF-PREMISES CONSUMPTION.**

**(2) THE PLACE DESCRIBED IN THE APPLICATION:**

**(I) MAY NOT EXCEED 20% OF THE AREA NORMALLY USED IN THE OPERATION OF THE RESTAURANT BUSINESS; AND**

**(II) SHALL BE CONTIGUOUS TO AND ADJOIN THE RESTAURANT ESTABLISHMENT.**

**(D) DRUGSTORE PROHIBITION; EXCEPTION.**

**THE LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE UNLESS THE APPLICANT:**

**(1) HAS BEEN DOING BUSINESS AT THE LOCATION APPLIED FOR IN THE LICENSE FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE;**

**(2) IS THE ASSIGNEE OF A BUSINESS ESTABLISHED FOR AT LEAST 1 YEAR BEFORE THE DATE OF THE APPLICATION FOR THE LICENSE AT THE LOCATION APPLIED FOR; OR**

**(3) HAS BEEN ENGAGED IN THE RETAIL DRUG BUSINESS FOR AT LEAST 3 YEARS.**

**(E) LIQUOR PURCHASES FROM COUNTY DISPENSARY.**

**(1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE FROM A COUNTY DISPENSARY.**

**(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15% ABOVE THE WHOLESALE OPERATING COST TO THE DISPENSARY.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,400 AND IS IN ADDITION TO THE FEE PAID FOR THE CLASS B LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–101(a)(1) and (3) and (x)(2) through (6) and 9–101(h).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1)(ii) of this section, the reference to “since at least” 3 months is substituted for the former reference to “for” 3 months for clarity.

In subsection (b)(3) of this section, the reference to the maximum number of licenses “in the County” is added for clarity.

In subsection (c)(1) of this section, the phrase “to sell” is substituted for the former phrase “to keep for sale and to sell” for brevity.

In subsection (d)(2) of this section, the phrase “at least 1 year before the date of the application for the license” is substituted for the former phrase “that length of time” for clarity.

In subsection (d)(3) of this section, the former reference to “actually” engaged is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “for retail sale” is added for clarity.

Also in subsection (e)(1) of this section, the requirement that the “license holder shall purchase liquor” from a County dispensary is substituted for the former language stating that “[a]ll alcoholic beverages other than beer and light wine shall be purchased from the Liquor Control Board” to clarify what particular alcoholic beverage the license holder is required to purchase from the Liquor Control Board.

Also in subsection (e)(1) of this section, the reference to a “County dispensary” is substituted for the former reference to the “Liquor Control Board for Wicomico County” to conform to the terminology used in subsection (e)(2) of this section and § 29–902(e) of this subtitle.

Former Art. 2B, § 6–101(x)(1), which stated that former Art. 2B, § 6–101(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“County” § 32–101

“Restaurant” § 1–101

“Wine” § 1-101

**32-902. CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY:**

**(1) A HOTEL THAT HAS:**

**(I) AT LEAST 25 ROOMS;**

**(II) A LOBBY WITH REGISTRATION, MAIL DESK, AND SEATING FACILITIES; AND**

**(III) A DINING ROOM THAT SERVES FULL-COURSE MEALS AT LEAST TWICE DAILY; OR**

**(2) (I) A RESTAURANT THAT:**

**1. HAS A PROPER AND ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**2. NOT COUNTING SEATING AT A BAR OR COUNTER, HAS TABLE SEATING FOR AT LEAST 40 INDIVIDUALS; AND**

**3. HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, NOT COUNTING FOODSTUFF CONTAINED IN A MIXED DRINK, THAT EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) THE SEATING REQUIREMENT IN ITEM (I)1 OF THIS ITEM DOES NOT APPLY TO A CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDER WHO HELD THE LICENSE ON JULY 1, 1978.**

**(C) SCOPE OF AUTHORIZATION.**



**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A HOTEL OR RESTAURANT AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) LOUNGE AREA RESTRICTIONS.**

**(1) IN THIS SUBSECTION, "LOUNGE AREA" MEANS AN AREA THAT INCLUDES:**

**(I) A BAR WHERE ALCOHOLIC BEVERAGES ARE SERVED; AND**

**(II) AN ENTERTAINMENT FACILITY IN THE SAME AREA AS THE BAR.**

**(2) THE LICENSE HOLDER MAY:**

**(I) PROHIBIT AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE FROM ENTERING THE LOUNGE AREA AFTER 9 P.M. UNLESS THE INDIVIDUAL IS ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN WHO IS OF THE LEGAL DRINKING AGE; AND**

**(II) CHARGE AN ENTERTAINMENT FEE FOR EACH INDIVIDUAL WHO IS PRESENT WHILE LIVE ENTERTAINMENT IS IN PROGRESS IN THE LOUNGE AREA.**

**(E) PURCHASE OF LIQUOR FROM COUNTY DISPENSARY.**

**(1) THE LICENSE HOLDER SHALL PURCHASE LIQUOR FOR RETAIL SALE FROM A COUNTY DISPENSARY.**

**(2) THE LICENSE HOLDER SHALL BE CHARGED NOT MORE THAN 15% ABOVE THE WHOLESALE OPERATING COST TO THE COUNTY DISPENSARY.**

**(F) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$1,980 FOR A HOTEL; AND**

**(2) \$1,320 FOR A RESTAURANT.**

**(G) WINE PERMIT.**

**(1) THE BOARD MAY ISSUE A WINE PERMIT TO A HOLDER OF THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(I) AT LEAST 5 DAYS PER WEEK, OFFERS FOR SALE AND DESCRIBES IN A PRINTED MENU:**

- 1. BREAKFAST AND LUNCH;**
- 2. BREAKFAST AND DINNER; OR**
- 3. LUNCH AND DINNER; AND**

**(II) HAS AN AREA USED FOR THE PREPARATION AND CONSUMPTION OF FOOD AND BEVERAGES THAT IS AT LEAST 80% OF THE AREA OF THE PREMISES.**

**(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER § 32-901(C)(2)(I)3 OF THIS SUBTITLE.**

**(3) THE WINE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE:**

**(I) BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION; AND**

**(II) WINE FOR OFF-PREMISES CONSUMPTION.**

**(4) THE TERM OF THE WINE PERMIT IS THE SAME AS THE TERM OF THE CLASS B LICENSE.**

**(5) IF THE PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT, THE HOURS AND DAYS OF SALE FOR THE WINE PERMIT ARE:**

**(I) 10 A.M. TO MIDNIGHT, MONDAY THROUGH SATURDAY; AND**

**(II) 12:30 P.M. TO MIDNIGHT ON SUNDAY.**

**(6) WINE SOLD UNDER THE WINE PERMIT MAY NOT HAVE AN ALCOHOL CONTENT GREATER THAN 15.5%.**

**(7) AN APPLICANT FOR THE WINE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(8) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING REQUIREMENTS FOR THE WINE PERMIT ARE THE SAME AS THOSE FOR CLASS B LICENSES.**

**(9) THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE NUMBER OF WINE PERMITS TO BE GRANTED.**

**(10) THE ANNUAL PERMIT FEE IS \$1,500.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(a)(1) and (x)(2) and (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to “an establishment for the accommodation of the public providing services ordinarily found in hotels” is deleted in light of the defined term “hotel”.

Also in subsection (b)(1) of this section, the former reference to a “bona fide” hotel is deleted as vague.

In subsection (b)(2)(i)2 of this section, the former reference to patrons “seated comfortably and adequately” is deleted as surplusage.

Also in subsection (b)(2)(i)2 of this section, the former requirement that a restaurant “meet the minimum requirements of the fire code applicable to the jurisdiction where the restaurant is located” is deleted as an unnecessary statement of common practice.

In subsection (b)(2)(i)3 of this section, the phrase “not counting foodstuff contained in a mixed drink” is substituted for the former phrase “[i]n calculating average daily receipts from the sale of food, an allocation of foodstuff contained in any mixed drink”.

In subsection (b)(2)(ii) of this section, the word “apply” is substituted for the former word “affect” for clarity.

In subsection (c) of this section, the reference to the place described “in the license” is added for clarity.

Also in subsection (c) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (c) of this section, the reference to “on–premises consumption” is substituted for the former language providing that a hotel license “does not permit sales for consumption off the premises” and that the license “requires the sale of alcoholic beverages for consumption only on the inside of the restaurant premises” for brevity.

Also in subsection (c) of this section, the former phrase “to keep for sale” is deleted as included in the phrase “to sell”.

Also in subsection (c) of this section, the former prohibition against a person entering or leaving the premises while in possession of any alcoholic beverages is deleted as possibly misleading in light of provisions in this article that allow, under certain circumstances, patrons to bring their own bottles of wine to a restaurant and leaving with bottles of wine whose contents are only partially consumed.

In the introductory language of subsection (d)(1) of this section, the former reference to a “room” is deleted as redundant in light of the reference to an “area”.

In subsection (d)(2)(i) of this section, the former reference to the legal drinking age “in the State” is deleted as surplusage.

In subsection (e)(1) of this section, the phrase “for retail sale” is added for clarity.

In subsection (g) of this section, the references to a “wine permit” are substituted for the former reference to a “Class B special wine (B–SWL) (off–sale) license” to conform to terminology used throughout this article, which classifies as a permit an authorization that does not stand alone but may be granted only if another authorization has already been issued. In this case, a wine permit may be granted only if a Class B beer, wine, and liquor license has been issued.

In subsection (g)(1)(i) of this section, the former reference to “meals” is deleted as unnecessary in light of the references to “breakfast and lunch”, “breakfast and dinner”, and “lunch and dinner”.

In subsection (g)(1)(ii) of this section, the former reference to “total square foot” area is deleted as surplusage.

In the introductory language of subsection (g)(3) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

In subsection (g)(4) of this section, the language stating that “[t]he term of the wine permit is the same as the term of the Class B license” is substituted for the former reference to a permit “under this paragraph that is issued to a successful applicant shall be the same as that of the Class B beer, wine and liquor license held by the applicant” for brevity.

Former Art. 2B, § 6–201(x)(1), which stated that former Art. 2B, § 6–201(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“County” § 32–101

“Hotel” § 1–101

“Off–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **32–903. CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

**(1) A 6–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NONPROFIT FRATERNAL, SOCIAL, OR VETERANS’ CLUB THAT:**

**(1) HAS BEEN INCORPORATED FOR AT LEAST 5 YEARS IMMEDIATELY BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

**(2) IS IN A CLUBHOUSE OR PREMISES THAT IS USED PRINCIPALLY FOR CLUB PURPOSES;**

**(3) DURING THE YEAR IMMEDIATELY BEFORE THE FILING OF THE APPLICATION:**

**(I) EXCEPT AS PROVIDED IN ITEM (II) OF THIS ITEM, HAS AT LEAST 100 DUES-PAYING MEMBERS; OR**

**(II) IF THE CLUB IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES, HAS AT LEAST 50 DUES-PAYING MEMBERS; AND**

**(4) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION.**

**(D) PURCHASE OF ALCOHOLIC BEVERAGES.**

**(1) A LICENSE HOLDER SHALL PURCHASE ALCOHOLIC BEVERAGES FOR RETAIL SALE, EXCEPT BEER AND WINE, FROM THE LIQUOR CONTROL BOARD.**

**(2) A LICENSE HOLDER MAY PURCHASE A BOTTLE FROM THE LIQUOR CONTROL BOARD UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT IS STAMPED OR OTHERWISE DESIGNATED "ON-SALE ONLY" BY THE LIQUOR CONTROL BOARD.**

**(E) FEES.**

**(1) THE ANNUAL LICENSE FEES FOR A 6-DAY LICENSE, DEPENDING ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

**(I) \$275, FOR A MEMBERSHIP OF 50 TO 399;**

**(II) \$550, FOR A MEMBERSHIP OF 400 TO 599; AND**

**(III) \$825, FOR A MEMBERSHIP OF AT LEAST 600.**

**(2) THE ANNUAL LICENSE FEES FOR A 7-DAY LICENSE, DEPENDING ON THE SIZE OF THE DUES-PAYING MEMBERSHIP OF THE CLUB, ARE:**

- (I) **\$400, FOR A MEMBERSHIP OF 50 TO 399;**
- (II) **\$675, FOR A MEMBERSHIP OF 400 TO 599; AND**
- (III) **\$950, FOR A MEMBERSHIP OF AT LEAST 600.**

**(3) A LICENSE FEE SHALL BE ESTABLISHED ON THE MAXIMUM NUMBER OF DUES-PAYING MEMBERS DURING THE CALENDAR YEAR IMMEDIATELY BEFORE THE FILING OF THE APPLICATION FOR THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(x)(2) through (4) and the first sentence of (a)(1).

Subsection (a) of this section is revised in standard language used throughout this title to establish a license.

In the introductory language of subsection (b) of this section, the former reference to a "bona fide" club is deleted as surplusage. Similarly, in subsections (b)(3)(i) and the introductory language of (e)(1) and (2) of this section, the former references to "bona fide" members are deleted.

In subsection (b)(1) of this section, the reference to the application "for the license" is added for clarity.

In subsection (b)(2) of this section, the former requirement that the club be "neither directly nor indirectly operated as a public business" is deleted as unnecessary because the organization or club is nonprofit.

In subsection (b)(3)(ii) of this section, the former statement that 50 members "is sufficient" is deleted as surplusage.

In subsection (c) of this section, the phrase "at a club at the place described in the license," is added for consistency with other similar provisions regarding clubs in this article.

In subsection (d)(1) of this section, the reference to alcoholic beverages "for retail sale" is substituted for the former reference to alcoholic beverages "sold" for clarity.

In subsection (d)(2) of this section, the reference to "[a] license holder" is added for clarity.

In subsection (e)(3) of this section, the reference to the "filing of the" application for a license is added for clarity.

Former Art. 2B, § 6–301(x)(1), which stated that former Art. 2B, § 6–301(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“Club” § 1–101

“On–sale” § 1–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **32–904. CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A TAVERN THAT, NOT INCLUDING THE DANCE FLOOR OR BAR AREA, HAS SEATING FOR AT LEAST 140 INDIVIDUALS.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION 7 DAYS A WEEK.**

#### **(D) INDIVIDUALS UNDER LEGAL DRINKING AGE EXCLUDED.**

**AN INDIVIDUAL UNDER THE LEGAL DRINKING AGE MAY NOT ENTER THE LICENSED PREMISES.**

#### **(E) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

#### **(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,200.**



REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(a)(1) and (x)(2)(i) through (vi).

In subsection (b) of this section, the phrase “seating for at least” 140 individuals is substituted for the former reference to “minimum seating capacity of” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this subsection applies only to human beings.

Also in subsection (b) of this section, the former requirement that a tavern meet the minimum requirements of the fire code applicable to the jurisdiction in which the premises is located is deleted as an unnecessary statement of common practice.

In subsection (c) of this section, the reference to the place described in “the license” is substituted for the former reference to the place described in “it” for clarity.

In subsection (d) of this section, the former phrase “for the consumption of alcohol in the State” is deleted as surplusage.

Former Art. 2B, § 6–401(x)(1), which stated that former Art. 2B, § 6–401(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

## **SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

### **32–1001. CONFERENCE CENTER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B–CONFERENCE CENTER LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE FOR USE BY A CONFERENCE CENTER THAT HAS:**

- (1) A MINIMUM CAPACITY OF 500 INDIVIDUALS;
- (2) A KITCHEN;
- (3) DINING SPACE; AND
- (4) MEETING SPACE.

(C) SCOPE OF AUTHORIZATION.

THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION TO INDIVIDUALS ATTENDING A CONFERENCE CENTER EVENT.

(D) EXISTING LICENSE MAY BE AMENDED.

AN EXISTING CLASS B LICENSE MAY BE AMENDED TO ONE FOR CONFERENCE CENTER USE.

(E) HOURS AND DAYS OF SALE.

THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE UNDER § 32-2005 OF THIS TITLE.

(F) FEE.

THE ANNUAL LICENSE FEE IS \$1,500.

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-201(x)(3).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class B beer, wine, and liquor license in Wicomico County.

In the introductory language of subsection (b) of this section, the reference to "[t]he Board" is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority.

Also in the introductory language of subsection (b) of this section, the former phrase "the following facilities" is deleted as redundant in light of the organization of this section.

In subsections (b) and (c) of this section, the references to “individuals” are substituted for the former, broader references to “persons” because this section refers only to human beings.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

**32–1002. ENTERTAINMENT AND AMUSEMENT LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER, WINE, AND LIQUOR ENTERTAINMENT AND AMUSEMENT LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE FOR AN ENTERTAINMENT AMUSEMENT CENTER THAT:**

**(I) IS A BUSINESS ESTABLISHMENT THAT ACCOMMODATES THE PUBLIC;**

**(II) HAS A MINIMUM SEATING CAPACITY OF 140 INDIVIDUALS, NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;**

**(III) MEETS THE MINIMUM REQUIREMENTS OF THE FIRE CODE APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS LOCATED;**

**(IV) IS EQUIPPED WITH AN ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING REGULAR MEALS;**

**(V) HAS AN INITIAL CAPITAL INVESTMENT OF AT LEAST \$300,000, EXCLUDING THE COST OF THE LAND AND BUILDING; AND**

**(VI) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, HAS MORE THAN 50% OF ITS FLOOR SPACE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR FOOSBALL, BILLIARDS, DARTS, VIRTUAL REALITY SIMULATION GAMES, AND OTHER GAMES THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE PHYSICAL PARTICIPATION OF ONE OR MORE PLAYERS.**

**(2) UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION:**

**(I) FLOOR SPACE MAY NOT BE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR KENO, A CARD GAME, A PINBALL MACHINE, OR A BAR GAME; AND**

**(II) THE FLOOR SPACE REQUIREMENT MAY NOT BE MET BY FLOOR SPACE OCCUPIED BY:**

**1. A JUKEBOX OR SIMILAR PASSIVE ENTERTAINMENT DEVICE; OR**

**2. THE KITCHEN.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR 7 DAYS A WEEK FOR ON-PREMISES CONSUMPTION.**

**(D) AGE REQUIREMENT FOR ENTRY.**

**AN INDIVIDUAL WHO IS:**

**(1) UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR REMAIN ON THE LICENSED PREMISES AFTER 9 P.M.; AND**

**(2) UNDER THE AGE OF 17 YEARS MAY NOT ENTER THE LICENSED PREMISES WITHOUT A PARENT OR GUARDIAN.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER § 32-2005 OF THIS TITLE.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$4,000.**

REVISOR'S NOTE: Subsections (a) through (d) and (f) of this section are new language derived without substantive change from former Art. 2B, § 6-401(x)(3)(i) through (v) and (vii).

Subsection (e) of this section is new language added to provide a cross-reference to the hours and days of sale provision that applies to a Class D beer, wine, and liquor license in Wicomico County.

In subsection (b)(1)(ii) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this section refers only to human beings.

In subsection (b)(1)(iv) of this section, the former reference to “fully” equipped is deleted as surplusage.

Also in subsection (b)(1)(iv) of this section, the former reference to “proper” is deleted as unnecessary in light of the reference to “adequate”.

Former Art. 2B, § 6–401(x)(3)(viii), which stated that “[t]he Board may adopt regulations to carry out this paragraph”, is deleted as unnecessary because the Board has power to adopt regulations under § 32–207 of this title.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

### **32–1003. GOLF COURSE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS B BEER, WINE, AND LIQUOR (GOLF COURSE) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE LICENSE FOR THE USE OF A GOLF COURSE OR ORGANIZATION THAT:**

**(I) IS OPEN TO THE PUBLIC;**

**(II) IS OPERATED FOR PROFIT;**

**(III) OWNS REAL ESTATE IN THE COUNTY; AND**

**(IV) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

**(2) (I) THE LICENSE MAY BE ISSUED FOR A GOLF COURSE THAT HAS AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(II) IN CALCULATING AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD, AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS, INCLUDING THE CLUBHOUSE, USED FOR GOLFING PURPOSES.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(3) (I) ALCOHOLIC BEVERAGES OTHER THAN BEER AND WINE THAT ARE SOLD OR OFFERED FOR SALE SHALL BE PURCHASED FROM THE LIQUOR CONTROL BOARD.**

**(II) EACH BOTTLE CONTAINING ALCOHOLIC BEVERAGES SHALL BE STAMPED OR OTHERWISE DESIGNATED “ON-SALE ONLY” BY THE LIQUOR CONTROL BOARD.**

**(D) HOURS AND DAYS OF SALE.**

**A HOLDER OF THE LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(1) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(2) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8–506(b) through (i) and 11–523(c)(7).

In the introductory language of subsection (b)(1) of this section, the reference to the authority of the “Board of License Commissioners” to issue the license is added to state expressly what was previously implied by the former law, that the Board is the agency that issues the license.

In subsection (c)(3)(ii) of this section, the phrase “containing alcoholic beverages” is added for clarity.

Former Art. 2B, § 8-506(a), which stated that the provisions of former Art. 2B, § 8-506 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"County" § 32-101

"Wine" § 1-101

**32-1004. STADIUM LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B (STADIUM) BEER AND WINE LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE:**

**(I) TO THE OWNER OF A PROFESSIONAL BASEBALL TEAM FRANCHISE, REGARDLESS OF WHETHER THE FRANCHISE IS A PARTNERSHIP OR CORPORATION; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ONLY FOR A STADIUM THAT HAS THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD FOR EACH MONTH EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

**(2) AN ALLOCATION OF FOODSTUFF CONTAINED IN A MIXED DRINK MAY NOT BE INCLUDED IN AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE:**

**(1) FOR ON-PREMISES CONSUMPTION;**

**(2) IN PLASTIC, STYROFOAM, PAPER, OR ALUMINUM CONTAINERS ON THE STADIUM PREMISES, EXCEPT THAT GLASS CONTAINERS MAY BE USED IN AN ENCLOSED DINING PREMISES IN WHICH THE PATRONS ARE SEATED; AND**

**(3) TO AN INDIVIDUAL PRESENT AT ANY EVENT HELD AT THE STADIUM.**

**(D) CARRYING ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

**THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL TO CARRY ALCOHOLIC BEVERAGES ONTO OR FROM THE LICENSED PREMISES.**

**(E) HOURS AND DAYS OF SALE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE HOLDER MAY SELL BEER AND WINE:**

**(I) ON MONDAY THROUGH SATURDAY, FROM NOON TO 9 P.M.;**  
AND

**(II) ON SUNDAY, FROM 1 P.M. TO 5 P.M.**

**(2) DURING A BASEBALL GAME, A HOLDER OF A STADIUM BEER AND WINE LICENSE MAY NOT SELL BEER OR WINE:**

**(I) AFTER THE BEGINNING OF THE EIGHTH INNING; OR**

**(II) DURING A DOUBLEHEADER, AFTER THE BEGINNING OF THE SIXTH INNING OF THE SECOND GAME.**

**(F) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-223(b) through (f) and 11-523(c)(8).

Throughout this section, the references to "wine" are substituted for the former references to "light wine" to avoid confusion. In Wicomico County, wine that is sold under a retail license with a wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

In subsection (b)(2) of this section, the former phrase "[i]n calculating average daily receipts from the sale of food" is deleted as surplusage.

In subsections (c)(3) and (d) of this section, the references to an "individual" are substituted for the former references to "persons" and "person" because these subsections apply only to human beings.



In subsection (c)(3) of this section, the phrase “at any event held at the stadium” is substituted for the former phrases “[a]t the baseball game in which the licensee’s team is playing” and “[a]t other events that are held at the stadium” for brevity.

In subsection (d) of this section, the former phrase “[e]xcept for a distributor of beer who is conducting business with the licensee for the purposes of this section” is deleted as surplusage.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer and wine” is substituted for the former references to “hours and days for sale specified in § 11–523(c)(8) of this article” and the “days and hours for the sale of alcoholic beverages are” for clarity and consistency with similar provisions on the hours and days of sale in this article.

Former Art. 2B, § 8–223(a), which stated that former Art. 2B, § 8–223 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 32–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **32–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND**

**(2) § 4–1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).**

#### **(B) EXCEPTION.**

**SECTION 4–1105 (“REFILLABLE CONTAINER PERMIT — WINE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 32-1102 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101  
 “County” § 32-101  
 “License” § 1-101  
 “License holder” § 1-101  
 “Wine” § 1-101

**32-1102. REFILLABLE CONTAINER PERMIT — DRAFT BEER.****(A) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR DRAFT BEER TO A HOLDER OF ANY LICENSE ISSUED BY THE BOARD EXCEPT A CLASS C LICENSE, CLASS D LICENSE, CLASS B-CONFERENCE CENTER LICENSE, AND CLASS B-STADIUM LICENSE.**

**(B) APPLICATION FORM.**

**AN APPLICANT FOR THE PERMIT SHALL COMPLETE THE FORM THAT THE BOARD PROVIDES.**

**(C) HOURS OF SALE.**

**THE HOURS OF SALE FOR THE PERMIT:**

**(1) BEGIN AT THE SAME TIME AS THOSE FOR THE UNDERLYING LICENSE; AND**

**(2) END AT MIDNIGHT.**

**(D) CALCULATION OF AVERAGE DAILY RECEIPTS.**

**RECEIPTS COLLECTED UNDER THE PERMIT ARE TO BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC**

**BEVERAGES UNDER A CLASS B RESTAURANT LICENSE, CLASS B HOTEL LICENSE, AND CLASS B GOLF COURSE LICENSE.**

**(E) FEE.**

**THE ANNUAL PERMIT FEE IS \$500.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(w)(3)(i), (iv)1, (vi), and (vii).

In subsection (a) of this section, the phrase “for draft beer” is added for clarity.

In subsection (c)(1) of this section, the reference to the “underlying license” is substituted for the former reference to the “license already held by the person to whom the refillable container permit is issued” for brevity.

Former Art. 2B, § 7–101(w)(3)(ii), (iii), (iv)2, (v), and (viii) are deleted as unnecessary because they merely repeated provisions concerning refillable container permits that appear in § 4–1104 of this article.

Former Art. 2B, § 7–101(w)(4), which authorized the Board to adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32–206 of this title.

Defined terms: “Board” § 32–101  
“License” § 1–101

**SUBTITLE 12. CATERER’S LICENSES.**

**32–1201. LOCAL CATERER’S LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A LOCAL CATERER’S LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

**(1) A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER AND WINE LICENSE; OR**

**(2) A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.****THE LICENSE AUTHORIZES A HOLDER TO:**

**(1) (I) PROVIDE BEER AND WINE AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE IS ISSUED; OR**

**(II) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

**(2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE HOLDER'S CLASS B LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$550.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER AND WINE LICENSE OR A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE UNDER THIS SECTION FOR CATERING ON THE PREMISES FOR WHICH THE CLASS B LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Wicomico County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 6-710(b) through (g) and 9-102(m).

In subsections (b)(1), (c)(1)(i), and (f) of this section, the references to "wine" are substituted for the former references to "light wine" to reflect that license

holders in the County may sell wine with an alcohol content of not more than 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (c)(2) of this section, the reference to the “holder’s” license is substituted for the former reference to the “underlying” license for clarity.

Also in subsection (c)(2) of this section, the former phrase “under this article” is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food “as well as alcoholic beverages” is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer’s license is added for clarity.

Also in subsection (f) of this section, the former reference to an “existing” license is deleted as surplusage.

Former Art. 2B, § 6–710(a)(1), which stated that former Art. 2B, § 6–710 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–710(a)(2), which defined “Board”, is deleted as redundant of the definition of “Board” in § 32–101 of this title.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“Hotel” § 1–101

“On-sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

## **SUBTITLE 13. TEMPORARY LICENSES.**

### **PART I. IN GENERAL.**

#### **32–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-1202 (“PER DIEM LICENSES”);
- (2) § 4-1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);
- (3) § 4-1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”);
- (4) § 4-1206 (“LICENSE TO DISPOSE OF STOCK”);
- (5) § 4-1207 (“TEMPORARY MOVE OF LICENSED PREMISES”);
- (6) § 4-1208 (“HOURS AND DAYS OF SALE”); AND
- (7) § 4-1209 (“WINE PERMIT FOR FUND-RAISING EVENT”).

**(B) EXCEPTION.**

**SECTION 4-1205 (“LICENSE FEES”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 32-1311 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 32-101

**32-1302. RESERVED.**

**32-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSES.**

**32-1304. BEER FESTIVAL LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A BEER FESTIVAL LICENSE.**

**(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS 5 BREWERY LICENSE, CLASS 6 PUB-BREWERY LICENSE, CLASS 7 MICRO-BREWERY LICENSE, OR CLASS 8 FARM BREWERY LICENSE.**

**(2) EACH MANUFACTURER THAT PARTICIPATES IN THE BEER FESTIVAL SHALL OBTAIN A BEER FESTIVAL LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL BEER OWNED AND MANUFACTURED BY THE LICENSE HOLDER.**

**(D) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**A LICENSE HOLDER SHALL DISPLAY AND SELL BEER:**

**(1) AT RETAIL FOR ON-PREMISES CONSUMPTION; AND**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(E) TIME AND LOCATION OF FESTIVAL.**

**(1) THE BOARD MAY DESIGNATE THE NUMBER OF TIMES DURING A CALENDAR YEAR THAT THE LICENSE MAY BE ISSUED.**

**(2) THE FESTIVAL SHALL BE HELD AT A LOCATION THAT IS NOT ALREADY LICENSED.**

**(F) DURATION OF LICENSE.**

**THE LICENSE MAY BE IN EFFECT FOR NOT MORE THAN 3 CONSECUTIVE DAYS.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-804(c) through (i) and (j)(2).

Throughout this section, the former references to a "special" beer festival license are deleted as surplusage.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b)(1) of this section, the former reference to an “existing” license is deleted as surplusage.

Also in subsection (b)(1) of this section, the former phrase “[n]otwithstanding any other provision in this article,” is deleted as unnecessary in light of the organization of this revised article.

In subsection (c) of this section, the reference to the license “authoriz[ing] the holder to display and sell beer” owned and manufactured by the license holder is substituted for the former reference to the requirement that the “products displayed and sold by a special beer festival license shall be products” owned and manufactured by the license holder for clarity and consistency with terminology used throughout this article.

In subsection (e)(2) of this section, the reference to a location that “is not already licensed” is substituted for the former reference to “nonlicensed premises” for clarity.

In subsection (e)(2) of this section, the former phrase “located in Wicomico County” is deleted as surplusage.

In subsection (f) of this section, the reference to “not more than 3 consecutive days” is substituted for the former reference to “a period not exceeding 3 days” for clarity.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit a ... licensee from holding” another license for clarity.

Former Art. 2B, § 8–804(a), which defined the term “Board”, is deleted as redundant in light of the defined term “Board” in § 32–101 of this title.

Former Art. 2B, § 8–804(b), which stated that former Art. 2B, § 8–804 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8–804(j)(1), which stated that the Board may adopt regulations to implement this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32–207 of this title.

Defined terms: “Beer” § 1–101  
“Board” § 32–101



**32-1305. WINE FESTIVAL LICENSE.**

**(A) "FESTIVAL" DEFINED.**

**IN THIS SECTION, "FESTIVAL" MEANS THE WICOMICO COUNTY WINE FESTIVAL.**

**(B) ESTABLISHED.**

**THERE IS A WICOMICO COUNTY WINE FESTIVAL (WCWF) LICENSE.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR CLASS 4 LIMITED WINERY LICENSE.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO DISPLAY AND SELL WINE THAT IS:**

- (1) MANUFACTURED AND PROCESSED IN ANY STATE; AND**
- (2) DISTRIBUTED IN THE STATE WHEN THE LICENSE APPLICATION IS FILED.**

**(E) TIME AND CONDITIONS OF DISPLAY AND SALE.**

**THE LICENSE HOLDER SHALL DISPLAY AND SELL WINE:**

- (1) AT RETAIL FOR ON- AND OFF-PREMISES CONSUMPTION; AND**
- (2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD SHALL:**

- (1) CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, EACH YEAR FOR THE FESTIVAL;**
- (2) CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(3) ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO THE FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE HOLDER OF A WCWF LICENSE TO:**

**(1) DELIVER WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE LICENSE FEE IS \$50 PER DAY.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-313.2(c) through (j) and (a)(1) and (3).

Throughout this section, the former references to a "special" WCWF license are deleted as surplusage.

Subsection (b) 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 a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the license “authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “holder of a special WCWF license shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed currently under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(2) of this section, the former reference to a location “for the Festival” is deleted as surplusage.

Also in subsection (f)(2) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder” from holding another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[w]ine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery” and in the introductory language of

subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for the former reference to a “holder of a wholesale, winery, or limited winery license”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special WCWF license is issued,” is deleted as surplusage.

In subsection (i)(1) of this section, the reference to delivery “not earlier than” 2 days before the effective date is added for clarity. Similarly, in subsection (i)(2) of this section, the reference to accepting returns “not later than” 2 days after the expiration date is added.

Former Art. 2B, § 8–313.2(a)(2), which defined “Board” to mean the Wicomico County Board of License Commissioners, is deleted as redundant of the defined term “Board” in § 32–101 of this title.

Former Art. 2B, § 8–313.2(b), which stated that former Art. 2B, § 8–313.2 applied only in Wicomico County, is deleted in light of the organization of this revised article.

Defined terms: “Board” § 32–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

### **32–1306. BEER TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER TASTING (BT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW ON–PREMISES CONSUMPTION OF BEER.**

#### **(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE A LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A BEER TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE THAN 3 OUNCES OF BEER FROM EACH OFFERING FOR TASTING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX CONTAINERS OF BEER MAY BE OPEN AT ONE TIME AT A BEER TASTING EVENT.**

**(2) ONCE OPENED, EACH CONTAINER SHALL BE MARKED THAT IT IS TO BE USED FOR THE BEER TASTING ONLY.**

**(3) ONCE EMPTY, ALL CONTAINERS SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH A BEER TASTING EVENT IS HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A CONTAINER MAY NOT BE MIXED WITH ANY OTHER CONTAINER.**

**(2) BEER TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(i) and (2), (d)(1), (e), (f)(1)(ii) and (6), and (g)(1) and, as they related to the beer tasting license, (f)(2)(ii), (3), (4), and (5) and (g)(2).

Throughout this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

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 beer is added for clarity and consistency with the terminology used throughout this article.

In subsection (f) of this section, the reference to each “offering” is substituted for the former reference to each “brand” for clarity.

In subsection (g)(2) of this section, the reference to “the beer tasting” is substituted for the former reference to “that purpose” for clarity.

In subsection (h) of this section, the former reference to the “total number of” days is deleted as surplusage.

Former Art. 2B, § 8-412(a), which defined the term “license”, to mean a beer tasting (BT) license, a wine tasting (WT) license, or a beer/wine tasting (BWT) license is deleted as unnecessary because each of these licenses is treated separately in this subtitle.

Former Art. 2B, § 8-412(b), which stated that former Art. 2B, § 8-412 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 8-412(h), which stated that the Board may adopt regulations to carry out this section, is deleted as unnecessary because the Board has the power to adopt regulations under § 32-207 of this title.

Defined terms: “Beer” § 1-101

“Board” § 32-101

“Wine” § 1-101

**32-1307. WINE TASTING LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A WINE TASTING (WT) LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES CONSUMPTION OF WINE.**

**(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

**(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A WINE TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL A QUANTITY OF NOT MORE THAN 1 OUNCE OF WINE FROM EACH OFFERING FOR TASTING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX BOTTLES OF WINE MAY BE OPEN AT ONE TIME AT A WINE TASTING EVENT.**

**(2) ONCE OPENED, EACH BOTTLE SHALL BE MARKED THAT IT IS TO BE USED FOR THE WINE TASTING EVENT ONLY.**

**(3) ONCE EMPTY, EACH BOTTLE SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH A WINE TASTING EVENT IS HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH A LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A BOTTLE MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE.**

**(2) WINE TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(ii) and (2), (d)(2), (e), (f)(1)(i) and (6), and (g)(1) and, as they related to the wine tasting license, (f)(2)(i), (3), (4), and (5) and (g)(2).

Throughout this section, the former references to "sampling" are deleted as redundant of the references to "tasting".

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.

In subsection (f) of this section, the reference to each "offering" is substituted for the former reference to each "brand" for clarity.

In subsection (g)(2) of this section, the reference to "the wine tasting event" is substituted for the former reference to "that purpose" for clarity.



In subsection (h) of this section, the former reference to the “total number of” days is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

### **32–1308. BEER AND WINE TASTING LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A BEER AND WINE TASTING (BWT) LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES CONSUMPTION OF BEER OR WINE.**

#### **(D) APPLICATION PROCESS.**

**(1) AN APPLICANT FOR THE LICENSE SHALL SUBMIT TO THE BOARD AN APPLICATION ON A FORM THAT THE BOARD PROVIDES.**

**(2) THE BOARD MAY ISSUE THE LICENSE WITHOUT A HEARING.**

**(3) IF A LICENSE APPLICATION IS DENIED, THE APPLICANT MAY REQUEST A PUBLIC HEARING BEFORE THE BOARD.**

**(4) RENEWAL OF THE LICENSE MAY BE MADE WHEN THE CLASS A BEER AND WINE LICENSE OR CLASS A BEER, WINE, AND LIQUOR LICENSE IS RENEWED.**

#### **(E) NOTICE TO BOARD BEFORE TASTING EVENT.**

**A LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 5 DAYS BEFORE A BEER AND WINE TASTING EVENT.**

**(F) LIMIT ON SERVINGS.**

**THE LICENSE HOLDER MAY SERVE AN INDIVIDUAL, FOR TASTING, A QUANTITY OF NOT MORE THAN:**

**(1) 1 OUNCE OF WINE FROM EACH OFFERING; OR**

**(2) 3 OUNCES OF BEER FROM EACH OFFERING.**

**(G) OPEN BOTTLES.**

**(1) A MAXIMUM OF SIX BOTTLES OF WINE AND SIX CONTAINERS OF BEER MAY BE OPEN AT ONE TIME AT A BEER AND WINE TASTING EVENT.**

**(2) ONCE OPENED, EACH BOTTLE OR CONTAINER SHALL BE MARKED THAT IT IS TO BE USED FOR THE BEER AND WINE TASTING EVENT ONLY.**

**(3) ONCE EMPTY, EACH BOTTLE AND CONTAINER SHALL BE DESTROYED.**

**(H) MAXIMUM NUMBER OF DAYS FOR TASTING EVENT.**

**THE DAYS DURING WHICH BEER AND WINE TASTING EVENTS ARE HELD MAY NOT EXCEED 50 IN ANY PERIOD FOR WHICH THE LICENSE IS IN EFFECT.**

**(I) FEE.**

**THE ANNUAL LICENSE FEE IS \$250.**

**(J) PROHIBITED ACTS.**

**(1) THE CONTENTS OF A BOTTLE OR CONTAINER MAY NOT BE MIXED WITH THAT OF ANY OTHER BOTTLE OR CONTAINER.**

**(2) BEER AND WINE TASTING MAY NOT BE CONDUCTED FROM A DRIVE-THROUGH WINDOW.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-412(c)(1)(iii) and (2), (d)(3), (e), (f)(1) and (6), and (g)(1) and, as they related to the beer and wine tasting license, (f)(2) through (5) and (g)(2).

Throughout this section, the former references to “sampling” are deleted as redundant of the references to “tasting”.

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 beer or wine is added to conform to the terminology used throughout this article.

In subsection (f) of this section, the references to each “offering” are substituted for the former references to each “brand” for clarity.

In subsection (g)(2) of this section, the reference to “the beer and wine tasting event” is substituted for the former reference to “that purpose” for clarity.

In subsection (h) of this section, the former reference to the “total number of” days is deleted as surplusage.

Defined terms: “Beer” § 1–101

“Board” § 32–101

“License” § 1–101

“License holder” § 1–101

“Wine” § 1–101

**32–1309. RESERVED.**

**32–1310. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**32–1311. LICENSE FEES.**

**(A) CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES.**

**THE FEE FOR A CLASS C PER DIEM BEER LICENSE AND A CLASS C PER DIEM BEER AND WINE LICENSE IS \$30 PER DAY.**

**(B) CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE.**

**THE FEE FOR A CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE IS \$45 PER DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(b)(13) and (d)(14).

**32-1312. CLASS C MULTIPLE EVENT ENTERTAINMENT LICENSE FOR FIRE DEPARTMENTS.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A CLASS C MULTIPLE EVENT BEER LICENSE, BEER AND WINE LICENSE, OR BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE ENTITLES THE LICENSE HOLDER TO EXERCISE ANY PRIVILEGE CONFERRED BY THE LICENSE AT AN ENTERTAINMENT EVENT HELD BY A FIRE DEPARTMENT.**

**(C) LICENSE FORM.**

**(1) THE LICENSE APPLICATION SHALL BE IN THE FORM THAT THE BOARD PROVIDES.**

**(2) THE APPLICANT SHALL SIGN THE FORM.**

**(D) LIMITATIONS.**

**A LICENSE HOLDER:**

**(1) MAY USE ONLY ONE MULTIPLE EVENT LICENSE IN A LICENSE YEAR; AND**

**(2) MAY NOT USE THE LICENSE FOR MORE THAN 40 DAYS IN A CALENDAR YEAR.**

**(E) NOTICE TO BOARD.**

**THE LICENSE HOLDER SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE EACH DAY THAT THE LICENSE IS TO BE USED.**

**(F) PER DIEM LICENSE AVAILABLE.**

**A FIRE DEPARTMENT IS NOT PREVENTED FROM OBTAINING A CLASS C PER DIEM LICENSE UNDER § 4-1202 OF THIS ARTICLE.**

**(G) FEES.****THE ANNUAL FEE FOR A LICENSE IS:**

- (1) \$400 FOR NOT MORE THAN 10 DAYS;**
- (2) \$800 FOR AT LEAST 11 BUT NOT MORE THAN 20 DAYS;**
- (3) \$1,000 FOR AT LEAST 21 BUT NOT MORE THAN 30 DAYS; AND**
- (4) \$1,100 FOR AT LEAST 31 BUT NOT MORE THAN 40 DAYS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(w)(2).

In subsection (b) of this section, the former reference to a "bona fide" entertainment event is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a fire department "in the county" is deleted as surplusage.

Former Art. 2B, § 7-101(w)(1), which stated that former Art. 2B, § 7-101(w) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 32-101  
 "License holder" § 1-101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.****32-1401. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 ("APPLICATIONS FOR LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-102 ("APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD");**
- (2) § 4-105 ("APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY");**

- (3) § 4-106 (“PAYMENT OF NOTICE EXPENSES”);
  - (4) § 4-108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);
  - (5) § 4-110 (“REQUIRED INFORMATION ON APPLICATION — PETITION OF SUPPORT”);
  - (6) § 4-111 (“PAYMENT OF LICENSE FEES”);
  - (7) § 4-112 (“DISPOSITION OF LICENSE FEES”);
  - (8) § 4-113 (“REFUND OF LICENSE FEES”); AND
  - (9) § 4-114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).
- (B) VARIATIONS.

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

- (1) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO § 32-1403 OF THIS SUBTITLE;
- (2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), IN ADDITION TO § 32-1406 OF THIS SUBTITLE;
- (3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO § 32-1402 OF THIS SUBTITLE; AND
- (4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), IN ADDITION TO § 32-1404 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 32-101

**32-1402. BOARD TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION.**

THE BOARD SHALL OBTAIN CRIMINAL HISTORY RECORD INFORMATION OF EACH APPLICANT FOR A LICENSE FROM THE CENTRAL REPOSITORY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-103(b)(13)(vii)2A.

The reference to "criminal history record information" is substituted for the former reference to "criminal records" to conform to the terminology used in CP § 10-201.

Former Art. 2B, § 10-103(b)(13)(vii)1, which stated that former Art. 2B, § 10-103(b)(13)(vii) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Board" § 32-101  
"Central Repository" § 1-101  
"License" § 1-101

**32-1403. APPLICATION MADE ON BEHALF OF PARTNERSHIP.**

**(A) CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY AS PARTNER.**

**IF A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY IS A PARTNER OF A PARTNERSHIP APPLYING FOR A LICENSE, THE APPLICATION SHALL STATE:**

**(1) THE NAME OF EACH OWNER OF MORE THAN 33% OF THE STOCK IN THE CORPORATE PARTNER;**

**(2) THE NAME OF EACH OWNER OF MORE THAN 33% OF OWNERSHIP INTEREST OF THE PARTNERSHIP PARTNER; OR**

**(3) THE NAME OF EACH MEMBER WITH MORE THAN A 33% INTEREST IN THE LIMITED LIABILITY COMPANY PARTNER.**

**(B) STADIUM BEER AND WINE LICENSES.**

**(1) AN APPLICATION FOR A STADIUM BEER AND WINE LICENSE FOR A PARTNERSHIP SHALL BE MADE BY AND THE LICENSE ISSUED TO THREE INDIVIDUALS WHO:**

**(I) SHALL BE AUTHORIZED IN WRITING TO APPLY FOR AND HOLD THE LICENSE ON BEHALF OF THE PARTNERSHIP; BUT**

**(II) ARE NOT REQUIRED TO BE PARTNERS.**

**(2) ONE OF THE THREE INDIVIDUALS WHO APPLIES FOR A LICENSE SHALL:**

**(I) HAVE BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION IS FILED; AND**

**(II) HAVE BEEN A REGISTERED VOTER OF THE COUNTY FOR AT LEAST 1 YEAR IMMEDIATELY BEFORE THE APPLICATION IS FILED.**

**(3) THE NAME OF EACH PARTNER SHALL BE STATED ON THE APPLICATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–101(a)(7)(ii) and (iii).

In the introductory language of subsection (b)(1) of this section, the reference to “wine” is substituted for the former reference to “light wine” to avoid confusion. In Wicomico County, wine that is sold under a retail license with any wine privilege may have an alcohol content above the traditional maximum level of 15.5% for light wine.

In subsection (b)(1)(i) of this section, the reference to three individuals who are authorized “to apply for and hold the license on behalf of the partnership” is substituted for the former reference to individuals authorized “to act for the partnership by making application for and becoming holders of the license for the partnership” for clarity.

Former Art. 2B, § 9–101(a)(7)(i), which stated that the provisions of former Art. 2B, § 9–101(a)(7) applied only in Wicomico 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 the requirements that an applicant reside and be a registered voter in the County in subsection (b)(2) of this section 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 classifies 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: “County” § 32–101  
 “License” § 1–101

**32–1404. STATEMENTS REQUIRED IN APPLICATION.**



**AN APPLICANT SHALL INCLUDE A STATEMENT IN THE APPLICATION THAT:**

**(1) THE APPLICANT CONSENTS TO AN INVESTIGATION BY THE BOARD OF THE APPLICANT'S CRIMINAL RECORD; AND**

**(2) (I) THE APPLICANT IS AT LEAST 21 YEARS OLD; OR**

**(II) IF THERE IS MORE THAN ONE APPLICANT, AT LEAST ONE OF THE APPLICANTS IS AT LEAST 21 YEARS OLD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-104(x)(3) and 10-103(b)(9)(iii), as it related to Wicomico County.

Defined term: "Board" § 32-101

**32-1405. RESIDENCY REQUIREMENTS FOR LICENSE.**

**(A) ISSUANCE OF LICENSE RESTRICTED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE TO A CORPORATION OR LIMITED LIABILITY COMPANY UNLESS THE INDIVIDUAL QUALIFYING UNDER THIS ARTICLE:**

**(1) HAS BEEN A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE SUBMISSION OF THE APPLICATION; AND**

**(2) OWNS AT LEAST 20% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR 20% OF THE TOTAL INTERESTS OF THE LIMITED LIABILITY COMPANY.**

**(B) NO EFFECT ON ALREADY ISSUED LICENSE.**

**THIS SECTION DOES NOT AFFECT A LICENSE THAT HAS ALREADY BEEN ISSUED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(l).

In subsection (a) of this section, the phrase "the Board may not issue" is added for clarity.

In subsection (b) of this section, the phrase “[t]his section does not affect” is substituted for the former phrase “[p]rovided, however, that any license currently issued shall not be affected” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirement in subsection (a)(1) of this section that an applicant be a registered voter in, taxpayer in, and resident of 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 classifies 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 term: “County” § 32–101

### **32–1406. INDICATION OF FINANCIAL INTEREST BY CLUB OFFICERS NOT REQUIRED.**

**IF THREE OFFICERS OF A CLUB ACTING AS INDIVIDUALS APPLY FOR A CLASS C CLUB LICENSE, THE APPLICANTS ARE NOT REQUIRED TO FILE A STATEMENT INDICATING A FINANCIAL INTEREST IN THE BUSINESS TO BE CONDUCTED UNDER THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(x)(2).

Defined terms: “Club” § 1–101  
“License” § 1–101

### **32–1407. APPLICATION FEE.**

#### **(A) AMOUNT OF FEE.**

**IN ADDITION TO ANY OTHER FEE REQUIRED FOR A LICENSE, AN APPLICATION FEE OF \$75 SHALL BE CHARGED FOR AN APPLICATION FOR A NEW LICENSE, MADE PAYABLE TO THE COUNTY COLLECTING AGENT.**

#### **(B) APPLICATION FEE NOT REFUNDABLE.**

**THE APPLICATION FEE IS NONREFUNDABLE WHETHER THE LICENSE IS ISSUED OR DENIED.**

#### **(C) NOT APPLICABLE TO LICENSE RENEWAL OR TRANSFER.**

**THE APPLICATION FEE DOES NOT APPLY TO THE RENEWAL OR TRANSFER OF A LICENSE FOR THE SAME PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, and fourth sentences of former Art. 2B, § 10-104(x)(5).

In subsection (a) of this section, the former reference to a new license "of any class" is deleted as surplusage.

Former Art. 2B, § 10-104(x)(1), which stated that former Art. 2B, § 10-104(x) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

The third sentence of former Art. 2B, § 10-104(x)(5), which stated that the application fee must be used by the Board to cover the expenses of the Board in connection with its functions, is deleted as obsolete.

Defined terms: "County" § 32-101  
"License" § 1-101

**SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

**32-1501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 ("ISSUANCE OR DENIAL OF LOCAL LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-202 ("AUTHORITY OF LOCAL LICENSING BOARDS");**
- (2) § 4-206 ("LIMITATIONS ON RETAIL SALES FLOOR SPACE");**
- (3) § 4-207 ("LICENSES ISSUED TO MINORS");**
- (4) § 4-209 ("HEARING");**
- (5) § 4-211 ("LICENSE FORMS; EFFECTIVE DATE; EXPIRATION");**
- (6) § 4-213 ("REPLACEMENT LICENSES"); AND**

(7) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:

(1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO §§ 32-1502 AND 32-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO §§ 32-1502 AND 32-1506 OF THIS SUBTITLE AND SUBTITLE 13, PART III OF THIS TITLE;

(3) § 4-205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”), SUBJECT TO § 32-1503 OF THIS SUBTITLE;

(4) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 32-1507 OF THIS SUBTITLE;

(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”), SUBJECT TO § 32-1508 OF THIS SUBTITLE; AND

(6) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 32-1509 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 32-101

“License” § 1-101

“Local licensing board” § 1-101

**32-1502. PROHIBITION AGAINST ISSUANCE OF MULTIPLE LICENSES — EXCEPTIONS.**

THE PROHIBITIONS AGAINST ONE PERSON BEING ISSUED MORE THAN ONE LICENSE UNDER § 4-203 OF THIS ARTICLE DO NOT APPLY TO:

**(1) A CLASS 6 PUB-BREWERY LICENSE ISSUED UNDER § 2-208 OF THIS ARTICLE OR A CLASS 7 MICRO-BREWERY LICENSE ISSUED UNDER § 2-209 OF THIS ARTICLE; OR**

**(2) A CLASS B BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER § 32-902 OF THIS ARTICLE IF:**

**(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

**(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST \$200,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(k).

In the introductory language of this section, the reference to the "prohibitions against one person being issued more than one license under § 4-230 of this article" is substituted for the former reference to "[t]he provisions of subsections (a) and (a-1) of this section" for clarity.

In item (1) of this section, the references to "a Class 6 pub-brewery license" and "a Class 7 micro-brewery license" are added for clarity.

Defined terms: "County" § 32-101

"License" § 1-101

"Person" § 1-101

**32-1503. CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE.**

**SECTION 4-205 OF THIS ARTICLE DOES NOT APPLY TO A LICENSE ISSUED UNDER:**

**(1) § 2-208 OR § 2-209 (REGARDING PUB-BREWERY AND MICRO-BREWERY LICENSES) OF THIS ARTICLE; OR**

**(2) § 32-902 (REGARDING CLASS B BEER, WINE, AND LIQUOR LICENSES) OF THIS ARTICLE IF:**

**(I) THE RESIDENT APPLICANT HAS BEEN A RESIDENT OF THE COUNTY FOR AT LEAST 2 YEARS BEFORE THE APPLICATION; AND**

**(II) THE MINIMUM CAPITAL INVESTMENT IN THE PREMISES IS AT LEAST \$200,000 OR THE PREMISES HAVE A FAIR MARKET VALUE OF AT LEAST \$200,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(k).

Defined term: "License" § 1-101

**32-1504. MARRIED COUPLE CONSIDERED TO BE ONE PERSON.**

**FOR PURPOSES OF THIS SUBTITLE, A MARRIED COUPLE IS CONSIDERED TO BE ONE PERSON.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(g).

The reference to a "married couple" is substituted for the former reference to a "man and wife" for consistency with FL § 2-201, as enacted by Ch. 2 of the Acts of 2012.

Defined term: "Person" § 1-101

**32-1505. LICENSE FOR INCOMPLETE, REMODELED, OR RENOVATED BUILDING.**

**(A) TENTATIVE APPROVAL BY BOARD.**

**THE BOARD MAY GIVE TENTATIVE APPROVAL TO ISSUING A LICENSE FOR AN ESTABLISHMENT THAT IS NOT COMPLETED OR THAT IS TO BE REMODELED OR RENOVATED, BASED ON THE BUILDING PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

**(B) FINAL APPROVAL BY BOARD.**

**THE BOARD MAY GIVE FINAL APPROVAL OF A LICENSE APPLICATION UNDER THIS SECTION ON COMPLETION OF THE CONSTRUCTION, REMODELING, OR RENOVATION IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-104(x)(4).

In subsection (a) of this section, the former phrases "or portion of it" are deleted as included in the reference to a "building".

In subsection (b) of this section, the reference to final approval “of a license application under this section” is added for clarity.

Also in subsection (b) of this section, the reference to the “construction, remodeling, or renovation” is substituted for the former reference to the “construction or remodeling” for consistency with subsection (a) of this section.

Former Art. 2B, § 10–104(x)(1), which stated that former Art. 2B, § 10–104(x) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101  
 “License” § 1–101

### **32–1506. BOWLING ESTABLISHMENTS.**

**MULTIPLE LICENSES MAY BE ISSUED FOR THE SAME PREMISES OR TO AN INDIVIDUAL FOR THE USE OF THAT INDIVIDUAL, A PARTNERSHIP, A CORPORATION, AN UNINCORPORATED ASSOCIATION, OR A LIMITED LIABILITY COMPANY IF:**

- (1) THE LICENSES ARE CLASS D BEER OR CLASS D BEER AND WINE LICENSES; AND**
- (2) EACH PREMISES IS A BOWLING ESTABLISHMENT THAT HAS AT LEAST 30 LANES WITH AUTOMATIC PINSETTERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(b–1)(1)(i).

In item (1) of this section, the reference to “Class D beer or Class D beer and wine licenses” is substituted for the former reference to licenses issued “[u]nder § 3–401 or § 5–401 of this article” for clarity.

In item (2) of this section, the former reference to the premises “operated as” a bowling establishment is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “License” § 1–101  
 “Wine” § 1–101

### **32–1507. POSTING OF NOTICE OF APPLICATIONS TO BE HEARD.**

- (A) AT LOCATION DESCRIBED IN THE LICENSE.**

**IN ADDITION TO THE NEWSPAPER NOTICE REQUIRED UNDER § 4–208 OF THIS ARTICLE, THE BOARD SHALL POST A SUITABLE NOTICE IN A CONSPICUOUS PLACE AT THE LOCATION DESCRIBED IN AN APPLICATION FOR AT LEAST 10 DAYS BEFORE THE APPLICATION HEARING.**

**(B) CONTENTS.**

**A NOTICE UNDER THIS SECTION SHALL STATE THE CLASS OF LICENSE FOR WHICH THE APPLICATION IS MADE AND THE DATE, TIME, AND LOCATION SET BY THE BOARD FOR AN APPLICATION HEARING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(b)(1)(ii) and (i)9.

In subsection (a) of this section, the reference to the “location” is substituted for the former reference to the “premises” for consistency with terminology used throughout this article.

Also in subsection (a) of this section, the reference to “post[ing] a suitable notice ... for” at least 10 days is substituted for the former reference to “caus[ing] a suitable sign or notice to be posted and to remain posted for a period of” at least 10 days for brevity.

Also in subsection (a) of this section, the reference to an “application hearing” is substituted for the former reference to “action upon the application” for consistency with subsection (b) of this section.

In subsection (b) of this section, the reference to the “date” for an application hearing is added for clarity.

Defined terms: “Board” § 32–101  
 “License” § 1–101

**32–1508. OTHER FACTORS IN DECIDING WHETHER TO ISSUE LICENSE.**

**(A) INSPECTION.**

**THE BOARD SHALL MAKE A PHYSICAL INSPECTION OF THE LOCATION DESCRIBED IN THE APPLICATION BEFORE ISSUING A LICENSE.**

**(B) OTHER FACTORS.**

**BEFORE THE BOARD ISSUES A LICENSE, THE BOARD SHALL CONSIDER AND DETERMINE AS SUITABLE:**



**(1) THE MORAL CHARACTER AND FINANCIAL RESPONSIBILITY OF THE APPLICANT;**

**(2) THE APPROPRIATENESS OF THE LOCATION DESCRIBED IN THE APPLICATION, TAKING INTO CONSIDERATION THE NUMBER OF EXISTING LICENSES; AND**

**(3) THE GENERAL FITNESS OF THE APPLICANT TO ENGAGE IN THE BUSINESS AUTHORIZED BY THE LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(k).

In subsection (a) of this section, the reference to inspection of the “location described in the application” is substituted for the former reference to inspection of the “proposed licensed premises” for consistency with terminology used throughout this article.

In the introductory language of subsection (b) of this section, the requirement that the Board “consider and determine as suitable” specified factors before issuing a license is substituted for the former requirement that the Board “satisfy themselves” of specified factors before issuing a license for clarity.

In subsection (b)(2) of this section, the reference to the location “described in the application” is substituted for the former reference to the location “where such licensed business is to be conducted” for consistency with terminology used throughout this article.

Defined terms: “Board” § 32–101  
“License” § 1–101

**32–1509. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(f).

Defined terms: “License” § 1–101

“License holder” § 1–101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

Former Art. 2B, § 15–111(a), which stated exceptions to former Art. 2B, § 15–111, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–111(b), which stated that former Art. 2B, § 15–111 applied to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 15–111(c)(1), which stated that the Board of License Commissioners shall issue licenses for which provision is made in this article, is deleted as included in § 3–402 of this article, which authorizes a local licensing board to issue licenses in its jurisdiction.

### **SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

#### **PART I. LICENSING CONDITIONS.**

#### **32–1601. DISTANCE RESTRICTION FROM PLACE OF WORSHIP OR SCHOOL.**

##### **(A) IN GENERAL.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE BOARD MAY NOT ISSUE A LICENSE FOR AN ESTABLISHMENT THAT IS WITHIN 500 FEET OF A PLACE OF WORSHIP OR A PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL.**

**(2) THE DISTANCE FROM THE ESTABLISHMENT TO THE PLACE OF WORSHIP OR THE PUBLIC OR PRIVATE ELEMENTARY OR SECONDARY SCHOOL IS TO BE THE DISTANCE THAT AN INDIVIDUAL COULD WALK DIRECTLY FROM THE MAIN ENTRANCE OF THE ESTABLISHMENT TO THE MAIN ENTRANCE OF THE PLACE OF WORSHIP OR SCHOOL.**

##### **(B) EXCEPTIONS.**

**(1) A PERSON MAY APPLY FOR A LICENSE WITHIN 6 MONTHS FOLLOWING THE TERMINATION OF A LICENSE AT AN EXISTING LOCATION THAT FALLS WITHIN THE RESTRICTION IMPOSED BY SUBSECTION (A) OF THIS SECTION.**

**(2) THE PROHIBITION AGAINST ISSUING A LICENSE IN SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO:**

**(I) A TEMPORARY LICENSE; OR****(II) THE DOWNTOWN PLAZA OF SALISBURY THAT:**

**1. IS WITHIN THE AREA STARTING FROM THE INTERSECTION OF CAMDEN AVENUE AND CARROLL STREET, EASTWARD ALONG CARROLL STREET TO U.S. ROUTE 13, THEN NORTHWARD TO U.S. ROUTE 50, THEN WESTWARD TO MILL STREET, AND THEN SOUTHWARD TO THE POINT OF ORIGIN; BUT**

**2. DOES NOT INCLUDE BUSINESSES LOCATED ON THE OPPOSITE SIDES OF THE STREETS LISTED IN ITEM 1 OF THIS ITEM.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-223(c), (d), (e), and (b)(3), (4), and (5).

In subsection (a)(1) of this section, the former definition of "school", used only once in the former law, is revised as part of the substantive provisions of subsection (a)(1) of this section for concision. Similarly, in subsections (a)(2) and (b)(2)(ii) of this section, the former definitions of "measurement" and "Downtown Plaza" are revised as substantive provisions.

Also in subsection (a)(1) of this section, the former reference to a license "to sell alcoholic beverages" is deleted as included in the defined term "license".

Also in subsection (a)(1) of this section, the former reference to a "church" is deleted as included in the reference to a "place of worship".

In subsection (a)(2) of this section, the reference to "an individual" is substituted for the former reference to "a person" because only human beings are capable of walking from an establishment to a place of worship or school.

Also in subsection (a)(2) of this section, the former reference to the main entrance of the "building that is the proposed" establishment "for which the license is requested" is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to a "special" license is deleted as unnecessary in light of the reference to a "temporary" license.

Former Art. 2B, § 9-223(a), which stated that former Art. 2B, § 9-223 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9-223(b)(1), which stated that "[i]n this section the following words have the meanings indicated", is deleted as unnecessary since the

defined terms contained in former § 9–223(b) have been included in the substantive provisions of this section or repealed.

Former Art. 2B, § 9–223(b)(2), which defined “church”, is deleted as unnecessary since the word “church” is not used in this section.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the distance restriction established under former Art. 2B, § 9–223(c), revised in subsection (a)(1) of this section, applies only to an elementary or a secondary school, and not to a middle school.

Defined terms: “Board” § 32–101

“License” § 1–101

“Person” § 1–101

**32–1602. RESERVED.**

**32–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**32–1604. RESERVED.**

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**32–1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**

**AND**

**(2) § 4–304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4–306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 32–1704 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 32-1702 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 32-1703 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 32-101

“License” § 1-101

**32-1702. WAIVER OF PUBLICATION NOTICE AUTHORIZED.**

**THE BOARD MAY WAIVE THE PUBLICATION NOTICE REQUIRED UNDER § 4-302(B)(4) OF THIS ARTICLE FOR THE TRANSFER OF A CLASS C CLUB LICENSE IF:**

**(1) THE PERSON WHOSE NAME APPEARS ON THE LICENSE BECOMES INELIGIBLE; AND**

**(2) A NEW APPLICATION FOR THE SAME CLASS OF LICENSE IS PROPERLY FILED WITH THE BOARD WITHIN 10 DAYS AFTER THE PERSON BECOMES INELIGIBLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(x)(2).

Former Art. 2B, § 10-503(x)(1), which stated that former Art. 2B, § 10-503(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32-101

“Club” § 1-101

“Person” § 1-101

**32-1703. FEE.**

**THE FEE FOR A TRANSFER OF A LICENSE IS \$75, IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(x)(3).

The former reference to an "assignment" is deleted as included in the reference to a "transfer".

Defined term: "License" § 1-101

**32-1704. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTED LICENSE TO BE ISSUED.**

**ON RECEIPT OF THE AFFIDAVIT BY THE BOARD AND PAYMENT OF A \$50 FEE TO THE COUNTY TREASURER, THE BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND**
- (2) ISSUE A CORRECTED LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first, second, third, and fifth sentences of former Art. 2B, § 10-301(h)(1), as they related to Wicomico County.

In subsection (a) of this section, the former reference to an officer who has "been removed from office" is deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsection (a)(1) of this section, the reference to "any officer who" is substituted for the former reference to "the deleted officer" for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former reference to any "class of alcoholic beverage" license is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "notwithstanding any other provision of this article" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements "applicable to the original officer" is substituted for the former reference to requirements "the substitute would have to meet if the substitute were named in the original application" for brevity.

Also in subsection (a)(2) of this section, the former reference to a "fit" individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to "officers" is deleted in light of the reference to "officer" and GP § 1-202, which provides that the singular generally includes the plural.

In subsection (c)(2) of this section, the reference to a “corrected license” is substituted for the former reference to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 32–101

“Club” § 1–101

“County” § 32–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 18. RENEWAL OF LICENSES.**

### **32–1801. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”);**
- (3) § 4–406 (“PROTESTS”);**
- (4) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (5) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (6) § 4–409 (“MULTIPLE LICENSES”); AND**
- (7) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

#### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–403 (“RENEWAL APPLICATION”), SUBJECT TO § 32–1802 OF THIS SUBTITLE; AND**



**(2) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”), SUBJECT TO § 32-1803 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: “County” § 32-101  
“License” § 1-101

**32-1802. RENEWAL APPLICATION FEE.**

**AN APPLICANT FOR LICENSE RENEWAL SHALL PAY A RENEWAL APPLICATION FEE OF \$50 TO THE LOCAL COLLECTING AGENT IN ADDITION TO THE LICENSE FEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(k)(3).

The reference to “a renewal application fee ... in addition to the license fee” is substituted for the former reference to “an additional renewal application fee” to state expressly that which only was implied in the former law.

The former reference to a license “issued by the Board” is deleted as unnecessary.

Former Art. 2B, § 10-301(k)(1), which stated that former Art. 2B, § 10-301(k) applied only to Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 10-301(k)(2), which defined “Board”, is deleted as redundant of the defined term “Board” in § 32-101 of this title.

Defined terms: “License” § 1-101  
“Local collecting agent” § 1-101

**32-1803. PAYMENT OF TAXES.**

**THE BOARD MAY NOT RENEW A LICENSE UNTIL THE LICENSE HOLDER PRESENTS THE BOARD WITH A CERTIFICATE OF RECEIPT ISSUED BY THE COUNTY FINANCE DEPARTMENT SHOWING THAT THERE ARE NO UNPAID TAXES ON THE INVENTORY AND PERSONAL PROPERTY OF THE RENEWAL APPLICANT DUE TO THE COUNTY OR STATE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(k)(4).

The reference to a “renewal” applicant is added for clarity.

The reference to a certificate of receipt “issued by” the County Finance Department is substituted for the former reference to a certificate of receipt “from” that Department for clarity.

The reference to the County Finance “Department” is substituted for the former reference to the County Finance “Office” for accuracy.

Defined terms: “Board” § 32-101

“County” § 32-101

“License” § 1-101

“License holder” § 1-101

“State” § 1-101

#### GENERAL REVISOR’S NOTE TO SUBTITLE

The seventh sentence of former Art. 2B, § 10-301(h)(1), which applied to an application for renewal of a restaurant license in Wicomico County, is deleted as unnecessary.

#### **SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

##### **32-1901. APPLICATION OF GENERAL PROVISIONS.**

###### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
- (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
- (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”);**
- (4) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”); AND**
- (5) § 4-508 (“DISPLAY OF LICENSE”).**

###### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 32-1902 OF THIS SUBTITLE; AND**

**(2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 32-1903 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 32-101

“License” § 1-101

“License holder” § 1-101

**32-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**AN INDIVIDUAL WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT MAY BE EMPLOYED AT A LICENSED PREMISES TO STOCK ALCOHOLIC BEVERAGES OR CLEAR TABLES AND BAR AREAS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-302(b)(13).

Defined term: “Alcoholic beverage” § 1-101

**32-1903. ALCOHOL AWARENESS PROGRAM.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

**(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(iii) and (iv)4 and, as they related to Wicomico County, (ii), (i)7, and (iv)1.

In subsection (b) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (b)(1)(ii) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to a “bona fide” personal or business reason is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 32–101

“License holder” § 1–101

**SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.****32-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.****(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Wicomico County, (2).

In subsection (a)(1) of this section, the phrase “[u]nless otherwise provided under this title” is added for clarity.

Also in subsection (a)(1) of this section, the reference to an “individual” is substituted for the former reference to a “person” because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article” for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public,

and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

### **32–2002. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

**(1) A 6–DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; OR**

**(2) A 7–DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

#### **(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND**

**(II) FOR ON–PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS C BEER LICENSE.**

**(1) A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER AT A BAR OR COUNTER ON SUNDAY.**

**(D) CLASS D BEER LICENSE.**

**A HOLDER OF A CLASS D BEER LICENSE MAY SELL BEER FROM 6 A.M. TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-301(f), (a)(1), (c)(1), and (d)(1), 11-403(a)(1)(ii), and 11-523(c)(3).

Former Art. 2B, § 11-523(a), which stated that former § 11-523 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: "Beer" § 1-101

**32-2003. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A CLASS B (HOTEL AND RESTAURANT) BEER AND WINE LICENSE MAY SELL BEER AND WINE:**

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND

(II) FOR ON-PREMISES CONSUMPTION:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND

2. ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.

(2) THE LICENSE HOLDER MAY NOT SELL BEER OR WINE AT A BAR OR COUNTER ON SUNDAY.

(C) CLASS C BEER AND WINE LICENSE.

A HOLDER OF A CLASS C BEER AND WINE (ON-SALE) LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.

(D) CLASS D BEER AND WINE LICENSE.

(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:

(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO MIDNIGHT; AND

(II) FOR ON-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE:

(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO MIDNIGHT; AND

(II) FOR ON-PREMISES CONSUMPTION:

1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND



**2. EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT FOR CUSTOMERS WHO ARE SEATED.**

**(3) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE ISSUED FOR A BOWLING ALLEY MAY SELL BEER AND WINE ON SUNDAY FROM NOON TO MIDNIGHT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 11-302(f), (a)(1), (c)(1), and (d)(1) and (7), 11-523(c)(4) through (6), and, as it related to the Class B license, 11-403(a)(1)(ii).

In this section, the references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. Traditionally, wines were divided according to their amount of alcoholic content into two groups: light wines (containing up to 15.5% alcohol by volume) and fortified wines (containing above 15.5%). However, in former Art. 2B, § 4-101(x), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

Defined terms: "Beer" § 1-101

"Wine" § 1-101

**32-2004. BEER, WINE, AND LIQUOR LICENSES.**

**(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO MIDNIGHT.**

**(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR (ON-SALE) LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 10 A.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED AT TABLES ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(C) CLASS B–SWL LICENSE.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A HOLDER OF A CLASS B–SWL LICENSE MAY SELL WINE FOR OFF–PREMISES CONSUMPTION:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO MIDNIGHT; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT.**

**(2) A HOLDER OF A CLASS B–SWL LICENSE MAY EXERCISE THE PRIVILEGES UNDER PARAGRAPH (1) OF THIS SUBSECTION ONLY IF THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A RESTAURANT.**

**(D) CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A CLASS C CLUB BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY, FROM 12:30 P.M. TO MIDNIGHT, ONLY TO CUSTOMERS WHO ARE SEATED ON THE PREMISES.**

**(2) THE LICENSE HOLDER MAY NOT SELL BEER, WINE, OR LIQUOR AT A BAR OR COUNTER ON SUNDAY.**

**(E) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR ON MONDAY THROUGH SATURDAY, FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(x)(4)(i), (xi), and (xii), 11–403(a)(1)(ii), 11–523(c)(1) and (2), and 11–303(a)(1) and the first sentence of (d)(6).

In subsection (a) of this section, the reference to “Monday through Saturday” is substituted for the former reference to “every day except Sunday” to conform to the terminology used throughout this subtitle.

Defined terms: “Beer” § 1–101  
“Wine” § 1–101

**32–2005. HOURS OF SALE ON JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON THE MORNING OF JANUARY 1, REGARDLESS OF THE DAY ON WHICH JANUARY 1 FALLS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–402(x)(2).

Former Art. 2B, § 11–402(x)(1), which stated that former § 11–402(x) applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 32–101  
“License holder” § 1–101

**32–2006. CONSUMPTION ALLOWED FOR 30 MINUTES AFTER HOURS OF SALE.**

**WHEN THE HOURS OF SALE FOR CONSUMPTION ON THE PREMISES END:**

**(1) ALCOHOLIC BEVERAGES MAY CONTINUE TO BE CONSUMED ON THE PREMISES FOR 30 MINUTES; AND**

**(2) THEREAFTER, EACH TABLE AND BAR AREA SHALL BE CLEARED OF ALL ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–523(b).

The second sentence of former Art. 2B, § 11–303(d)(6), which stated that “[w]here sales are permitted until 2 a.m., alcoholic beverages may not be consumed after 2:30 a.m.”, is deleted as included in the broader language of this section.

Defined term: “Alcoholic beverage” § 1–101

**SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

**32-2101. APPLICATION OF GENERAL PROVISIONS.****(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”); AND**
- (3) § 4-605 (“NUDITY AND SEXUAL DISPLAYS”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 32-2102 OF THIS SUBTITLE; AND**
- (2) § 4-606 (“EFFECTS OF REVOCATION”), SUBJECT TO § 32-2103 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10-405(a)(17), which stated that former Art. 2B, § 10-405, which related to nudity and sexual displays, applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 32-101

“License” § 1-101

“Local licensing board” § 1-101

**32-2102. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4-604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A NEW OR TRANSFERRED LICENSE:**

**(1) IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING ITS ISSUANCE OR TRANSFER; OR**

**(2) FOR A CONVICTION OF THE LICENSE HOLDER FOR VIOLATING STATE GAMBLING LAW IN OR ON THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-401(h).

In item (1) of this section, the reference to the "issuance or transfer" of a license is substituted for the former reference to the "approval of the Board of the new license or the transfer of the license" for brevity.

In item (2) of this section, the former reference to "gaming" is deleted as included in the reference to "gambling".

Defined terms: "Board" § 32-101

"License" § 1-101

"License holder" § 1-101

"State" § 1-101

**32-2103. EFFECTS OF REVOCATION — ALCOHOLIC BEVERAGE TAX VIOLATION.**

**(A) IN GENERAL.**

**IF A LICENSE IS REVOKED BECAUSE THE LICENSE HOLDER IS CONVICTED OF VIOLATING THIS ARTICLE OR THE PROVISIONS OF THE TAX – GENERAL ARTICLE THAT RELATE TO THE ALCOHOLIC BEVERAGE TAX, A LICENSE MAY NOT BE ISSUED TO THE FORMER LICENSE HOLDER WITHIN 1 YEAR AFTER THE REVOCATION.**

**(B) 6-MONTH MORATORIUM.**

**A PERSON OTHER THAN THE FORMER LICENSE HOLDER MAY NOT OBTAIN A LICENSE FOR THE SAME PREMISES UNTIL AFTER 6 MONTHS FOLLOWING THE REVOCATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-404(e).

In subsection (a) of this section, the reference to the “former license holder” is substituted for the former reference to “the same person” for clarity.

Also in subsection (a) of this section, the reference to “after the revocation” is substituted for the former reference to “thereafter” for clarity.

In subsection (b) of this section, the reference to “[a] person other than the former license holder” is substituted for the former reference to “[n]o other persons” for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“License holder” § 1–101

“Person” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **32–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 32–101

“License” § 1–101

### **32–2202. SEASONAL CLOSING.**

**THE BOARD MAY AUTHORIZE THE CLOSING OF A LICENSED PREMISES FOR NOT MORE THAN 6 MONTHS IF:**

**(1) THE BOARD DETERMINES THAT THE LICENSED PREMISES IS SEASONALLY OPERATED; AND**

**(2) THE LICENSE HOLDER SUBMITS A WRITTEN REQUEST TO THE BOARD AT LEAST 30 DAYS BEFORE THE ANTICIPATED DATE OF CLOSING.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–504(f)(2)(i) and, as it related to Wicomico County, (1).

In item (1) of this section, the former phrase “under its jurisdiction” is deleted as surplusage.

Defined terms: “Board” § 32-101  
“License holder” § 1-101

**SUBTITLE 23. DEATH OF LICENSE HOLDER.**

**32-2301. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-802 (“EXPIRATION OF LICENSE ON DEATH OF LICENSE HOLDER”);**
- (2) § 4-804 (“TRANSFER OR REINSTATEMENT OF LICENSE”);**
- (3) § 4-805 (“RIGHTS OF PROTEST, REVOCATION, SUSPENSION, AND RESTRICTION”); AND**
- (4) § 4-806 (“REFUND”).**

**(B) VARIATION.**

**SECTION 4-803 (“CERTIFICATE OF PERMISSION OR RENEWAL LICENSE FOR CONTINUATION OF BUSINESS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 32-2302 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 32-101  
“License” § 1-101  
“License holder” § 1-101

**32-2302. DEATH OF MARRIED LICENSE HOLDER OR HOLDER OF LICENSE FOR PARTNERSHIP OR CORPORATION.**

**(A) NEW LICENSE ISSUED TO SURVIVING SPOUSE, PARTNERS, OR SENIOR SURVIVING OFFICER.**

**(1) ON THE DEATH OF A MARRIED LICENSE HOLDER OR A LICENSE HOLDER THAT HOLDS A LICENSE FOR THE BENEFIT OF A PARTNERSHIP OR CORPORATION, ON APPLICATION TO THE BOARD, A NEW LICENSE SHALL BE ISSUED TO:**

**(I) THE SURVIVING SPOUSE;**

**(II) THE SURVIVING PARTNERS FOR THE BENEFIT OF THE PARTNERSHIP; OR**

**(III) THE SENIOR SURVIVING OFFICER OF THE CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

**(2) THE NEW LICENSE SHALL BE ISSUED:**

**(I) FOR THE BALANCE OF THE LICENSE YEAR; AND**

**(II) WITHOUT FURTHER PROCEEDINGS.**

**(B) RENEWAL LICENSE.**

**A RENEWAL LICENSE MAY BE ISSUED TO THE FOLLOWING IF THEY ARE QUALIFIED TO HOLD THE LICENSE:**

**(1) THE SURVIVING SPOUSE;**

**(2) THE SURVIVING PARTNERS OF A PARTNERSHIP; OR**

**(3) THE SENIOR SURVIVING OFFICER OF A CORPORATION FOR THE BENEFIT OF THE CORPORATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-506(b)(9).

In the introductory language of subsection (a)(1) of this section, the former phrase “[n]otwithstanding any provisions to the contrary in this article” is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former reference to an application to “the Comptroller ..., as the case may be, that granted the license” is deleted as surplusage.



In subsection (a)(1)(iii) of this section, the reference to the senior surviving officer “of the corporation” is added for clarity.

In subsection (a)(2)(i) of this section, the former reference to the “current” license year is deleted as implicit.

In subsection (a)(2)(ii) of this section, the former reference to “the necessity of” further proceedings is deleted as surplusage.

In the introductory language of subsection (b) of this section, the former reference to being qualified to hold the license “under this article” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the surviving “partners” of a partnership is substituted for the former reference to the surviving “members” of a partnership for accuracy.

In subsection (b)(3) of this section, the reference to the “senior surviving officer of a corporation for the benefit of the corporation” is substituted for the former reference to the “surviving members of a ... corporation” for accuracy and for consistency with subsection (a) of this section.

Defined terms: “Board” § 32–101

“License” § 1–101

“License holder” § 1–101

## **SUBTITLE 24. JUDICIAL REVIEW.**

### **32–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 32–101

## **SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

### **32–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF ATTIRE OR SEXUAL DISPLAY PROHIBITED UNDER § 4-605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20-112(a), (c), and (d).

In subsection (a) of this section, the reference to "adult" entertainment is substituted for the former references to "public" entertainment for clarity.

Also in subsection (a) of this section, the former references to "dispense" are deleted as included in the references to "serve".

In subsection (a)(2) of this section, the reference to "location" is substituted for the former reference to "premises" to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20-112(b), which provided that former Art. 2B, § 20-112 applied only in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"License" § 1-101

"Person" § 1-101

**32-2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and the introductory language of (2).

In subsections (a)(1) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal

Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that under § 32–2501 of this subtitle, a person who operates an unlicensed business establishment who knowingly allows a customer to bring alcoholic beverages for consumption into the establishment is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both, while under this section, an owner or a manager of an unlicensed establishment who allows the consumption of alcoholic beverages in the establishment is subject only to a fine not exceeding \$50.

Defined terms: “Alcoholic beverage” § 1–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **32–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 6–202 (“INSPECTIONS”);**
- (2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**
- (3) § 6–204 (“POWER TO SUMMON WITNESSES”);**
- (4) § 6–205 (“PEACE OFFICERS”);**
- (5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**
- (6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**
- (7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**

**(8) § 6-209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**

**(9) § 6-210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATION.**

**SECTION 6-211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO §§ 32-2612 AND 32-2613 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 32-101

“State” § 1-101

**32-2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL OF SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-410(c)(1)(x), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 32–101

### **32–2603. SEARCH WARRANTS.**

#### **(A) ISSUANCE OF WARRANT.**

**A JUDGE IN THE DISTRICT COURT MAY ISSUE A SEARCH WARRANT IF A POLICE OFFICER OR OTHER APPLICANT FILES A COMPLAINT OR AN AFFIDAVIT THAT:**

- (1) IS SWORN TO BY THE APPLICANT;**
- (2) DESCRIBES WITH PARTICULARITY THE PLACE OR THING TO BE SEARCHED;**
- (3) DESCRIBES WITH PARTICULARITY THE THINGS TO BE SEARCHED FOR; AND**
- (4) STATES THAT THE APPLICANT HAS REASON TO BELIEVE THAT ALCOHOLIC BEVERAGES ARE SOLD OR KEPT TO BE SOLD OR OTHERWISE DISPOSED OF IN VIOLATION OF LAW.**

#### **(B) CONTENTS; REQUIREMENTS.**

**A WARRANT ISSUED UNDER THIS SECTION SHALL:**

- (1) BE DIRECTED TO THE SHERIFF, DEPUTY SHERIFF, OR PROPER POLICE OFFICER;**
- (2) INCLUDE A COPY OF THE AFFIDAVIT;**
- (3) REQUIRE THE OFFICER TO WHOM THE WARRANT IS DIRECTED TO SEARCH THE PLACE OR THING DESCRIBED IN THE WARRANT, AND SEIZE ANY:**

(I) ALCOHOLIC BEVERAGES FOUND IN QUANTITIES THAT SUGGEST THAT THEY ARE BEING KEPT FOR SALE;

(II) MEANS TO SELL ALCOHOLIC BEVERAGES, INCLUDING FURNITURE, IMPLEMENTS, AND EQUIPMENT;

(III) PARAPHERNALIA OF A BARROOM OR SALOON THAT SELLS ALCOHOLIC BEVERAGES; AND

(IV) UNITED STATES INTERNAL REVENUE TAX RECEIPTS FOR THE SALE OF ALCOHOLIC BEVERAGES DATED DURING THE TIME OF THE ALLEGED OFFENSE; AND

(4) REQUIRE THE OFFICER TO REPORT IN WRITING ON THE SEARCH 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, WICOMICO COUNTY, TO WIT:

TO: ....., OF WICOMICO 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 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”.

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” § 32–101

“Person” § 1–101

### **32–2604. APPLICANT MAY ASSIST IN EXECUTION OF WARRANT.**

**AN APPLICANT FOR A WARRANT UNDER THIS SUBTITLE OR AN AGENT OF THE APPLICANT MAY:**

- (1) ACCOMPANY THE OFFICER WHO SERVES THE WARRANT;**
  - (2) POINT OUT AND ENTER THE PLACE OR THING TO BE SEARCHED;**
- AND**
- (3) ASSIST THE OFFICER IN SEARCHING THE PLACE OR THING.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 16–414(g) and, as it related to Wicomico County, (q).

In the introductory language of this section, the reference to an “applicant” for a warrant is substituted for the former reference to the “person making affidavit” for a warrant for brevity.

Also in the introductory language of this section, the former reference to a warrant to search “any place or thing where intoxicating liquor is believed to be disposed of, kept, stored, deposited, hidden, secreted, handled or furnished contrary to this section” is deleted as included in the reference to a warrant “under this subtitle”.

In item (3) of this section, the reference to “assist” is substituted for the former reference to “give information and assistance” for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that item (3) of this section, which authorizes a private citizen to assist an officer in a search of a place or thing alleged to be involved in the illegal sale of alcoholic beverages, could result in a constitutional violation if the person’s actions are not limited to assisting the officer in the execution of the warrant.

### **32-2605. SEARCH OF RESIDENCE PROHIBITED; EXCEPTION.**

#### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A WARRANT MAY NOT BE ISSUED TO SEARCH A RESIDENCE UNLESS:**

**(1) THE RESIDENCE OR PART OF THE RESIDENCE IS USED AS A STORE, HOTEL, RESTAURANT, OR BOARDING HOUSE;**

**(2) THE RESIDENCE IS USED AS A PUBLIC RESORT; OR**

**(3) THE RESIDENCE IS USED TO KEEP, HIDE, OR PROVIDE ALCOHOLIC BEVERAGES TO SELL OR FOR ANOTHER USE THAT VIOLATES THE LAW.**

#### **(B) ISSUANCE BY JUDICIAL DISCRETION.**

**A JUDGE OF THE DISTRICT COURT MAY ISSUE A WARRANT AFTER DETERMINING THAT THE ISSUANCE WOULD BE PROPER, BASED ON AN EXAMINATION OF:**

**(1) THE APPLICANT FOR THE WARRANT; OR**

**(2) OTHER EVIDENCE.**

**REVISOR’S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 16-414(f) and, as it related to Wicomico County, (q).

In the introductory language of subsection (a) of this section, the former reference to a residence “accepted as such” is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a “place of” public resort is deleted as surplusage.

In subsection (a)(3) of this section, the former references to “stor[e]”, “secret[e]”, “furnis[h]”, and “handl[e]” are deleted as included in the reference to “keep, hide, or provide”.

Also in subsection (a)(3) of this section, the reference to “violates the law” is substituted for the former reference to “contrary to this subtitle or contrary to law” for brevity.

In the introductory language of subsection (b) of this section, the reference to a judge of the District Court “determining” that the issuance of the warrant would be proper is substituted for the former reference to the judge “deem[ing] it” proper to issue the warrant, for brevity.

Also in the introductory language of subsection (b) of this section, the former phrase “in his discretion” is deleted in light of the reference to “may”.

Also in the introductory language of subsection (b) of this section, the former reference to a warrant “as hereinabove provided, for the searching of such a residence” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to the “applicant for the warrant” is substituted for the former reference to “the party making the oath” to conform to the terminology of this subtitle.

In subsection (b)(2) of this section, the reference to “other evidence” is substituted for the former reference to “such other proof as may be produced” for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Hotel” § 1–101

“Restaurant” § 1–101

### **32–2606. WHEN POSTING OF COPY OF WARRANT IS REQUIRED.**

**IF AN OWNER OR OPERATOR OF THE ESTABLISHMENT OR THING FROM WHICH ALCOHOLIC BEVERAGES OR OTHER ITEMS ARE SEIZED CANNOT BE SERVED UNDER THIS SUBTITLE, THE OFFICER SEIZING THE ITEMS SHALL:**

**(1) POST A COPY OF THE WARRANT IN A CONSPICUOUS LOCATION AT THE PLACE SEARCHED AT OR NEAR THE THING SEARCHED; AND**

**(2) HOLD THE ITEMS SUBJECT TO THE ORDER OF THE COURT AND MAKE RETURN OF THAT ACTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(e) and, as it related to Wicomico County, (q).

In the introductory language of this section, the phrase "from which alcoholic beverages or other items are seized" is substituted for the former phrase "where intoxicating liquor may be found" for clarity.

Also in the introductory language of this section, the phrase "[i]f an owner or operator of the establishment or thing from which alcoholic beverages or other items are seized cannot be served" is substituted for the former phrase "[i]f no one is found in possession of the premises, place, or thing where intoxicating liquor may be found" for clarity.

Also in the introductory language of this section, the reference to the officer "seizing the items" is substituted for the former reference to the officer "taking the same" for clarity.

In item (2) of this section, the reference to "that action" is substituted for the former reference to "his doing thereto" for clarity.

Also in item (2) of this section, the former phrase "take possession of such liquor and means used for the sale of the same" is deleted as surplusage.

Defined term: "Alcoholic beverage" § 1-101

### **32-2607. REQUIREMENTS FOR PROSECUTION.**

#### **IN A PROSECUTION UNDER THIS TITLE:**

**(1) IT IS NOT NECESSARY TO:**

**(I) DESCRIBE THE PLACE WHERE THE ALCOHOLIC BEVERAGE IS SOLD OR HANDLED;**

**(II) SHOW KNOWLEDGE ON THE PART OF THE PRINCIPAL TO CONVICT FOR THE ACTS OF THE AGENT; OR**

**(III) STATE THE NAME OF ANY PERSON TO WHOM THE ALCOHOLIC BEVERAGE IS SOLD; BUT**

**(2) IT IS SUFFICIENT TO STATE THAT THE VIOLATION CHARGED TOOK PLACE IN THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16-414(c)(2) and, as it related to Wicomico County, (q).

In the introductory language of this section, the former reference to a prosecution "by charge, indictment or otherwise" is deleted as surplusage.

In item (1)(i) of this section, the former reference to the place where an alcoholic beverage is "involved" is deleted as included in the reference to "sold or handled".

In item (1)(ii) of this section, the former reference to a "servant" is deleted as included in the reference to an "agent".

The former provision stating that it shall "not be necessary to state the kind of liquor sold, handled or involved" is deleted as redundant of § 6-206 of this article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 32-101

"Person" § 1-101

### **32-2608. RECEIPT IS PRIMA FACIE EVIDENCE OF SALE.**

**IN A PROSECUTION UNDER THIS ARTICLE, A RECEIPT ISSUED BY THE UNITED STATES IN THE COUNTY TO A PERSON AS A WHOLESALE OR RETAIL DEALER IN ALCOHOLIC BEVERAGES OR MALT LIQUOR IS PRIMA FACIE EVIDENCE OF THE SALE OF THE CLASS OF ALCOHOLIC BEVERAGES OR MALT LIQUOR AUTHORIZED TO BE SOLD UNDER THE RECEIPT:**

- (1) BY THE PERSON;**
- (2) IN THE COUNTY OR A PLACE OF BUSINESS OF THE PERSON WHERE THE RECEIPT IS POSTED; AND**
- (3) AT THE TIME CHARGED IN A SUIT OR PROSECUTION UNDER THIS ARTICLE, IF THE TIME IS WITHIN THE LIFE OF THE RECEIPT.**

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 2B, § 16-414(c)(2) and, as it related to Wicomico County, (q).

The former reference to an "internal revenue service special tax stamp" is deleted as obsolete.

The former phrase “in any place” in the County is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Person” § 1–101

“Retail dealer” § 1–101

“Wholesaler” § 1–101

### **32–2609. ITEMS SEIZED AS EVIDENCE.**

#### **(A) IN GENERAL.**

**ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES THAT ARE SEIZED SHALL BE HELD SUBJECT TO THE ORDER OF THE COURT TO BE USED AS EVIDENCE IN THE PROSECUTION OF A VIOLATION OF THIS ARTICLE.**

#### **(B) PRIMA FACIE EVIDENCE.**

**PRIMA FACIE EVIDENCE OF THE VIOLATION OF THIS ARTICLE INCLUDES:**

**(1) ALCOHOLIC BEVERAGES AND ITEMS USED TO SELL ALCOHOLIC BEVERAGES;**

**(2) THE MEANS OR MATERIALS TO MANUFACTURE, TRANSPORT, OR DISPOSE OF THE ALCOHOLIC BEVERAGES; AND**

**(3) THE PARAPHERNALIA OF A BARROOM OR SALOON.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 2B, § 16–414(c)(1) and, as it related to Wicomico County, (q).

In subsection (a) of this section, the reference to “items used to sell alcoholic beverages” is substituted for the former reference to “means used for the sale of the same” for clarity.

Also in subsection (a) of this section, the former phrase “of any case” is deleted as surplusage.

In the introductory language of subsection (b) of this section, the reference to “this article” is substituted for the former reference to “this subtitle” to conform to the terminology used in subsection (a) of this section.

In subsection (b)(2) of this section, the former reference to “instrumentalities” is deleted as included in the reference to “materials”.

Also in subsection (b)(2) of this section, the former reference to “dispens[e], handl[e]” is deleted in light of the reference to “dispose”.

Also in subsection (b)(2) of this section, the former reference to a violation of this article “as charged or presented” is deleted as surplusage.

In subsection (b)(3) of this section, the former reference to “part of the paraphernalia” is deleted as unnecessary in light of the reference to “paraphernalia”.

The second sentence of former Art. 2B, § 16–414(c)(1), which stated that fluids poured out or otherwise destroyed when the premises, place, or thing are searched or about to be searched, are to be held prima facie to be intoxicating liquor and intended for sale in violation of this article, is deleted as duplicative of § 1–809(b) of this article.

Defined term: “Alcoholic beverage” § 1–101

### **32–2610. NOTICE OF HEARING.**

#### **(A) POSTING NEAR PLACE OR LOCATION OF THING SEARCHED.**

**(1) AFTER SCHEDULING A HEARING TO DETERMINE THE PURPOSE FOR WHICH THE ALCOHOLIC BEVERAGES ARE KEPT, THE COURT SHALL ISSUE A HEARING NOTICE TO THE OFFICER WHO CARRIED OUT THE SEARCH.**

**(2) ON RECEIPT OF THE NOTICE, THE OFFICER SHALL POST THE NOTICE AT OR NEAR THE PLACE OR THING WHERE THE ALCOHOLIC BEVERAGES WERE FOUND.**

#### **(B) FAILURE TO APPEAR AT HEARING.**

**IF NO ONE APPEARS TO CLAIM THE ALCOHOLIC BEVERAGES OR OTHER SEIZED ITEMS AT THE HEARING SCHEDULED IN ACCORDANCE WITH THIS SECTION OR WITHIN 30 DAYS AFTER THE HEARING, THE COURT SHALL ORDER THAT THE ALCOHOLIC BEVERAGES AND OTHER ITEMS BE DISPOSED OF.**

REVISOR’S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 2B, § 16–414(e) and, as it related to Wicomico County, (q).

In subsection (a)(2) of this section, the former term “premises” is deleted as included in the term “place”.

In subsection (b) of this section, the former reference to items being “destroyed” is deleted as included in the reference to items being “disposed of”.

Defined term: “Alcoholic beverage” § 1–101

### **32–2611. DISPOSITION OF SEIZED ITEMS.**

#### **(A) PROSECUTION RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE RESULTS IN A CONVICTION AND AN APPEAL IS NOT TAKEN:**

**(1) ALCOHOLIC BEVERAGES SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE ORDERED TO BE DESTROYED; AND**

**(2) OTHER PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL CONTINUE TO BE HELD AS THE PROPERTY OF THE DEFENDANT OR THE OWNER.**

#### **(B) PROSECUTION NOT RESULTING IN CONVICTION.**

**IF A PROSECUTION UNDER THIS ARTICLE DOES NOT RESULT IN A CONVICTION, PROPERTY SEIZED IN CONNECTION WITH THE PROSECUTION SHALL BE RETURNED TO THE PERSON FROM WHOM IT WAS TAKEN.**

#### **(C) CLAIM FOR RETURN OF ITEMS OR DAMAGES.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON’S CLAIM OF INSUFFICIENCY OF THE DESCRIPTION OF THE ALCOHOLIC BEVERAGES SEIZED UNDER THIS SUBTITLE OR THE PLACE OR THING SEARCHED PROVIDED IN THE COMPLAINT OR WARRANT DOES NOT RESULT IN THE IMMEDIATE RETURN OF THE ALCOHOLIC BEVERAGES TO THE PERSON.**

**(2) THE PERSON WITH A CLAIM OF INSUFFICIENCY UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO A HEARING ON THE CLAIM WHEN THE CASE IS TRIED.**

**(3) A CONVICTION UNDER THIS SUBTITLE BARS AN ACTION FOR:**



**(I) THE RECOVERY OF ALCOHOLIC BEVERAGES OR THE VALUE OF ALCOHOLIC BEVERAGES; OR**

**(II) DAMAGES ALLEGED TO HAVE ARISEN FROM SEIZING ALCOHOLIC BEVERAGES.**

**(4) ALCOHOLIC BEVERAGES OR OTHER ITEMS SEIZED UNDER THIS SUBTITLE MAY NOT BE TAKEN FROM THE CUSTODY OF THE OFFICER BY A WRIT OF REPLEVIN OR OTHER PROCESS WHILE A PROSECUTION UNDER THIS SUBTITLE IS PENDING.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(d), (h), and, as it related to Wicomico County, (q).

In the introductory language of subsection (a) of this section, the reference to a “prosecution under this article results in a conviction” is substituted for the former reference to “upon final judgment of the court, the accused shall be found guilty” for brevity.

Also in the introductory language of subsection (a) of this section, the reference to an appeal that is “not taken” is substituted for the former phrase “after the time for appeal has expired and if no appeal is taken” for brevity.

In subsection (a)(2) of this section, the reference to the “defendant” is substituted for the former reference to the “accused” for consistency with the language used throughout the Code.

In subsection (c)(1) of this section, the reference to “alcoholic beverages seized under this subtitle” is substituted for the former reference to liquor “seized by virtue of such warrant” for clarity and consistency with the language used in this subtitle.

In subsection (c)(2) of this section, the phrase “on the claim” is added for clarity.

In the introductory language of subsection (c)(3) of this section, the former reference to “final judgment of” conviction is deleted as surplusage.

Also in the introductory language of subsection (c)(3) of this section, the phrase “under this subtitle” is substituted for the former phrase “in such proceedings” for clarity.

Also in the introductory language of subsection (c)(3) of this section, the former phrase “in all cases” is deleted as surplusage.

In subsection (c)(3)(ii) of this section, the former reference to the “detention” of alcoholic beverages is deleted as included in the reference to the “seizing” of alcoholic beverages.

In subsection (c)(4) of this section, the phrase “under this subtitle” is substituted for the former phrase “herein provided” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Person” § 1–101

### **32–2612. DISTRIBUTION OF FINES.**

**ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(c), as it related to Wicomico County.

Defined term: “County” § 32–101

### **32–2613. USE OF FINES.**

#### **(A) DETECTIVES OR UNDERCOVER AGENTS.**

**(1) THE COUNTY MAY USE ANY PART OF THE FINES FOR A VIOLATION OF THIS ARTICLE TO HIRE DETECTIVES OR UNDERCOVER AGENTS.**

**(2) A DETECTIVE OR AN UNDERCOVER AGENT HIRED UNDER THIS SECTION SHALL BE DEPUTIZED AS AN OFFICER.**

#### **(B) APPROPRIATION FROM GENERAL FUND.**

**WHEN MONEY IS NOT AVAILABLE FROM FINES, THE COUNTY COMMISSIONERS MAY APPROPRIATE NOT MORE THAN \$200 ANNUALLY FROM THE GENERAL FUND OF THE COUNTY TO ENFORCE THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–414(n) and (q), as they related to Wicomico County.

In subsection (a) of this section, the references to “undercover agents” are substituted for the former reference to “secret service officers” for clarity.

In subsection (a)(1) of this section, the former reference to fines “imposed by a circuit court” is deleted as unnecessary because all fines under this subtitle are imposed by a circuit court.

In subsection (a)(2) of this section, the former reference to a “proper” officer is deleted as surplusage.

In subsection (b) of this section, the reference to “money” is substituted for the former reference to “funds” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to fines “collected for the violation of this article” is deleted as unnecessary.

Defined term: “County” § 32–101

**32–2614. PUBLIC NUISANCE.**

**(A) PLACE DECLARED PUBLIC NUISANCE.**

**A PLACE WHERE ALCOHOLIC BEVERAGES ARE SOLD IN VIOLATION OF THIS ARTICLE OR TITLE 5 OF THE TAX – GENERAL ARTICLE IS A PUBLIC NUISANCE.**

**(B) BOND REQUIREMENT.**

**(1) ON CONVICTION OF THE OWNER OR OPERATOR OF THE PLACE, THE PLACE MAY BE CLOSED AND THE PUBLIC NUISANCE MAY BE ABATED UNTIL A \$2,000 BOND IS POSTED, PAYABLE TO THE STATE.**

**(2) THE BOND SHALL BE CONDITIONED ON THE OWNER OR OPERATOR:**

**(I) NOT SELLING ALCOHOLIC BEVERAGES IN VIOLATION OF THIS ARTICLE; AND**

**(II) PAYING ALL FINES, COSTS, AND DAMAGES ASSESSED AGAINST THE OWNER.**

**(3) IF A CONDITION OF THE BOND IS VIOLATED, THE COUNTY MAY BRING ACTION AGAINST THE OWNER OR OPERATOR FOR FINES, COSTS, AND DAMAGES.**

**(C) JURY TRIAL; APPEAL.**

**IF A JURY TRIAL IS REQUESTED OR APPEAL IS TAKEN IN A CASE IN WHICH A PLACE IS ALLEGED TO BE A PUBLIC NUISANCE, THE PLACE SHALL BE CLOSED UNTIL THE DEFENDANT POSTS A \$2,000 BOND UNDER THE SAME CONDITIONS AS THOSE SPECIFIED UNDER SUBSECTION (B) OF THIS SECTION.**

**(D) PENALTIES.**

**A PERSON WHO OWNS OR OPERATES A PUBLIC NUISANCE AS DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$200 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16-414(a), the sixth sentence of (p), and, as it related to Wicomico County, (q).

In subsection (a) of this section, the reference to "Title 5 of the Tax – General Article" is added for accuracy. Former Article 2B of the Code at one time included provisions that are now codified in Title 5 of the Tax – General Article.

In subsection (b) of this section, the references to "owner or operator" are substituted for the former references to "keeper" for clarity and consistency with language used in reference to abatement of nuisance actions in RP § 14-120.

In subsections (b)(1) and (c) of this section, the references to a place being "closed" are substituted for the former references to a place being "shut up and abated" for clarity and consistency with language used throughout this article.

In subsection (b)(1) of this section, the phrase "the public nuisance may be abated" is added for clarity.

Also in subsection (b)(1) of this section, the former phrase "with sufficient security to be approved by the court, in the penal sum" of \$2,000 is deleted as surplusage.

In subsection (b)(2)(i) of this section, the reference to selling alcoholic beverages "in violation of this article" is substituted for the former reference to selling intoxicating liquor "contrary to law" for clarity and consistency with language used throughout this article.

In subsection (d) of this section, the reference to being "guilty of a misdemeanor" is added to state expressly that which only was implied by the reference in the former law to a "conviction". 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) and *Williams v. State*, 4 Md. App. 342, 347 (1968).

Also in subsection (d) of this section, the reference to a person who “owns or operates a public nuisance as described in subsection (a) of this section” is added for clarity.

Also in subsection (d) of this section, the former references to the minimum penalties of “not less than fifty dollars” and “not less than three months” are deleted in light of CR § 14–102, which allows the court to impose, instead of a minimum penalty, a lesser penalty of the same character.

Also in subsection (d) of this section, the former reference to the penalties applying “[i]n Wicomico County” is deleted as unnecessary in light of the organization of this title.

Also in subsection (d) of this section, the former reference to the imprisonment “in the county jail” is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“Person” § 1–101

“State” § 1–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **32–2701. 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) § 6–308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);**

- (4) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (5) § 6-310 (“PROVIDING FREE FOOD”);
- (6) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (7) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (8) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (9) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (10) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (11) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (12) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (13) § 6-320 (“DISORDERLY INTOXICATION”);
- (14) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (15) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (16) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (17) § 6-327 (“TAX EVASION”);
- (18) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND
- (19) § 6-329 (“PERJURY”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 3 (“PROHIBITED ACTS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 6–304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”), SUBJECT TO § 32–2702 OF THIS SUBTITLE;**

**(2) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”), SUBJECT TO § 32–2703 OF THIS SUBTITLE; AND**

**(3) § 6–322 (“POSSESSION OF OPEN CONTAINER”), SUBJECT TO § 32–2704 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 32–101

“License holder” § 1–101

“Retail dealer” § 1–101

**32–2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6–304 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–108(f)(2).

Former Art. 2B, § 12–108(f)(1)(xii), which stated that the provisions of former Art. 2B, § 12–108(f) applied in Wicomico County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 32–101

“License holder” § 1–101

**32–2703. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL — NO BAR TO ADMINISTRATIVE ACTION.**

**THE GRANTING OF PROBATION BEFORE JUDGMENT TO A LICENSE HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER FOR A VIOLATION OF § 6-307 OF THIS ARTICLE DOES NOT BAR THE BOARD FROM PROCEEDING ADMINISTRATIVELY AGAINST THE LICENSE HOLDER FOR THE VIOLATION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-108(f)(2).

Defined terms: "Board" § 32-101  
 "License holder" § 1-101

**32-2704. POSSESSION OF OPEN CONTAINER — WRITTEN CONSENT REQUIRED.**

**AN INDIVIDUAL MAY POSSESS AN ALCOHOLIC BEVERAGE IN AN OPEN CONTAINER ON PRIVATE PROPERTY DESCRIBED UNDER § 6-322(A)(1) OF THIS ARTICLE ONLY IF THE INDIVIDUAL POSSESSES AND PRESENTS THE WRITTEN CONSENT OF THE OWNER OF THE PROPERTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 19-301(a)(2).

The former definition of "unless authorized" is revised as a substantive statement describing the circumstances under which an individual may possess an alcoholic beverage in an open container for clarity.

Former Art. 2B, § 19-301(a)(1)(vii), which stated that former Art. 2B, § 19-301(a)(2) applied in Wicomico 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 this section does not specify to whom the written consent must be presented.

Defined term: "Alcoholic beverage" § 1-101

**32-2705. ALLOWING INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ON PREMISES.**

**(A) PROHIBITED.**

**(1) A LICENSE HOLDER OR AN AGENT OR AN EMPLOYEE OF THE LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO LOITER ABOUT THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**



**(2) AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT LOITER OR BE A NUISANCE ON THE PREMISES FOR WHICH A CLASS B OR CLASS D BEER LICENSE IS ISSUED.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-303(b) and, as it related to Wicomico County, (a).

In subsection (a) of this section, the former reference to "loaf[ing]" is deleted as included in the reference to "loiter[ing]".

Also in subsection (a) of this section, the references to an "individual under the age of 21 years" are substituted for the former references to a "person not designated in § 1-102(a)(6) of this article" for clarity and consistency with other similar provisions of this article.

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).

Defined terms: "Beer" § 1-101  
 "License holder" § 1-101  
 "Person" § 1-101

**SUBTITLE 28. PENALTIES.**

**32-2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6-402 ("GENERAL PENALTY") OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 32–101

**32–2802. PENALTY IMPOSED BY BOARD.**

**(A) IN GENERAL.**

**THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING \$5,000 OR BOTH FOR A VIOLATION THAT IS CAUSE FOR SUSPENSION UNDER THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

**(B) FINES PAID TO DIRECTOR OF FINANCE.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID TO THE DIRECTOR OF FINANCE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(x).

In subsection (b) of this section, the reference to “director of finance” is substituted for the former reference to the “local collecting agent” for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
“Board” § 32–101  
“County” § 32–101  
“License” § 1–101

**TITLE 33. WORCESTER COUNTY.**

**SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

**33–101. DEFINITIONS.**

**(A) IN GENERAL.**

**IN THIS TITLE:**

**(1) THE DEFINITIONS IN § 1–101 OF THIS ARTICLE APPLY WITHOUT EXCEPTION OR VARIATION; AND**

**(2) THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: Item (1) of this subsection is new language added to incorporate by reference terms defined for the entire article.

Item (2) of this subsection is new language added as the standard introductory language to a definition section.

**(B) BOARD.**

**“BOARD” MEANS THE BOARD OF LICENSE COMMISSIONERS FOR WORCESTER COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to the “Board of License Commissioners for Worcester County”.

**(C) COUNTY.**

**“COUNTY” MEANS WORCESTER COUNTY.**

REVISOR’S NOTE: This subsection is new language added to avoid repetition of the full reference to “Worcester County”.

**(D) TAXPAYER.**

**“TAXPAYER” MEANS AN INDIVIDUAL WHO:**

**(1) OWNS REAL ESTATE IN THE COUNTY IN THE INDIVIDUAL’S OWN NAME, INDIVIDUALLY OR JOINTLY WITH OTHERS; AND**

**(2) PAYS REAL ESTATE TAXES TO THE COUNTY.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 1–102(b)(5).

In item (2) of this subsection, the former reference to “actually” paying real estate taxes is deleted as surplusage.

Defined term: “County” § 33–101

**33–102. SCOPE OF TITLE.**

**THIS TITLE APPLIES ONLY IN WORCESTER COUNTY.**

REVISOR’S NOTE: This section is new language added for clarity and to reflect the organization of this revised article.

**33–103. MUNICIPAL LICENSE FEE AUTHORIZED.**

**NOTWITHSTANDING § 1–203 OF THIS ARTICLE, A MUNICIPALITY MAY REQUIRE A LICENSE HOLDER FOR A PLACE OF BUSINESS IN THE MUNICIPALITY TO PAY TO THE MUNICIPALITY AN ADDITIONAL ANNUAL LICENSE FEE NOT EXCEEDING 20% OF THE FEE PAYABLE UNDER THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8–101(b)(2).

The phrase “[n]otwithstanding § 1–203 of this article,” is added for clarity.

Former Art. 2B, § 8–101(b)(1)(ii), which stated that former Art. 2B, § 8–101(b) applied to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “License” § 1–101  
 “License holder” § 1–101

### **33–104. COPY OF LEGISLATION.**

**A COPY OF ANY LEGISLATION CONCERNING ALCOHOLIC BEVERAGES ENACTED BY THE COUNTY COMMISSIONERS UNDER THIS TITLE SHALL BE SENT TO THE DEPARTMENT OF LEGISLATIVE SERVICES, 90 STATE CIRCLE, ANNAPOLIS, MARYLAND 21401.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–103.

The reference to the “County Commissioners” is substituted for the former reference to the “local governing body” for clarity.

The reference to this “title” is substituted for the former reference to this “subtitle” to conform to the organization of this revised article. Under the former law, each local governing body derived its authority to enact alcoholic beverages legislation from a common subtitle. Under this revised article, each local governing body derives its authority from the title dedicated to the jurisdiction of the local governing body.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 33–101

### **GENERAL REVISOR’S NOTE TO SUBTITLE**

Throughout this title, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine

with a maximum alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Correspondingly, former Art. 2B, § 4–101(y), which defined “light wine” in the County as a fermented beverage that contains not in excess of 22% of alcohol by volume, is deleted because the definition is not used in this title.

**SUBTITLE 2. BOARD OF LICENSE COMMISSIONERS.**

**33–201. ESTABLISHED.**

**THERE IS A BOARD OF LICENSE COMMISSIONERS FOR WORCESTER COUNTY.**

REVISOR’S NOTE: This section is new language added to state expressly what was only implied in the former law, that an entity known as the Board of License Commissioners for Worcester County exists.

**33–202. MEMBERSHIP.**

**(A) COMPOSITION; APPOINTMENT OF MEMBERS.**

**THE GOVERNOR SHALL APPOINT THREE MEMBERS TO THE BOARD, SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE.**

**(B) QUALIFICATIONS.**

**EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A RESIDENT AND VOTER OF THE COUNTY; AND**

**(2) AN INDIVIDUAL OF HIGH CHARACTER AND INTEGRITY AND OF RECOGNIZED BUSINESS CAPACITY.**

**(C) TENURE.**

**(1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2016.**

**(D) VACANCIES.**

**(1) THE GOVERNOR SHALL APPOINT AN ELIGIBLE INDIVIDUAL TO FILL A VACANCY DURING THE REMAINDER OF THE TERM OF OFFICE OF THE**

**INDIVIDUAL ORIGINALLY APPOINTED IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION.**

**(2) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(E) REMOVAL.**

**(1) THE GOVERNOR MAY REMOVE A MEMBER FOR MISCONDUCT IN OFFICE, INCOMPETENCE, OR WILLFUL NEGLECT OF DUTY.**

**(2) THE GOVERNOR SHALL GIVE A MEMBER WHO IS CHARGED A COPY OF THE CHARGES AGAINST THE MEMBER AND, WITH AT LEAST 10 DAYS' NOTICE, AN OPPORTUNITY TO BE HEARD PUBLICLY IN PERSON OR BY COUNSEL.**

**(3) IF A MEMBER IS REMOVED, THE GOVERNOR SHALL FILE WITH THE OFFICE OF THE SECRETARY OF STATE A STATEMENT OF CHARGES AGAINST THE MEMBER AND THE GOVERNOR'S FINDINGS ON THE CHARGES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–101(a)(3) and (4) and (y)(2) and (3) and 15–110(a).

In subsection (a) of this section, the reference to “members to the Board” is substituted for the former reference to “persons who constitute the Board of License Commissioners” for brevity.

Also in subsection (a) of this section, the requirement for “the advice and consent of” the Maryland Senate is substituted for the former reference to “confirmation by” the Maryland Senate for clarity and consistency within this revised article.

In subsection (b)(1) of this section, the defined term “County” is substituted for the former reference to “Baltimore City or the respective counties, as the case may be” because this title applies only to Worcester County.

In subsection (b)(2) of this section, the reference to an “individual” is substituted for the former reference to “persons” because only a human being and not the other entities included in the defined term “person” may serve as a member of a board of license commissioners.

In subsection (c)(1) of this section, the former reference to “hold[ing] office” for a certain term is deleted as surplusage.

In subsection (c)(2) of this section, the requirement that the terms of the members of the Board be staggered as required on “July 1, 2016” is substituted for the former obsolete requirement that the terms be staggered as required on “January 1, 1994”. This substitution is not intended to alter the term of any member of the Board of License Commissioners for Worcester County.

Subsection (d) of this section is standard language substituted for the former reference to the duty of the Governor, if a vacancy occurs on the Board when the General Assembly is not in session, to appoint an eligible individual to fill the vacancy for the remainder of the term. The standard language is intended to correct a gap in the former law, which was silent as to the procedure to be followed if a vacancy occurs when the General Assembly is in session.

In subsection (e)(1) of this section, the former reference to a member “of any board of license commissioners appointed by him under the provisions of this article” is deleted as surplusage.

In subsection (e)(2) of this section, the former phrase “in his own defense” is deleted as surplusage.

Defined terms: “Board” § 33–101  
 “County” § 33–101

### **33–203. SUBSTITUTE MEMBER.**

#### **(A) APPOINTMENT BY GOVERNOR.**

**IN ADDITION TO THE REGULAR MEMBERS OF THE BOARD, THE GOVERNOR SHALL APPOINT A SUBSTITUTE BOARD MEMBER.**

#### **(B) CONDITIONS OF OFFICE.**

**(1) THE TERM OF THE SUBSTITUTE MEMBER IS 4 YEARS.**

**(2) THE SUBSTITUTE MEMBER:**

**(I) SHALL SERVE ON THE BOARD IN THE ABSENCE OF A QUORUM OF THE REGULAR MEMBERS DUE TO ILLNESS OR CONFLICT OF INTEREST; AND**

**(II) HAS ALL OF THE POWERS AND DUTIES OF A REGULAR MEMBER WHEN SERVING ON THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(y)(5).

Throughout this section, the references to a “substitute” member are substituted for the former references to an “alternate” member to conform to the terminology used in other similar provisions of this article.

In subsection (b) of this section, the reference that the term of a substitute member “is 4 years” is substituted for the former reference that the term of a substitute member “shall run concurrently with the term of the regular members” for clarity and brevity.

Defined term: “Board” § 33–101

### **33–204. CHAIR.**

**IN MAKING THE APPOINTMENTS, THE GOVERNOR SHALL DESIGNATE A CHAIR FROM AMONG THE MEMBERS OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–101(y)(4).

The reference to “[i]n making the appointments, the Governor” is added to make explicit what was only implied in the former law, that the Governor is required to designate a chair.

The reference to a “chair” is substituted for the former reference to a “chairman” because SG § 2–1238 requires the use of words that are neutral as to gender to the extent practicable.

Former Art. 2B, § 15–101(y)(1), which provided that former Art. 2B, § 15–101(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined term: “Board” § 33–101

### **33–205. SALARIES; STAFF.**

#### **(A) SALARIES.**

**(1) THE CHAIR OF THE BOARD SHALL RECEIVE A SALARY OF NOT LESS THAN \$2,500 ANNUALLY, AS DETERMINED BY THE COUNTY COMMISSIONERS.**



**(2) EACH OTHER REGULAR MEMBER OF THE BOARD SHALL RECEIVE A SALARY OF NOT LESS THAN \$2,100 ANNUALLY, AS DETERMINED BY THE COUNTY COMMISSIONERS.**

**(3) THE SUBSTITUTE MEMBER OF THE BOARD SHALL RECEIVE COMPENSATION THAT THE COUNTY COMMISSIONERS DETERMINE FOR SERVICES WHEN ACTING ON THE BOARD.**

**(B) STAFF.**

**SUBJECT TO § 33–206 OF THIS SUBTITLE, THE BOARD MAY:**

**(1) EMPLOY:**

**(I) A SECRETARY;**

**(II) INSPECTORS; AND**

**(III) CLERICAL AND OTHER ASSISTANTS AS ARE NECESSARY; AND**

**(2) SET THE COMPENSATION OF THE EMPLOYEES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–109(y) and 15–112(a)(2).

In subsection (a)(2) of this section, the reference to each “other” regular member is added for clarity.

In subsection (a)(3) of this section, the reference to the “substitute” member is substituted for the former reference to the “alternate” member to conform to the terminology used in other similar provisions of this article.

In subsection (b)(1)(iii) of this section, the reference to “assistants” is substituted for the former reference to “assistance” for clarity.

Defined terms: “Board” § 33–101

“County” § 33–101

**33–206. INSPECTOR.**

**(A) APPOINTMENT; COMPENSATION.**

**(1) THE BOARD MAY APPOINT AN INSPECTOR WITH THE CONSENT OF THE COUNTY COMMISSIONERS.**

**(2) THE SALARY OF THE INSPECTOR SHALL BE AS PROVIDED IN THE COUNTY BUDGET.**

**(B) POWERS.**

**THE INSPECTOR HAS THE POWERS OF A PEACE OFFICER OR SHERIFF IN THE STATE ARISING OUT OF OR RELATING TO THE ENFORCEMENT OF THIS ARTICLE.**

**(C) DUTIES.**

**THE BOARD SHALL SPECIFY THE DUTIES OF THE INSPECTOR, INCLUDING THE PROPER ADMINISTRATION AND ENFORCEMENT OF THE ALCOHOLIC BEVERAGES LAWS IN THE COUNTY.**

**(D) OATH.**

**THE INSPECTOR SHALL TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–112(y)(2).

In subsection (b) of this section, the reference to the powers “arising out of or relating to the enforcement of this article” is substituted for the former reference to the powers “[f]or the purpose of the alcoholic beverages laws” for consistency with other similar provisions of this article.

In subsection (d) of this section, the reference to the requirement to “take the oath required by Article I, § 9 of the Maryland Constitution” is substituted for the former reference to the requirement to “make an oath to perform the duties entrusted, as provided in Article I, § 9 of the Constitution of Maryland” for brevity.

Former Art. 2B, § 15–112(y)(1), which provided that former Art. 2B, § 15–112(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“County” § 33–101

“State” § 1–101

**33–207. COUNTY COMMISSIONERS TO PAY SALARIES AND EXPENSES OF BOARD.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL PAY THE SALARIES AND EXPENSES OF THE BOARD OF LICENSE COMMISSIONERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–204(y).

Defined term: “County” § 33–101

**33–208. NOISE.**

**(A) EXCEEDING LOCAL LIMITS PROHIBITED.**

**A PERSON MAY NOT PLAY ON LICENSED PREMISES MUSIC THAT EXCEEDS THE NOISE LEVEL LIMITS ESTABLISHED UNDER LOCAL LAW.**

**(B) REGULATION BY BOARD.**

**THE BOARD MAY REGULATE THE PLAYING TIME AND NOISE LEVEL OF LIVE MUSIC, A MECHANICAL MUSIC BOX, OR A SOUND MAKING DEVICE ON LICENSED PREMISES IF THE SOUND DISTURBS THE PEACE, TRANQUILITY, SAFETY, AND HEALTH OF THE SURROUNDING NEIGHBORHOOD.**

**(C) ENFORCEMENT ACTIONS.**

**IF THE BOARD FINDS THAT A LICENSED PREMISES IS IN VIOLATION OF THIS SECTION, THE BOARD MAY:**

**(1) REQUIRE THE LICENSE HOLDER TO ALTER THE TIME THAT THE MUSIC IS PLAYED;**

**(2) REQUIRE THE LICENSE HOLDER TO REDUCE THE NOISE LEVEL; OR**

**(3) TAKE ANY OTHER ENFORCEMENT ACTION THAT IS AUTHORIZED UNDER THIS ARTICLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–224.1(b) through (d).

In subsection (a) of this section, the reference to noise level limits “established under local law” is substituted for the former reference to noise level limits “under § ZS 1–327 of the Code of Public Local Laws of Worcester County or ... the municipal corporation in which the licensed premises is located” for clarity and brevity.

In subsection (c)(3) of this section, the reference to an “enforcement” action is added for clarity.

Former Art. 2B, § 12–224.1(a), which stated that former Art. 2B, § 12–224.1 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“License holder” § 1–101

“Person” § 1–101

### **33–209. REGULATIONS.**

#### **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT THIS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–301(a), as it related to the authority of the Board to adopt regulations.

The defined term “Board” is substituted for the former reference to “the board of license commissioners from any county or Baltimore City, respectively” because this section applies only to the Board of License Commissioners for Worcester County.

The reference to the Board “adopt[ing] regulations to carry out” this article is substituted for the former reference to the Board “hav[ing] full power and authority to adopt such reasonable rules and regulations as they may deem necessary to enable them effectively to discharge the duties imposed upon them by” this article for brevity.

The former phrase “[i]n addition to the powers otherwise provided by this article,” is deleted as surplusage.

Defined term: “Board” § 33–101

### **SUBTITLE 3. DEPARTMENT OF LIQUOR CONTROL.**

#### **33–301. DEFINITIONS.**

##### **(A) IN GENERAL.**

**IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

REVISOR’S NOTE: This subsection is new language added as the standard introductory language to a definition section.

**(B) DEPARTMENT.**

**“DEPARTMENT” MEANS THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from former Art. 2B, § 15–204(e)(1).

Defined term: “County” § 33–101

**(C) DISPENSARY.**

**“DISPENSARY” MEANS A STORE ESTABLISHED AND MAINTAINED BY THE DEPARTMENT FOR THE SALE OF ALCOHOLIC BEVERAGES.**

REVISOR’S NOTE: This subsection is new language derived without substantive change from the first clause of the first sentence of former Art. 2B, § 15–203(a)(1) and added to provide a convenient reference to a store established and maintained by the Department of Liquor Control.

Defined terms: “Alcoholic beverage” § 1–101  
“Department” § 33–301

**33–302. ESTABLISHED.**

**THERE IS A DEPARTMENT OF LIQUOR CONTROL IN THE COUNTY GOVERNMENT, WHICH FUNCTIONS AS A LIQUOR CONTROL BOARD.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(a)(1) and (3) and, as it related to Worcester County, § 15–210.

The phrase “which functions as a liquor control board” is substituted for the former phrase “[which h]as the powers of a liquor control board as defined in § 15–205 of this subtitle” for brevity.

Defined term: “County” § 33–101

**33–303. DIRECTOR.**

**(A) APPOINTMENT.**

**THE BOARD OF COUNTY COMMISSIONERS SHALL APPOINT THE DIRECTOR OF THE DEPARTMENT.**

**(B) TENURE.**

**THE DIRECTOR SHALL SERVE AT THE PLEASURE OF THE BOARD OF COUNTY COMMISSIONERS.**

**(C) RESTRICTIONS ON FINANCIAL INTERESTS.**

**(1) THE DIRECTOR OF THE DEPARTMENT MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–201(b)(1)(i) and (iv) and (c)(5) and, as it related to members of a liquor control board, § 15–208(a).

In the introductory language of subsection (c)(1) of this section, the reference to “[t]he director of the Department” is substituted for the former reference to “a liquor control board” to reflect the fact that the County Department of Liquor Control replaced the County Liquor Control Board in 2013.

Defined terms: “Alcoholic beverage” § 1–101  
 “County” § 33–101  
 “Department” § 33–301  
 “Person” § 1–101

**33–304. STAFF.**

**(A) APPOINTMENT.**

**THE DEPARTMENT SHALL APPOINT EMPLOYEES NECESSARY TO OPERATE THE DISPENSARY SYSTEM, SET EMPLOYEE COMPENSATION, AND REQUIRE A BOND FOR THE FAITHFUL PERFORMANCE OF EMPLOYEE DUTIES.**

**(B) RESTRICTIONS ON FINANCIAL INTERESTS.**

**(1) AN EMPLOYEE OF THE DEPARTMENT MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT FINANCIAL INTEREST IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**(II) DERIVE PROFIT OR REMUNERATION FROM THE SALE OF ALCOHOLIC BEVERAGES OTHER THAN THE SALARY OR WAGES PAYABLE FOR THE DISCHARGE OF THE DUTIES OF THE OFFICE.**

**(2) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$2,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 15–205(a)(1)(i) and, as it related to employees, 15–208(a).

In the introductory language of subsection (b)(1) of this section, the reference to “the Department” is substituted for the former reference to “a liquor control board” to reflect the fact that the County Department of Liquor Control replaced the County Liquor Control Board in 2013.

In subsection (b)(1)(ii) of this section, the former reference to the duties of the “position, as herein prescribed or authorized” is deleted as surplusage.

In subsection (b)(2) of this section, the reference to the defined term “person” who performs specific prohibited acts is substituted for the former reference to “any employee of said board” who performs specific prohibited acts for brevity.

Defined terms: “Alcoholic beverage” § 1–101  
“Department” § 33–301  
“Dispensary” § 33–301  
“Person” § 1–101

**33–305. MONOPOLY CONTROL.**

**(A) IN GENERAL.**

**(1) SUBJECT TO § 1-309 OF THIS ARTICLE, AND EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION:**

**(I) THE DEPARTMENT HAS A MONOPOLY ON THE SALE AND DISTRIBUTION OF WINE, LIQUOR, OR ANY OTHER ALCOHOLIC BEVERAGE CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME IN THE COUNTY; AND**

**(II) A LICENSE HOLDER SHALL PURCHASE ALL WINE CONTAINING MORE THAN 14% OF ALCOHOL BY VOLUME AND LIQUOR FROM THE DEPARTMENT.**

**(2) A LICENSE HOLDER MAY PURCHASE BEER AND WINE CONTAINING 14% ALCOHOL BY VOLUME OR LESS FROM A LICENSED WHOLESALER.**

**(B) PURCHASE OF WINE AND LIQUOR BY LICENSE HOLDER.**

**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A LICENSE HOLDER WHO PURCHASES WINE OR LIQUOR FROM THE DEPARTMENT MAY NOT BE CHARGED MORE THAN 85% OF THE RETAIL PRICE OR ANY SPECIAL SALE PRICE OR DISCOUNT PRICE, WHICHEVER IS LOWER, SET BY THE DEPARTMENT.**

**(C) ELECTION TO PURCHASE WINE OR LIQUOR FROM LICENSED WHOLESALER.**

**(1) (I) A LICENSE HOLDER IN THE COUNTY MAY ELECT TO PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER BY PROVIDING WRITTEN NOTICE OF THE LICENSE HOLDER'S INTENT TO THE DEPARTMENT AT LEAST 60 DAYS BEFORE THE DATE THE PURCHASING ACTIVITY IS TO START.**

**(II) THE NOTICE SHALL CONTAIN:**

- 1. THE NAME OF THE LICENSE HOLDER;**
- 2. THE NAME AND ADDRESS OF THE LICENSED PREMISES; AND**
- 3. THE DATE THAT THE NOTICE WAS SENT TO THE DEPARTMENT.**



**(2) A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION MAY PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER IN ADDITION TO OR INSTEAD OF THE DEPARTMENT.**

**(3) (I) THE DEPARTMENT SHALL ISSUE A LETTER OF CONFIRMATION TO A LICENSE HOLDER THAT MEETS THE REQUIREMENTS OF THIS SUBSECTION.**

**(II) THE LICENSE HOLDER SHALL DISPLAY THE LETTER CONSPICUOUSLY ON THE LICENSED PREMISES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 6–201(y)(7), 6–301(y)(8), 6–401(y)(2)(vi), 7–101(u)(5)(v), 15–204(a) and (e)(3) through (5), and 15–203(a)(3)(ii) and, except as it related to packages and containers, the first sentence of (1).

In subsections (a) and (c) of this section, the former references to “[b]eginning on July 1, 2014” are deleted as obsolete.

In subsection (a) of this section, the reference to “wine and liquor” is substituted for the former reference to “the particular alcoholic beverages which elsewhere in this subtitle [the Department] is empowered to sell” for clarity. The Department is authorized under this subtitle to sell wine and liquor but is prohibited from selling beer. *See* § 33–307(b) of this subtitle.

In subsection (b) of this section, the former reference to the receipt by a license holder of “at least a 15 percent discount from the retail sales price or any special sale price or discount price, whichever is lower” is deleted as surplusage.

Former Art. 2B, § 15–204(e)(2), which stated that former Art. 2B, § 15–204(e) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“County” § 33–101

“Department” § 33–301

“License holder” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

### **33–306. OTHER POWERS.**

**(A) IN GENERAL.**

**SUBJECT TO § 1-309 OF THIS ARTICLE, THE DEPARTMENT MAY:**

**(1) PURCHASE FROM A HOLDER OF A WHOLESALER'S LICENSE OR MANUFACTURER'S LICENSE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL AND ON WHICH THE EXCISE TAX IMPOSED BY § 5-102 OF THE TAX – GENERAL ARTICLE IS PAID;**

**(2) (I) PURCHASE FROM A HOLDER OF A RESIDENT OR NONRESIDENT DEALER'S PERMIT AND IMPORT FOR RESALE ALCOHOLIC BEVERAGES THAT THE DEPARTMENT IS AUTHORIZED TO SELL; AND**

**(II) RESELL THE ALCOHOLIC BEVERAGES ONCE THE EXCISE TAX IS PAID;**

**(3) SELL ALCOHOLIC BEVERAGES IN SEALED CONTAINERS AT PRICES THAT THE DEPARTMENT DETERMINES AND THAT ARE UNIFORM IN ALL DISPENSARIES;**

**(4) REFUSE TO SELL ALCOHOLIC BEVERAGES TO A PERSON THAT, IN THE JUDGMENT OF THE DEPARTMENT, IS NOT SUITABLE TO PURCHASE OR CONSUME THE ALCOHOLIC BEVERAGES;**

**(5) RESTRICT BY ANY METHOD THE QUANTITY OF ALCOHOLIC BEVERAGES THAT MAY BE SOLD TO AN INDIVIDUAL CONSUMER OR LICENSE HOLDER AT OR DURING ANY TIME;**

**(6) ENTER INTO A CONTRACT OR ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT THIS ARTICLE;**

**(7) SELL AND SHIP OUTSIDE OF THE COUNTY A CONTAINER OR PACKAGE OF ALCOHOLIC BEVERAGES KEPT FOR SALE IN A DISPENSARY, IF NOT PROHIBITED BY LAW IN THE PLACE WHERE THE SHIPMENT IS CONSIGNED;**

**(8) SUBJECT TO THE APPROVAL OF THE COUNTY, RENT, LEASE, OR PURCHASE PREMISES NECESSARY FOR THE OPERATION OF THE DISPENSARIES; AND**

**(9) SUBJECT TO § 33-307(D) OF THIS SUBTITLE, ESTABLISH THE HOURS OF SALE FOR DISPENSARIES, OUTSIDE OF WHICH A DISPENSARY MAY NOT REMAIN OPEN.**

**(B) ADDITIONAL POWERS.**

**(1) SUBJECT TO § 1-309 OF THIS ARTICLE AND THE APPROVAL OF THE COUNTY COMMISSIONERS, THE DIRECTOR OF THE DEPARTMENT MAY PURCHASE OR OTHERWISE ACQUIRE:**

**(I) REAL OR PERSONAL PROPERTY THAT THE DIRECTOR CONSIDERS NECESSARY TO OPERATE DISPENSARIES, STORES, OR WAREHOUSES; AND**

**(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WINE AND LIQUOR FROM ANY SOURCE FOR RESALE.**

**(2) (I) 1. ACTING AS A WHOLESALER, THE DEPARTMENT MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS NOT BEEN PAID, FROM A LICENSED WHOLESALER.**

**2. THE DEPARTMENT MAY ONLY RESELL THE WINE AND LIQUOR PURCHASED UNDER THIS SUBPARAGRAPH TO A NONDISPENSARY, LICENSED RETAILER AND ONLY AFTER THE EXCISE TAX HAS BEEN PAID.**

**(II) ACTING AS A RETAILER, THE DEPARTMENT MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS BEEN PAID, FROM A LICENSED WHOLESALER FOR RETAIL SALE IN DISPENSARY STORES.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-205(b), (c), (d), (f), (g), (h), (l), and (e)(1).

In the introductory language of subsection (a) of this section, the reference stating that the Department "may" perform certain functions is substituted for the former reference stating that the liquor control board "shall have full power and authority" to perform these functions for clarity and brevity.

In subsection (a)(1) of this section, the former reference authorizing the purchase of "any sparkling or fortified wine" is deleted as included in the reference authorizing the purchase of "alcoholic beverages".

In subsection (a)(2)(i) of this section, the former reference to the sale of alcoholic beverages "as hereinafter provided" is deleted as unnecessary. Similarly, in subsection (a)(3) of this section, the former reference to the sale of alcoholic beverages "as above provided" is deleted as unnecessary.

In subsection (a)(3) of this section, the reference to the defined term "dispensaries" is substituted for the former reference to "stores" in the county for consistency within this subtitle.

Also in subsection (a)(3) of this section, the former phrase “in the said county” is deleted as included in the defined term “dispensaries”.

In subsection (a)(5) of this section, the reference to restricting the sale of alcoholic beverages “during” any time is substituted for the former reference to any “given ... period” for brevity.

Also in subsection (a)(5) of this section, the former reference to the authority of the Department to “limit” the sale of alcoholic beverages is deleted as included in the reference to the authority of the Department to “restrict” the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a “system” of restricting the sale of alcoholic beverages is deleted as included in the reference to a “method” of restricting the sale of alcoholic beverages.

Also in subsection (a)(5) of this section, the former reference to a method of restricting the sale of alcoholic beverages “as may be prescribed by the liquor control board” is deleted as implicit in the authority of the Department to restrict alcoholic beverages sales.

In subsection (a)(6) of this section, the references to the authority of the Department to “enter” a contract or “adopt” a regulation are substituted for the former reference to the authority of the Department to “make” a contract or regulation for clarity and conform to the terminology used elsewhere in the revised Code. *See, e.g.*, EC §§ 3–303 and 10–209(a)(5) and HS § 4–606.

Also in subsection (a)(6) of this section, the former reference to “rules” is deleted as included in the reference to “regulations”.

Also in subsection (a)(6) of this section, the former reference to “the powers conferred upon [the Liquor Control Board] by” this article is deleted as unnecessary.

In subsection (a)(7) of this section, the former reference to a prohibited act “applicable” by law in a specified place is deleted as unnecessary.

In subsection (a)(9) of this section, the reference authorizing a liquor control board to “establish” hours of sale for county dispensaries is substituted for the former reference authorizing a liquor control board to “fix” hours of sale for county dispensaries for clarity.

Also in subsection (a)(9) of this section, the reference to hours “of sale” is substituted for the former reference to hours “for opening and closing” for clarity.

Also in subsection (a)(9) of this section, the former reference prohibiting the sale of alcoholic beverages at specific times is deleted as implicit in the establishment of hours of sale.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“County” § 33–101

“Department” § 33–301

“Dispensary” § 33–301

“License holder” § 1–101

“Manufacturer’s license” § 1–101

“Person” § 1–101

“Wholesaler” § 1–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

**33–307. DISPENSARIES.**

**(A) ESTABLISHED.**

**THE DEPARTMENT MAY ESTABLISH AND MAINTAIN STORES KNOWN AS “DISPENSARIES”.**

**(B) AUTHORITY.**

**A DISPENSARY:**

**(1) MAY SELL ANY ALCOHOLIC BEVERAGE EXCEPT BEER; AND**

**(2) SHALL SELL ALCOHOLIC BEVERAGES IN A SEALED PACKAGE OR CONTAINER.**

**(C) AUTHORIZED DISPENSARY LOCATIONS.**

**THE DEPARTMENT MAY ESTABLISH AND MAINTAIN DISPENSARIES ONLY IN:**

**(1) BERLIN;**

**(2) OCEAN CITY;**

**(3) POCOMOKE CITY;**

**(4) SNOW HILL;**

**(5) A RURAL AREA APPROVED BY THE DEPARTMENT AND THE COUNTY COMMISSIONERS; AND**

**(6) A HOUSING DEVELOPMENT THAT:**

**(I) HAS A POPULATION OF AT LEAST 10,000 INDIVIDUALS;**

**(II) IS OVERSEEN BY A HOMEOWNERS ASSOCIATION; AND**

**(III) HAS A SPECIAL POLICE FORCE COMMISSIONED UNDER TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.**

**(D) HOURS AND DAYS OF SALE.**

**THE DEPARTMENT MAY SELL OR DELIVER LIQUOR TO A RETAIL LICENSE HOLDER FROM 6 A.M. TO MIDNIGHT MONDAY THROUGH SATURDAY AND FROM 9 A.M. TO 5 P.M. ON SUNDAY.**

**(E) PROHIBITED ACTS.**

**A PERSON MAY NOT OPEN OR CONSUME THE CONTENTS OF A SEALED PACKAGE OR CONTAINER CONTAINING ALCOHOLIC BEVERAGES ON THE PREMISES OF THE DISPENSARY WHERE SOLD.**

**(F) 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), 15–203(a)(1) and (3)(ii) and (f), and 11–201(g).

In subsection (d) of this section, the reference to “liquor” is substituted for the former reference to “alcoholic beverages, except beer and light wine” for brevity and clarity.

In subsection (e) of this section, the phrase “of the dispensary” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Department” § 33–301

“Dispensary” § 33–301

“Person” § 1–101

**33-308. DISTRIBUTION OF PROCEEDS.**

**(A) DEBT REPAYMENT.**

**THE DEPARTMENT SHALL APPLY PROCEEDS DERIVED FROM THE OPERATION OF DISPENSARIES FIRST TOWARD THE REPAYMENT OF MONEY THAT WAS LOANED TO OR BORROWED BY THE DEPARTMENT.**

**(B) RESERVE FUND.**

**AFTER REPAYMENT UNDER SUBSECTION (A) OF THIS SECTION, THE DEPARTMENT MAY CREATE AND MAINTAIN A RESERVE FUND NOT EXCEEDING \$400,000 TO:**

**(1) PROVIDE ADEQUATE WORKING CAPITAL; AND**

**(2) COVER ANY LOSSES SUSTAINED BY THE DEPARTMENT IN OPERATING THE DISPENSARIES.**

**(C) PAYMENTS TO COUNTY, MUNICIPALITIES, AND HOMEOWNERS ASSOCIATIONS.**

**(1) AFTER THE DISTRIBUTIONS UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION, THE DEPARTMENT SHALL DISTRIBUTE ON OR BEFORE JUNE 1 ANNUALLY:**

**(I) THE PROCEEDS GENERATED BY DISPENSARIES IN RURAL AREAS OUTSIDE OF A MUNICIPAL BOUNDARY TO THE COUNTY GENERAL FUND; AND**

**(II) OF THE REMAINING PROCEEDS:**

**1. 50% TO THE COUNTY COMMISSIONERS; AND**

**2. 50% TO THE MAYORS AND CITY COUNCILS OF BERLIN, OCEAN CITY, POCOMOKE CITY, AND SNOW HILL, AND HOMEOWNERS ASSOCIATIONS THAT OVERSEE AN AREA IN WHICH A DISPENSARY HAS BEEN ESTABLISHED, IN AMOUNTS DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE DEPARTMENT SHALL DISTRIBUTE THE PROCEEDS DUE TO MUNICIPALITIES LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION AND HOMEOWNERS ASSOCIATIONS PROPORTIONALLY ACCORDING TO THE NET PROFITS**

**ON TOTAL SALES DERIVED FROM THE DISPENSARIES IN EACH MUNICIPALITY OR AREA OVERSEEN BY A HOMEOWNERS ASSOCIATION.**

**(II) IF COUNTY COMMISSIONERS CONSENT FOR EACH MUNICIPALITY LISTED IN PARAGRAPH (1)(II)2 OF THIS SUBSECTION, TO DETERMINE THE SHARE OF A MUNICIPALITY, A DISPENSARY WITHIN 2 MILES OUTSIDE OF THE MUNICIPAL BOUNDARY SHALL BE CONSIDERED TO BE WITHIN THE MUNICIPAL BOUNDARY.**

**(III) DISTRIBUTIONS PAID TO A MUNICIPALITY UNDER THIS SUBSECTION SHALL BE USED FOR GENERAL MUNICIPAL PURPOSES.**

**(IV) DISTRIBUTIONS PAID TO A HOMEOWNERS ASSOCIATION SHALL BE USED FOR THE BENEFIT OF THE SPECIAL POLICE FORCE OF THE HOUSING DEVELOPMENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–207(h)(2), (3), and (4).

Throughout this section, references to the “Department” are substituted for the former obsolete references to the “Liquor Control Board”, which ended operations in 2011.

In subsections (a) and (c)(1) of this section, the references to “proceeds” are substituted for the former references to “net profits” to conform to terminology used in other revised articles.

In subsection (a) of this section, the reference to proceeds “derived” from sales is substituted for the former reference to proceeds “arising” from sales for clarity and consistency with other similar provisions relating to local county dispensaries.

Also in subsection (a) of this section, the reference to “money” loaned or borrowed is substituted for the former reference to “all sums” loaned or borrowed for clarity.

Also in subsection (a) of this section, the former redundant reference to money “due and owing” is deleted as unnecessary.

In the introductory language of subsection (c)(1) and in subsection (c)(2)(i) of this section, the references to the “Department” are added for clarity.

In the introductory language of subsection (c)(1) of this section, the reference to “[a]fter the distributions under subsections (a) and (b) of this section” is substituted for the former reference “in excess of the reserve fund” for clarity.



In subsection (c)(1)(i) of this section, the reference to proceeds “generated by dispensaries” is added for clarity.

In subsection (c)(2)(ii) of this section, the reference to a standard to “determine” the share of a municipality is substituted for the former reference to a standard for “calculating” the share of a municipality for clarity.

Also in subsection (c)(2)(ii) of this section, the reference to the “municipal boundary” is substituted for the former reference to the “corporate limits” for clarity and consistency within this section.

In subsection (c)(2)(iii) and (iv) of this section, the references to “distributions” paid are substituted for the former references to “amounts” paid for clarity.

In subsection (c)(2)(iv) of this section, the former reference to the housing development “in which a liquor dispensary has been established” is deleted as unnecessary in light of the fact that, by virtue of having received a distribution, there must be a dispensary located in the housing development.

Former Art. 2B, § 15–207(h)(1), which stated that former Art. 2B, § 15–207(h) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101

“Department” § 33–301

“Dispensary” § 33–301

### **33–309. REPORTS.**

#### **(A) RECORD KEEPING REQUIREMENT.**

##### **(1) THE DEPARTMENT SHALL KEEP ACCURATE RECORDS OF:**

##### **(I) ALL PURCHASES OF ALCOHOLIC BEVERAGES; AND**

**(II) A COMPLETE STATEMENT OF THE BUSINESS CONDUCTED BY THE DEPARTMENT AND THE OPERATIONAL ACHIEVEMENTS OF THE DISPENSARY SYSTEM.**

**(2) THE RECORDS SHALL BE OPEN TO INSPECTION BY THE COMPTROLLER DURING REGULAR BUSINESS HOURS.**

#### **(B) ANNUAL REPORT.**

**THE DEPARTMENT SHALL SUBMIT A REPORT ANNUALLY TO THE COUNTY COMMISSIONERS FOR THE PERIOD ENDING ON APRIL 30.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15–206(a).

Throughout this section, the references to the “Department” are substituted for the former obsolete references to the “liquor control board”, which ended operations in 2011.

Defined terms: “Alcoholic beverage” § 1–101  
 “Comptroller” § 1–101  
 “Department” § 33–301  
 “Dispensary” § 33–301

**GENERAL REVISOR'S NOTE TO SUBTITLE**

Former Art. 2B, § 15–202(e), which stated that certain provisions that allowed a board of county commissioners to advance money to the liquor control board of the same county did not apply to Worcester County, provided that any previous obligations incurred by the Liquor Control Board of Worcester County were not affected, is deleted as obsolete. The Liquor Control Board of Worcester County ended operations in 2011, and none of the Board's debt is outstanding.

**SUBTITLE 4. MANUFACTURER'S LICENSES.**

**33–401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2 (“MANUFACTURER'S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2–201 (“ISSUANCE BY COMPTROLLER”);**
- (2) § 2–202 (“CLASS 1 DISTILLERY LICENSE”);**
- (3) § 2–203 (“CLASS 9 LIMITED DISTILLERY LICENSE”);**
- (4) § 2–204 (“CLASS 2 RECTIFYING LICENSE”);**
- (5) § 2–205 (“CLASS 3 WINERY LICENSE”);**

- (6) § 2-206 (“CLASS 4 LIMITED WINERY LICENSE”);
- (7) § 2-207 (“CLASS 5 BREWERY LICENSE”);
- (8) § 2-208 (“CLASS 6 PUB-BREWERY LICENSE”);
- (9) § 2-210 (“CLASS 8 FARM BREWERY LICENSE”);
- (10) § 2-211 (“RESIDENCY REQUIREMENT”);
- (11) § 2-212 (“ADDITIONAL LICENSES”);
- (12) § 2-213 (“ADDITIONAL FEES”);
- (13) § 2-214 (“SALE OR DELIVERY RESTRICTED”);
- (14) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”);
- (15) § 2-216 (“INTERACTION BETWEEN MANUFACTURING ENTITIES AND RETAILERS”);
- (16) § 2-217 (“DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES”); AND
- (17) § 2-218 (“RESTRICTIVE AGREEMENTS BETWEEN PRODUCERS AND RETAILERS — PROHIBITED”).

**(B) VARIATION.**

**SECTION 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-403 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of manufacturer’s licenses.

Defined terms: “County” § 33-101  
 “Manufacturer’s license” § 1-101

**33-402. HOURS AND DAYS OF SALE OR DELIVERY.**

**A HOLDER OF A MANUFACTURER’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, § 11–101(b)(16).

Defined terms: “Alcoholic beverage” § 1–101  
 “Manufacturer’s license” § 1–101

**33–403. CLASS 7 MICRO–BREWERY LICENSE.**

**(A) APPLICATION OF SECTION.**

**THIS SECTION APPLIES TO A CLASS 7 MICRO–BREWERY LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**NOTWITHSTANDING § 2–209 (B) OF THIS ARTICLE, THE LICENSE MAY BE ISSUED ONLY TO THE HOLDER OF:**

**(1) A CLASS B BEER, WINE, AND LIQUOR (ON–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF A RESTAURANT LOCATED IN THE COUNTY; OR**

**(2) A HOLDER OF A CLASS D BEER (OFF–SALE) LICENSE THAT IS ISSUED FOR USE ON THE PREMISES OF THE CLASS D LICENSE IF THE PREMISES IS LOCATED IN THE TOWN OF BERLIN.**

**(C) HOURS AND DAYS OF SALE.**

**THE HOURS AND DAYS OF SALE UNDER A CLASS 7 MICRO–BREWERY LICENSE ARE THE SAME AS THOSE FOR A CLASS D LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 2–208(a), (f)(1)(ii), and (b)(2)(xxiv) and, as it related to the Town of Berlin, (3)(ii).

Defined terms: “Beer” § 1–101  
 “County” § 33–101  
 “Restaurant” § 1–101  
 “Wine” § 1–101

**SUBTITLE 5. WHOLESALER'S LICENSES.**

**33-501. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 ("WHOLESALER'S LICENSES") OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 2-301 ("LICENSES ISSUED BY COMPTROLLER");**
- (2) § 2-304 ("CLASS 3 BEER AND WINE WHOLESALER'S LICENSE");**
- (3) § 2-305 ("CLASS 4 BEER WHOLESALER'S LICENSE");**
- (4) § 2-306 ("CLASS 5 WINE WHOLESALER'S LICENSE");**
- (5) § 2-307 ("CLASS 6 LIMITED WINE WHOLESALER'S LICENSE");**
- (6) § 2-308 ("CLASS 7 LIMITED BEER WHOLESALER'S LICENSE");**
- (7) § 2-309 ("SALE AND DELIVERY OF BEER OR WINE FROM WHOLESALER'S VEHICLE");**
- (8) § 2-310 ("SALE AND DELIVERY TO RETAIL LICENSE HOLDER");**
- (9) § 2-311 ("ADDITIONAL WHOLESALER'S LICENSES");**
- (10) § 2-312 ("DIRECT IMPORTATION OF ALCOHOLIC BEVERAGES");**
- (11) § 2-313 ("SALE OR DELIVERY RESTRICTED TO HOLDER OF LICENSE OR PERMIT");**
- (12) § 2-315 ("INTERACTION BETWEEN WHOLESALING ENTITIES AND RETAILERS");**
- (13) § 2-316 ("DISTRIBUTION OF ALCOHOLIC BEVERAGES — PROHIBITED PRACTICES"); AND**
- (14) § 2-317 ("RESTRICTIVE AGREEMENTS BETWEEN WHOLESALERS AND RETAILERS — PROHIBITED").**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 3 (“WHOLESALER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) §§ 2–302 (“CLASS 1 BEER, WINE, AND LIQUOR WHOLESALER’S LICENSE”) AND 2–303 (“CLASS 2 WINE AND LIQUOR WHOLESALER’S LICENSE”), SUBJECT TO § 33–505 OF THIS SUBTITLE; AND**

**(2) § 2–314 (“BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED”), SUBJECT TO § 33–504 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of wholesaler’s licenses.

Defined terms: “County” § 33–101  
 “Wholesaler’s license” § 1–101

**33–502. HOURS AND DAYS OF SALE OR DELIVERY.**

**EXCEPT AS PROVIDED IN § 33–503 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

**33–503. 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 OF 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.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–102(b).

In subsection (a) of this section, the reference to a “per diem” license is substituted for the former reference to a “special 1–day” license to conform to the terminology used throughout this article.

Also in subsection (a) of this section, the reference to a per diem license issued “under Subtitle 13 of this title” is substituted for the former reference to a license issued “pursuant to § 7–101 of this article” to reflect the reorganization of material relating to per diem licenses in titles for each applicable jurisdiction in this revision.

Also in subsection (a) of this section, the reference to delivery of beer on the “effective date of the per diem license” is substituted for the former reference to delivery on the “effective day of the license” for clarity.

Also in subsection (a) of this section, the former reference to accepting returns on the same day “of delivery” is deleted as surplusage.

In subsection (b) of this section, the language that the “agreement entered into under subsection (a) of this section shall include the type of equipment ... to dispense draft beer” is substituted for the former language that the “parties shall agree upon the type of equipment ... for the dispensing of draft beer” for clarity.

Defined terms: “Beer” § 1–101

“Wholesaler’s license” § 1–101

**33–504. BEER SALE ON CREDIT TO RETAIL DEALER PROHIBITED.**

**(A) SALES TO CERTAIN RETAIL DEALERS.**

**(1) NOTWITHSTANDING § 2–314 OF THIS ARTICLE, A WHOLESALER MAY SELL BEER ON CREDIT TO A RETAIL DEALER IF:**

**(I) THE RETAIL DEALER HAS BEEN DOING BUSINESS FOR AT LEAST 2 YEARS; AND**

**(II) THE TERM OF CREDIT EXTENDED TO THE RETAIL DEALER DOES NOT EXCEED 10 DAYS, WITH NO GRACE PERIOD.**

**(2) A WHOLESALER THAT EXTENDS CREDIT UNDER THIS SUBSECTION MAY ESTABLISH DIFFERENT PRICES FOR CASH AND CREDIT TRANSACTIONS.**

**(B) RESTRICTIONS.**

**(1) (I) A WHOLESALER MAY NOT INTENTIONALLY DELIVER BEER TO A RETAIL DEALER TO WHOM ANY WHOLESALER HAS EXTENDED CREDIT UNDER THIS SECTION IF THE RETAIL DEALER:**

**1. FAILS TO PAY THE BALANCE OWED OR MAKES A PAYMENT ON THE DEBT BY BAD CHECK; AND**

**2. IS CURRENTLY LISTED ON THE COUNTY BEER CREDIT CONTROL LIST IN ACCORDANCE WITH REGULATIONS THAT THE COMPTROLLER ISSUES.**

**(II) A WHOLESALER WHO VIOLATES THIS PARAGRAPH IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR EACH DELIVERY.**

**(2) THE BOARD MAY NOT TRANSFER OR RENEW THE LICENSE OF A RETAIL DEALER IF THE DEALER WAS EXTENDED CREDIT UNDER THIS SECTION AND OWES A BALANCE ON THE DEBT AT THE TIME OF THE TRANSFER OR RENEWAL.**

**(3) A RETAIL DEALER THAT FAILS TO SATISFY A DEBT ON CREDIT EXTENDED UNDER THIS SECTION ON THREE SEPARATE OCCASIONS WITHIN A SINGLE CALENDAR YEAR MAY NOT OBTAIN BEER ON CREDIT FOR 2 YEARS AFTER THE THIRD OCCURRENCE.**

**(4) (I) A RETAIL DEALER MAY REQUEST A HEARING WITH THE COMPTROLLER WITHIN 10 DAYS AFTER BEING LISTED ON THE COUNTY BEER CREDIT CONTROL LIST FOR FAILURE TO COMPLY WITH THIS SECTION.**

**(II) THE COMPTROLLER SHALL REMOVE IMMEDIATELY FROM THE COUNTY BEER CREDIT CONTROL LIST A RETAIL DEALER WHO REQUESTS A HEARING, PENDING THE DISPOSITION OF THE HEARING.**

**(C) CERTAIN ACTIONS PROHIBITED.**

**A SUIT OR CIVIL ACTION TO ENFORCE OR COLLECT A CLAIM FOR CREDIT EXTENDED IN VIOLATION OF THIS SECTION MAY NOT BE MAINTAINED IN THE STATE.**



**(D) ENFORCEMENT BY COMPTROLLER.**

**THE COMPTROLLER SHALL ENFORCE SUBSECTIONS (A) AND (B) OF THIS SECTION AND SHALL ADOPT REGULATIONS TO CARRY OUT THOSE SUBSECTIONS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-112(d) and (c)(2) through (9).

Former Art. 2B, § 12-112(c)(1), which provided that former Art. 2B, § 12-112(c) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Comptroller" § 1-101

"County" § 33-101

"License" § 1-101

"Retail dealer" § 1-101

"Wholesaler" § 1-101

**33-505. SALES OF WINE AND LIQUOR.**

**A LICENSE HOLDER IN THE COUNTY MAY ELECT TO PURCHASE WINE OR LIQUOR FROM A LICENSED WHOLESALER UNDER § 33-305(C) OF THIS TITLE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 15-204(e)(3)(i), as it related to the granting of authority to purchase wine and liquor from a wholesaler.

The reference to "§ 33-305(c) of this title" is added as a convenient cross-reference indicating where provisions regarding the purchase of wine or liquor from a licensed wholesaler are revised.

The former phrase "[b]eginning on July 1, 2014" is deleted as obsolete.

Defined terms: "County" § 33-101

"License holder" § 1-101

"Wholesaler" § 1-101

"Wine" § 1-101

**SUBTITLE 6. BEER LICENSES.**

**33-601. CLASS A BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO CONSUMERS AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER WAS SOLD.**

**(C) FEES.****THE ANNUAL LICENSE FEES ARE:**

**(1) \$225 FOR A 6-DAY LICENSE; AND**

**(2) \$250 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3-101(a)(1) and (y)(2) and (3).

In subsection (a) of this section, the former reference to a license being "issued by the license issuing authority of the county in which the place of business is located" is deleted as surplusage.

In subsection (b)(1) of this section, the former phrase "keep for sale" is deleted as implicit in the word "sell".

Also in subsection (b)(1) of this section, the former phrase "in any quantity" is deleted as surplusage.

In subsection (b)(2) of this section, the reference to "sell[ing]" is substituted for the former reference to "deliver[ing]" for clarity and accuracy.

Former Art. 2B, § 3-101(y)(1), which stated that former Art. 2B, § 3-101(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-101(y)(4), which cross-referenced the hours for sale for a Class A beer license, is deleted as surplusage.

Defined terms: "Beer" § 1-101

“Consumer” § 1–101  
“7–day license” § 1–101  
“6–day license” § 1–101

**33–602. CLASS B BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS B BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT A HOTEL OR RESTAURANT AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$275 FOR A 6–DAY LICENSE: AND**
- (2) \$350 FOR A 7–DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–201(a)(1) and (y)(2) through (4).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the reference to “on– and off–premises consumption” is substituted for the former reference to “consumption on the premises or elsewhere” for clarity.

Also in subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (c)(2) of this section, the former references to the license fee “apply[ing] countywide (exclusive of the tenth election district)” and “for the tenth election district only” are deleted as unnecessary since the license fee is for the same amount.

Former Art. 2B, § 3–201(y)(1), which stated that former Art. 2B, § 3–201(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3–201(y)(5), which cross-referenced the hours for sale for a Class B beer license, is deleted as surplusage.

Defined terms: “Beer” § 1–101  
 “Hotel” § 1–101  
 “Restaurant” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101

### **33–603. CLASS C BEER LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL TO MEMBERS OF A CLUB AND THEIR GUESTS AT THE PLACE DESCRIBED IN THE LICENSE FOR ON–PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$150.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–301(a)(1) and (y)(1).

In subsection (a) of this section, the former reference to a license being “issued by the local licensing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (b) of this section, the former reference to “bona fide” members is deleted as surplusage.

Former Art. 2B, § 3–301(y)(2), which cross-referenced the hours for sale for a Class C beer license, is deleted as surplusage.

Defined terms: “Beer” § 1–101  
“Club” § 1–101

**33–604. CLASS D BEER LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS D BEER LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON– AND OFF–PREMISES CONSUMPTION.**

**(2) A LICENSE MAY NOT BE ISSUED FOR A DRUGSTORE.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

**(1) \$325 FOR A 6–DAY LICENSE; AND**

**(2) \$450 FOR A 7–DAY LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 3–401(a)(1) and (y)(2) and (3).

In subsection (a) of this section, the former reference to a license being “issued by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (b)(1) of this section, the reference to “on– and off–premises” consumption is substituted for the former reference to consumption “on the premises or elsewhere” for clarity.

Also in subsection (b)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

In subsection (c)(2) of this section, the former reference to the license fee “apply[ing] countywide” is deleted as surplusage.

Former Art. 2B, § 3–401(y)(1), which stated that former Art. 2B, § 3–401(y) applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 3-401(y)(4), which cross-referenced the hours for sale for a Class D beer license, is deleted as surplusage.

Defined terms: “Beer” § 1-101  
“7-day license” § 1-101  
“6-day license” § 1-101

#### **SUBTITLE 7. WINE LICENSES.**

#### **33-701. CLASS A WINE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS A WINE LICENSE IN THE COUNTY.**

**(B) AUTHORIZED HOLDER.**

**THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 4 LIMITED WINERY LICENSE.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL WINE PRODUCED AT THE WINERY ON THE PREMISES DESCRIBED IN THE LICENSE.**

**(2) WINE SHALL BE SOLD IN A SEALED PACKAGE OR CONTAINER THAT MAY NOT BE OPENED OR ITS CONTENTS CONSUMED ON THE LICENSED PREMISES.**

**(D) FEE.**

**THE ANNUAL LICENSE FEE IS \$50.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 4-201(a)(21), (b)(1), (c)(1), and (d)(1).

Throughout this section, the references to “wine” are substituted for the former references to “light wine” to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

In subsection (b) of this section, the reference to a “Class 4 limited winery license” is substituted for the former reference to a “Class 4 manufacturer’s license” to conform to the terminology used throughout this article.

Also in subsection (b) of this section, the former reference to a license being issued “by the license issuing authority of the county in which the place of business is located” is deleted as surplusage.

In subsection (c)(1) of this section, the former phrase “keep for sale” is deleted as implicit in the word “sell”.

Also in subsection (c)(1) of this section, the former phrase “in any quantity to any consumer” is deleted as surplusage.

In subsection (c)(2) of this section, the reference to “sold” is substituted for the former reference to “delivered” to conform to the terminology used throughout this article.

Defined terms: “County” § 33–101

“Wine” § 1–101

## **SUBTITLE 8. BEER AND WINE LICENSES.**

### **33–801. CLASS A BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

##### **THERE IS:**

**(1) A CLASS A BEER AND WINE 6–DAY LICENSE; AND**

**(2) A CLASS A BEER AND WINE 7–DAY LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE.**

**(2) THE LICENSE HOLDER SHALL SELL THE BEER AND WINE IN A SEALED PACKAGE OR CONTAINER.**

**(3) THE PACKAGE OR CONTAINER MAY NOT BE OPENED AND ITS CONTENTS MAY NOT BE CONSUMED ON THE PREMISES WHERE THE BEER OR WINE IS SOLD.**

**(C) FEES.****THE ANNUAL LICENSE FEES ARE:**

- (1) \$250 FOR A 6-DAY LICENSE; AND**
- (2) \$300 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-101(a)(1) and (y)(2) and (3).

In this section and throughout this subtitle, the references to "wine" are substituted for the former references to "light wine" to reflect that license holders in the County may sell wine with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (a) of this section and throughout this subtitle, the former references to the license being "issued by the license issuing authority of the county in which the place of business is located" are deleted as surplusage.

In subsections (a)(2) and (c)(2) of this section, the former references to a 7-day license "applied countywide" are deleted as surplusage.

In subsection (b)(1) of this section and throughout this subtitle, the former references to "keep[ing] for sale" are deleted as implicit in the references to "sell[ing]".

In subsection (b)(1) of this section, the former reference to selling beer and wine "in any quantity to any consumers" is deleted as surplusage.

In subsection (b)(2) of this section, the word "sell" is substituted for the former word "deliver" to conform to the terminology used throughout this article.

Former Art. 2B, § 5-101(y)(1), which stated that former Art. 2B, § 5-101(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
 "Wine" § 1-101

**33-802. CLASS B BEER AND WINE LICENSE.**



**(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS B BEER AND WINE 6-DAY LICENSE; AND**
- (2) A CLASS B BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE AT A HOTEL OR RESTAURANT, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$300 FOR A 6-DAY LICENSE; AND**
- (2) \$400 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-201(a)(1) and (y)(2) through (4).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

In subsection (c)(2) of this section, the former reference to a 7-day license "applied countywide (exclusive of tenth election district)" is deleted as surplusage. Similarly, in subsection (c)(4) of this section, the former reference to a license fee in the "tenth election district only" is deleted.

Former Art. 2B, § 5-201(y)(1), which stated that former Art. 2B, § 5-201(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Beer" § 1-101  
"Hotel" § 1-101  
"Restaurant" § 1-101

“7-day license” § 1-101

“6-day license” § 1-101

“Wine” § 1-101

### **33-803. CLASS C BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS C BEER AND WINE LICENSE.**

#### **(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE TO A MEMBER OF A CLUB AND GUESTS OF MEMBERS, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

#### **(C) FEE.**

**THE ANNUAL LICENSE FEE IS \$200.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-301(a)(1) and (y)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the former reference to consumption “only” on the premises is deleted as surplusage.

Also in subsection (b) of this section, the former reference to a “bona fide” member is deleted as surplusage.

Former Art. 2B, § 5-301(y)(2), which stated that the hours for sale of a beer and wine license shall be as provided in former Art. 2B, § 11-524, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Club” § 1-101

“Wine” § 1-101

### **33-804. CLASS D BEER AND WINE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS:**

- (1) A CLASS D BEER AND WINE 6-DAY LICENSE; AND**
- (2) A CLASS D BEER AND WINE 7-DAY LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER AND WINE, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(C) DRUGSTORE PROHIBITION.**

**THE LICENSE MAY NOT BE ISSUED FOR USE BY A DRUGSTORE.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$350 FOR A 6-DAY LICENSE; AND**
- (2) \$500 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 5-401(a)(1) and (y)(2) and (3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (b) of this section, the reference to "on- and off-premises consumption" is substituted for the former reference to "consumption on the premises or elsewhere" for clarity.

In subsection (d)(2) of this section, the former reference to a 7-day license "applied countywide" is deleted as surplusage.

Former Art. 2B, § 5-401(y)(1), which stated that former Art. 2B, § 5-401(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 5-401(y)(4), which stated that the hours for sale of a beer and wine license shall be as provided in former Art. 2B, § 11-524, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

**SUBTITLE 9. BEER, WINE, AND LIQUOR LICENSES.**

**33–901. CLASS A BEER, WINE, AND LIQUOR LICENSE — NOT APPLICABLE.**

**A CLASS A BEER, WINE, AND LIQUOR LICENSE MAY NOT BE ISSUED IN THE COUNTY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–101(y).

Defined terms: “Beer” § 1–101  
 “County” § 33–101  
 “Wine” § 1–101

**33–902. CLASS B BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS B BEER, WINE, AND LIQUOR 6–DAY LICENSE; AND**
- (2) A CLASS B BEER, WINE, AND LIQUOR 7–DAY LICENSE.**

**(B) AUTHORIZED HOLDER.**

- (1) THE BOARD MAY ISSUE A 6–DAY LICENSE FOR USE IN:**

**(I) A HOTEL THAT HAS AT LEAST 20 ROOMS AND SERVES MEALS REGULARLY; OR**

**(II) A RESTAURANT THAT HAS SEATING AT TABLES FOR AT LEAST 70 INDIVIDUALS.**

- (2) THE BOARD MAY ISSUE A 7–DAY LICENSE FOR USE IN:**

**(I) A HOTEL THAT:**

- REGULARLY;**
- 1. HAS AT LEAST 20 ROOMS AND SERVES MEALS**
  - 2. PROVIDES SERVICES ORDINARILY FOUND IN HOTELS;**
  - 3. HAS A LOBBY WITH A REGISTRATION AND MAIL DESK AND SEATING FACILITIES; AND**
  - 4. HAS AN ENCLOSED DINING AREA THAT SERVES FULL-COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; OR**

**(II) A RESTAURANT THAT HAS:**

- INDIVIDUALS;**
- 1. A SEATING CAPACITY AT TABLES FOR AT LEAST 70**
  - 2. AN ENCLOSED DINING AREA THAT SERVES FULL-COURSE MEALS FROM MENUS AT LEAST TWO TIMES A DAY; AND**
  - 3. AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES DURING THE LICENSE TERM.**

**(3) THE BOARD MAY NOT ISSUE A LICENSE FOR USE IN A HOTEL OR RESTAURANT UNLESS THE HOTEL OR RESTAURANT IS:**

- (I) OPERATED IN A CLEAN AND SANITARY MANNER; AND**
- (II) HAS PROPER RESTROOM FACILITIES.**

**(4) BEFORE A LICENSE UNDER THIS SECTION MAY BE ISSUED FOR A PREMISES IN A MUNICIPALITY, THE LICENSE APPLICATION:**

- (I) SHALL BE APPROVED BY THE BOARD; AND**
- (II) MAY BE SUBJECT TO APPROVAL BY THE MAYOR AND TOWN COUNCIL OF THE MUNICIPALITY.**

**(C) SCOPE OF AUTHORIZATION.**

**A 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR, AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON- AND OFF-PREMISES CONSUMPTION.**

**(D) FEES.**

**(1) THE ANNUAL LICENSE FEES ARE:**

**(I) \$1,750 FOR A 6-DAY LICENSE; AND**

**(II) \$2,000 FOR A 7-DAY LICENSE.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ALL LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

**(II) IF THE LICENSED PREMISES IS LOCATED IN A MUNICIPALITY, 75% OF THE LICENSE FEES SHALL BE DISTRIBUTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-201(y)(2) through (6).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Subsection (b)(1) and (2) of this section is revised to state the authority of the Board of License Commissioners of Worcester County to issue 6-day and 7-day beer, wine, and liquor licenses for use in hotels and restaurants that meet certain requirements, rather than as definitions of those terms as they relate to the license holders, for clarity and consistency within this title.

In subsection (b)(1)(i) of this section, the former reference to a "[b]ona fide" hotel is deleted as surplusage.

In subsection (b)(1)(ii) of this section, the reference to "individuals" is substituted for the former reference to "people" because this subsection applies only to human beings.

Also in subsection (b)(1)(ii) of this section, the former reference to a seating "capacity" is deleted as surplusage.

In subsection (b)(2)(i) of this section, the former reference to requirements for 6-day license holders "which are incorporated by reference" is deleted as

unnecessary since subsection (b)(2)(i)1 and (ii)1 of this section expressly state that a hotel and restaurant must meet those requirements.

Also in subsection (b)(2)(i) of this section, the former reference to “[e]stablishments for the accommodation of the public” is deleted as unnecessary in light of the reference to a “hotel”.

In subsection (b)(2)(ii) of this section, the former reference to “[e]stablishments” is deleted as unnecessary in light of the reference to a “restaurant”.

Subsection (b)(3) of this section is revised in the active voice to clarify that it is the Board of License Commissioners of Worcester County that is prohibited from issuing a license unless certain conditions are met.

In subsection (b)(4)(i) of this section, the defined term “Board” is substituted for the former reference to the “licensing authority” for clarity.

In subsection (c) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

Former Art. 2B, § 6–201(a)(3)(ii), which stated that the annual fee for any Class B beer, wine, and liquor license is \$2,000, is deleted as obsolete, as today the license fee for a Class B beer, wine, and liquor license varies from jurisdiction to jurisdiction. Consequently, the fee for each Class B beer, wine, and liquor license is stated in the section that establishes the license.

Former Art. 2B, § 6–201(y)(1), which stated that former Art. 2B, § 6–201(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–201(y)(8), which stated that the hours of sale for the license “are as provided in [former Art. 2B] § 11–524”, 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 (c) of this section: (1) the former law does not state what on–sale and off–sale privileges a 6–day license has; and (2) the practice in the County seems to be at variance with this provision. According to the Board Administrator, both licenses are issued with on–sale privileges, and the Board may authorize sales for off–premises consumption on a license–by–license basis.

Defined terms: “Alcoholic beverage” § 1–101  
“Beer” § 1–101

“Board” § 33–101  
 “County” § 33–101  
 “Hotel” § 1–101  
 “Restaurant” § 1–101  
 “7–day license” § 1–101  
 “6–day license” § 1–101  
 “Wine” § 1–101

**33–903. CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THERE ARE:**

- (1) A CLASS C (FISHING CLUB) BEER, WINE, AND LIQUOR LICENSE;**
- (2) A CLASS C (FRATERNAL/SORORAL/SERVICE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE;**
- (3) A CLASS C (GOLF, TENNIS, OR SWIMMING CLUB) BEER, WINE, AND LIQUOR LICENSE; AND**
- (4) A CLASS C (VETERANS’ ORGANIZATION OR CLUB) BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF SECTION.**

- (1) THIS SECTION DOES NOT APPLY TO A “BRING YOUR OWN BOTTLE” SOCIAL FUNCTION AT WHICH ALCOHOLIC BEVERAGES ARE PROVIDED ONLY BY THE PARTICIPANTS OR GUESTS.**
- (2) IF SUCH A SOCIAL FUNCTION IS HELD IN A FACILITY OPEN TO THE PUBLIC, THE FUNCTION SHALL BE HELD DURING THE HOURS OF OPERATION ALLOWED UNDER A CLASS C LICENSE.**

**(C) AUTHORIZED HOLDER.**

- (1) THE BOARD MAY ISSUE THE FISHING CLUB LICENSE FOR USE BY A CLUB THAT:**
  - (I) IS ORGANIZED TO PROMOTE THE SPORT OF FISHING;**
  - (II) OWNS ITS OWN BUILDING;**



(III) HAS BEEN IN EXISTENCE FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE;

(IV) HAS AT LEAST 25 MEMBERS PAYING DUES OF AT LEAST \$25 PER YEAR PER ADULT MEMBER;

(V) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(VI) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.

(2) THE BOARD MAY ISSUE THE FRATERNAL/SORORAL/SERVICE ORGANIZATION LICENSE FOR USE BY A LODGE OR CHAPTER OF A NATIONWIDE NONPROFIT FRATERNAL, SORORAL, OR SERVICE ORGANIZATION THAT:

(I) IS COMPOSED OF INDUCTED MEMBERS;

(II) WAS OPERATING IN THE COUNTY FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;

(III) HAS AT LEAST 40 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER; AND

(IV) OWNS OR OPERATES A HOME OR CLUBHOUSE PRINCIPALLY USED FOR MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS.

(3) THE BOARD MAY ISSUE THE GOLF, TENNIS, OR SWIMMING CLUB LICENSE FOR USE BY A COUNTRY CLUB, NOT INCLUDING A MINIATURE GOLF COURSE, THAT:

(I) HAS BEEN INCORPORATED FOR AT LEAST 1 YEAR BEFORE THE APPLICATION FOR THE LICENSE WAS MADE;

(II) HAS AT LEAST 100 MEMBERS PAYING DUES OF AT LEAST \$10 PER YEAR PER ADULT MEMBER;

(III) HAS FACILITIES FOR PREPARING AND SERVING FOOD ON THE PREMISES TO MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND

(IV) OWNS OR OPERATES ON THE PREMISES A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.

**(4) THE BOARD MAY ISSUE THE VETERANS' ORGANIZATION OR CLUB LICENSE FOR USE BY A LOCAL UNIT OF A NATIONWIDE NONPROFIT ORGANIZATION OR CLUB THAT:**

**(I) IS COMPOSED ONLY OF MEMBERS WHO SERVED IN THE ARMED FORCES OF THE UNITED STATES IN A WAR IN WHICH THE UNITED STATES HAS BEEN ENGAGED;**

**(II) HAS HELD A CHARTER FROM A NATIONAL VETERANS' ORGANIZATION FOR AT LEAST 5 YEARS BEFORE THE APPLICATION FOR THE LICENSE IS MADE;**

**(III) HAS AT LEAST 15 MEMBERS PAYING DUES OF AT LEAST \$5 PER YEAR PER MEMBER;**

**(IV) OPERATES ONLY FOR THE USE OF ITS MEMBERS AND GUESTS WHEN ACCOMPANIED BY MEMBERS; AND**

**(V) MEETS IN A CLUBHOUSE PRINCIPALLY USED FOR ITS MEMBERS AND GUESTS.**

**(D) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT A CLUB AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(E) QUALIFICATIONS FOR 7-DAY LICENSE.**

**TO QUALIFY FOR A 7-DAY LICENSE, A CLUB SHALL:**

**(1) HAVE AN ENCLOSED DINING AREA THAT HAS A SEATING CAPACITY FOR AT LEAST 60 INDIVIDUALS; AND**

**(2) SERVE FULL-COURSE MEALS FROM MENUS AT LEAST TWICE DAILY.**

**(F) CLASS C LICENSE PRIVILEGES.**

**A CLUB OR ORGANIZATION THAT IS ISSUED A CLASS C LICENSE MAY:**

- (1) SERVE, SELL, PROVIDE, OR DISPENSE ALCOHOLIC BEVERAGES TO ITS MEMBERS OR GUESTS;**
- (2) KEEP ALCOHOLIC BEVERAGES FOR ITS MEMBERS OR GUESTS;**
- (3) ALLOW ON-PREMISES CONSUMPTION BY ITS MEMBERS OR GUESTS OF ANY ALCOHOLIC BEVERAGES THAT HAVE BEEN RESERVED OR PURCHASED FROM THE CLUB BY ITS MEMBERS OR GUESTS;**
- (4) FROM THE SUPPLIES THAT ITS MEMBERS OR GUESTS HAVE PREVIOUSLY PURCHASED OR RESERVED, SERVE OR PROVIDE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED BY MEMBERS OR GUESTS AFTER LEGAL CLOSING HOURS; OR**
- (5) SELL, DISPENSE, SERVE, KEEP, OR ALLOW TO BE CONSUMED ANY SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS TO ITS MEMBERS OR GUESTS.**

**(G) FEES.**

**THE ANNUAL LICENSE FEES:**

- (1) FOR A 6-DAY LICENSE IS \$500; AND**
- (2) FOR A 7-DAY LICENSE IS \$750.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-301(a)(1) and (y)(2) through (6), (10) through (12), and (9)(i).

In subsection (a)(2) of this section, the reference to a "fraternal/sororal/service organization" is added for clarity. Similarly, in subsection (a)(4) of this section, the reference to a veterans' "organization or club" is added.

In subsection (c)(1) of this section, the phrase "its members" is substituted for the former phrase "no other purpose" for clarity.

In subsection (c)(1)(iv), (2)(iii), (3)(ii), and (4)(iii) of this section, the former references to "bona fide" members are deleted as surplusage. Similarly, in subsection (c)(2) and (4) of this section, the former references to "bona fide" nonprofit organizations are deleted as surplusage.

In subsection (c)(1)(vi), (3)(iv), and (4)(v) of this section, the phrase “for its members and guests” is substituted for the former phrase “for no other purpose” for clarity.

In subsection (c)(1)(vi) and (3)(iv) of this section, the former phrase “and not directly or indirectly owned or operated as a public business” is deleted as implicit in the defined term “club”.

In the introductory language of subsection (c)(2) of this section, the reference to a “sororal” organization is added for clarity and consistency.

In subsection (c)(2)(i) of this section, the reference to “inducted” members is substituted for the former reference to members “duly elected and initiated in accordance with the rites and customs of the fraternal or service organization” for brevity.

In subsection (c)(2)(ii) of this section, the former phrase “in existence” is deleted as implicit in the reference to “operating”.

In subsection (c)(2)(iv) of this section, the former requirement that the organization “not [be] directly or indirectly owned or operated as a public business” is deleted as unnecessary because the organization is nonprofit.

In the introductory language of subsection (c)(3) of this section, the former reference to a country club “operating in Worcester County” is deleted as surplusage.

In subsection (d) of this section, the reference to “beer, wine, and liquor” is substituted for the former reference to “all alcoholic beverages” for clarity.

Also in subsection (d) of this section, the former reference to “keep[ing] for sale” is deleted as implicit in the reference to “sell[ing]”.

Also in subsection (d) of this section, the former reference to selling “at retail” is deleted as unnecessary in light of the phrase “for on-premises consumption”.

Also in subsection (d) of this section, the former reference to consumption “only” on the licensed premises is deleted as surplusage.

In the introductory language of subsection (e)(1) of this section, the former reference to clubs “defined in this subsection” is deleted as surplusage.

In subsection (e)(1) of this section, the reference to “individuals” is substituted for the former reference to “persons” because this provision applies only to human beings.

In the introductory language of subsection (f) of this section, the reference to a club or organization being “issued” a license is substituted for the former reference to a club or organization “which qualifies for and is granted” a license for clarity.

In subsection (f)(4) of this section, the references to “members or guests” are substituted for the former references to “patrons” for consistency within this subsection.

Former Art. 2B, § 6–301(y)(1), which stated that former Art. 2B, § 6–301(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6–301(y)(7), which stated that on payment of the license fee, any applicant may obtain the license from the Board, is deleted as redundant of § 4–111 of this article.

Former Art. 2B, § 6–301(y)(9)(ii), which stated that the fee for a 7–day license is \$300, is deleted as obsolete. Former Art. 2B, § 6–301(y)(9)(ii) was enacted by Chapter 172 of the Acts of the General Assembly of 1971, while former Art. 2B, § 6–301(y)(2)(ii), which provides for a \$750 fee, was enacted by Chapter 726 of the Acts of the General Assembly of 1997. The fee provided in former Art. 2B, § 6–301(y)(2)(ii) is retained in this revision since it is the later enactment.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 33–101

“Club” § 1–101

“County” § 33–101

“Wine” § 1–101

### **33–904. CLASS D BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

##### **THERE ARE:**

**(1) A 6–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS D BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION ONLY FOR PREMISES WITHIN:**

- (1) THE CORPORATE LIMITS OF OCEAN CITY;**
  - (2) THE BOUNDARY LINES OF THE 10TH TAXING DISTRICT;**
  - (3) THE AREA BOUNDED BY U.S. ROUTE 50 TO THE SOUTH, TURVILLE CREEK AND HERRING CREEK TO THE EAST, ST. MARTIN RIVER TO THE NORTH, AND MARYLAND ROUTE 589 TO THE WEST;**
  - (4) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE NORTH AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE WEST;**
  - (5) FROM THE INTERSECTION OF MARYLAND ROUTE 589 AND U.S. ROUTE 50, AN AREA BOUNDED BY A LINE THAT EXTENDS 1,500 FEET SOUTH OF U.S. ROUTE 50, EAST TO THE BOUNDARY OF THE 10TH TAXING DISTRICT, NORTH ALONG THE 10TH TAXING DISTRICT BOUNDARY TO U.S. ROUTE 50, AND WEST TO THE INTERSECTION OF MARYLAND ROUTE 589 AND U.S. ROUTE 50;**
  - (6) THE CORPORATE LIMITS OF THE TOWN OF BERLIN; AND**
  - (7) THE CORPORATE LIMITS OF THE TOWN OF SNOW HILL.**
- (C) SCOPE OF AUTHORIZATION.**

**THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE FOR ON-PREMISES CONSUMPTION AND BEER AND WINE FOR OFF-PREMISES CONSUMPTION.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY NOT BE LESS THAN:**

- (1) \$3,000 FOR A 6-DAY LICENSE; AND**
- (2) \$3,500 FOR A 7-DAY LICENSE.**

**REVISOR'S NOTE:** This section is new language derived without substantive change from former Art. 2B, § 6-401(y)(2)(i) through (iv).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In the introductory language of subsection (b)(1) of this section, the reference to “a license under this section” is substituted for the former reference to “[a] Class D beer, wine and liquor license” to clarify that this subsection applies to a 6–day license and to a 7–day license.

In subsection (c) of this section, the phrase “at retail, at the place described in the license” is added to conform to the terminology used throughout this article.

Also in subsection (c) of this section, the reference to “wine” is substituted for the former reference to “light wine” to reflect that license holders in the County may sell wine for off–premises consumption with an alcohol content of 22%, which is above the traditional maximum level of 15.5% for light wine.

Former Art. 2B, § 6–401(y)(2)(vii), which stated that the hours for sale for the license “are as provided in § 11–524 of [Art. 2B]” is deleted as unnecessary in light of the organization of this revised article.

The Alcoholic Beverages Article Review Committee notes, for the consideration of the General Assembly that in subsection (c) of this section: (1) the former law does not state what on–sale and off–sale privileges that a 6–day license has; and (2) the practice in the County seems to be at variance with this provision. According to the Board administrator, both licenses are issued with on–sale privileges, and the Board may allow the sale of beer, wine, and liquor for off–premises consumption on a license–by–license basis.

Defined terms: “Beer” § 1–101

“County” § 33–101

“7–day license” § 1–101

“6–day license” § 1–101

“Wine” § 1–101

### **33–905. CLASS H BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) ESTABLISHED.**

#### **THERE ARE:**

**(1) A 6–DAY CLASS H BEER, WINE, AND LIQUOR LICENSE; AND**

**(2) A 7–DAY CLASS H BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION FOR A HOTEL OR RESTAURANT.**

**(C) SCOPE OF AUTHORIZATION.**

**A LICENSE UNDER THIS SECTION AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL, AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(D) FEES.**

**THE ANNUAL LICENSE FEES ARE:**

- (1) \$1,700 FOR A 6-DAY LICENSE; AND**
- (2) \$2,400 FOR A 7-DAY LICENSE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-203(c) and (b)(1).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

Former Art. 2B, § 6-203(a), which stated that former Art. 2B, § 6-203 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 6-203(b)(2), which stated that the annual fee shall be paid to the local collecting agent before a license is issued, for distribution as provided in this article, is deleted as unnecessary in light of § 4-111 of this article.

Defined terms: "Beer" § 1-101

"Board" § 33-101

"Wine" § 1-101

**33-906. CLASS I BEER, WINE, AND LIQUOR LICENSE.****(A) ESTABLISHED.**

**THERE IS A CLASS I BEER, WINE, AND LIQUOR LICENSE.**



**(B) SCOPE OF AUTHORIZATION.**

**(1) THE BOARD MAY ONLY ISSUE THE LICENSE FOR A PREMISES WITHIN:**

**(I) THE CORPORATE LIMITS OF OCEAN CITY;**

**(II) THE BOUNDARY LINES OF THE 10TH ELECTION DISTRICT;**

**(III) THE BOUNDARY LINES OF THE 2ND PRECINCT OF THE 3RD ELECTION DISTRICT; OR**

**(IV) THE AREA BOUNDED BY MARYLAND ROUTE 589 TO THE NORTH AND EAST, U.S. ROUTE 50 TO THE SOUTH, AND U.S. ROUTE 113 TO THE WEST, ALL OF WHICH LIE WITHIN THE 1ST PRECINCT OF THE 3RD ELECTION DISTRICT.**

**(2) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR AT RETAIL AT THE PLACE DESCRIBED IN THE LICENSE, FOR ON-PREMISES CONSUMPTION.**

**(C) PURCHASE OF ALCOHOLIC BEVERAGES.**

**(1) A LICENSE HOLDER MAY PURCHASE:**

**(I) WINE AND LIQUOR FROM:**

**1. THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY; OR**

**2. A LICENSED WHOLESALER; AND**

**(II) BEER FROM A LICENSED WHOLESALER.**

**(2) THE DEPARTMENT OF LIQUOR CONTROL FOR THE COUNTY SHALL CHARGE A LICENSE HOLDER THE LESSER OF THE FOLLOWING PRICES SET BY THE DEPARTMENT:**

**(I) 85% OF THE RETAIL PRICE OF THE WINE OR LIQUOR; AND**

**(II) THE SPECIAL SALE PRICE OR DISCOUNT PRICE.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS I BEER, WINE, AND LIQUOR LICENSE UNDER § 33-2005(E) OF THIS TITLE.**

**(E) FEES.**

**(1) THE LICENSE FEES, SET BY THE COUNTY COMMISSIONERS, MAY NOT BE LESS THAN:**

**(I) \$2,500 FOR A 6-DAY LICENSE; AND**

**(II) \$3,000 FOR A 7-DAY LICENSE.**

**(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, LICENSE FEES SHALL BE DISTRIBUTED TO THE GENERAL FUND OF THE COUNTY.**

**(II) IF THE LICENSED PREMISES ARE IN A MUNICIPALITY, 75% OF THE FEES SHALL BE DISTRIBUTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-224(b) through (h).

In subsection (b)(2) of this section, the phrase "at retail, at the place described in the license" is added to conform to the terminology used throughout this article.

In subsection (c) of this section, the former introductory language, "[e]xcept as provided in subparagraph (ii) of this paragraph", and the former requirement to purchase all wines and liquors "except light wine and beer" from the Department of Liquor Control of Worcester County, are deleted as unnecessary since former subparagraph (ii) authorized a license holder, effective July 1, 2014, to purchase wine and liquor from either the Department of Liquor Control or a licensed wholesaler. Correspondingly, the former phrase "[b]eginning on July 1, 2014" is deleted as obsolete.

Former Art. 2B, § 8-224(a), which stated that former Art. 2B, § 8-224 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Beer" § 1-101

"Board" § 33-101

"County" § 33-101

“Department” § 33–101  
“7–day license” § 1–101  
“6–day license” § 1–101  
“Wholesaler” § 1–101  
“Wine” § 1–101

**SUBTITLE 10. LICENSES FOR SPECIFIC TYPES OF ORGANIZATIONS AND VENUES.**

**33–1001. ENTERTAINMENT FACILITY LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO AN APPLICANT THAT HAS A CAPITAL INVESTMENT IN THE FACILITY FOR WHICH THE LICENSE IS SOUGHT OF AT LEAST \$45,000,000.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR:**

**(I) BY THE DRINK AND BOTTLE;**

**(II) FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT FACILITY; AND**

**(III) FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY.**

**(2) THE LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.**

**(3) THE BOARD MAY ISSUE ONE OR MORE LICENSES FOR THE SAME FACILITY.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL AND SERVE BEER, WINE, AND LIQUOR ON EACH DAY THAT THE ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS, FROM 9 A.M. TO 4 A.M. THE FOLLOWING DAY.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$15,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–201(y)(9)(i), (ii), and (iv) through (viii).

In subsection (b) of this section, the former phrase “[n]otwithstanding § 8–208(b) of this article” is deleted as inaccurate because former § 8–208(b) applies only in Cecil County and unnecessary in light of the organization of this revised article.

In subsection (d) of this section, the reference to the authority of the “license holder” to “sell and serve” beer, wine, and liquor is substituted for the former reference to “Class EF license authorizes the sale and serving of” beer, wine, and liquor for clarity and consistency with similar provisions on the hours and days of sale in this article.

Also in subsection (d) of this section, the former reference to selling alcoholic beverages “anywhere throughout the entertainment facility” is deleted as redundant of subsection (c)(1) of this section.

Former Art. 2B, § 6–201(y)(9)(iii), which provided a prohibition against selling alcoholic beverages for off-sale consumption, is deleted as included in subsection (c)(1)(iii) of this subsection, which states that the license authorizes the license holder to sell beer, wine, and liquor “for consumption anywhere in the entertainment facility”.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

**33–1002. GOLF COURSE LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C (GOLF COURSE) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE FOR USE BY A GOLF COURSE OR ORGANIZATION THAT:**

- (1) IS OPEN TO THE PUBLIC;**
- (2) IS OPERATED FOR PROFIT;**
- (3) OWNS REAL ESTATE IN THE COUNTY; AND**
- (4) HAS A GOLF COURSE WITH A MINIMUM OF 18 HOLES.**

**(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS THAT ARE PART OF THE GOLF COURSE.**

**(2) A PATRON NEED NOT BE SEATED TO BE SERVED.**

**(D) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 33-2005 OF THIS TITLE.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$2,625.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-507(b) through (g).

In the introductory language of subsection (b) of this section, the reference to the "Board" is added to state expressly what was only implied in the former law, that the Board is the unit that issues licenses.

In subsection (c) of this section, the former phrase "[s]ubject to the approval of the Board of License Commissioners" is deleted as implicit in subsection (b) of this section, which states that the Board may issue the license.

In subsection (d) of this section, the reference to the authority of the "license holder" to "sell beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license under § 33-2005 of this title" is substituted for the former reference to the "hours and days of sale are as

specified in § 11-524 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 8-507(a), which stated that former Art. 2B, § 8-507 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1-101

“Board” § 33-101

“County” § 33-101

“Wine” § 1-101

### **33-1003. OCEAN CITY CONVENTION HALL LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS AN OCEAN CITY CONVENTION HALL LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE CONVENTION HALL COMMISSION AND ITS SUCCESSORS FOR USE ON THE PREMISES OF THE OCEAN CITY CONVENTION HALL.**

#### **(C) SCOPE OF AUTHORIZATION.**

**THE OCEAN CITY CONVENTION HALL COMMISSION MAY:**

**(1) AUTHORIZE A VENDOR TO SELL ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION UNDER THE LICENSE THAT THE COMMISSION IS ISSUED; AND**

**(2) CONTRACT TO RECEIVE PART OF THE REVENUE DERIVED FROM THE VENDOR’S SALE OF ALCOHOLIC BEVERAGES.**

#### **(D) EFFECT OF SECTION.**

**THIS SECTION DOES NOT AFFECT THE OPERATION OF § 33-1102 OF THIS TITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(y)(2)(viii).

In subsection (b) of this section, the reference to the “Board” is added to state expressly what was only implicit in the former law, that the Board is the license issuing authority in the County.

In subsection (c)(1) of this section, the phrase “under the license that the Commission is issued” is substituted for the former phrase “pursuant to whatever license the Commission is granted” to conform to the terminology used throughout this article.

Also in subsection (c)(1) of this section, the former phrase “[o]nly on-sale transactions shall be permitted” is deleted as unnecessary in light of the authorization to issue the license for “on-premises consumption”.

Also in subsection (c)(1) of this section, the former phrase “[t]his license shall be subject to the following restrictions” is deleted as surplusage.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not stated in statutory law.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 33–101

### **33–1004. OCEAN CITY MUNICIPAL GOLF COURSE LICENSE.**

#### **(A) ESTABLISHED.**

**THERE IS A CLASS D OCEAN CITY MUNICIPAL GOLF COURSE BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

**(1) THE BOARD MAY ISSUE THE LICENSE TO THE MAYOR OF OCEAN CITY FOR ON-PREMISES CONSUMPTION FOR USE ON THE PREMISES OF THE OCEAN CITY MUNICIPAL GOLF COURSES.**

**(2) A SEPARATE LICENSE IS REQUIRED FOR EACH OCEAN CITY MUNICIPAL GOLF COURSE.**

#### **(C) SCOPE OF AUTHORIZATION.**

**(1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION 7 DAYS A WEEK ON THE PREMISES OF AN OCEAN CITY GOLF COURSE.**

**(2) THE LICENSE HOLDER MAY CONTRACT WITH A CONCESSIONAIRE TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

**(D) ALCOHOL AWARENESS REQUIREMENT.**

**(1) BEFORE THE LICENSE IS ISSUED, THE MAYOR SHALL DESIGNATE AN INDIVIDUAL TO COMPLETE TRAINING IN AN ALCOHOL AWARENESS PROGRAM APPROVED UNDER § 4-505 OF THIS ARTICLE.**

**(2) THE INDIVIDUAL DESIGNATED BY THE MAYOR SHALL:**

**(I) REPRESENT THE CONCESSIONAIRE; AND**

**(II) BE DIRECTLY INVOLVED WITH THE MANAGEMENT OF THE SALE OF BEER, WINE, AND LIQUOR BY THE CONCESSIONAIRE.**

**(E) HOURS AND DAYS OF SALE.**

**THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR:**

**(1) DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS D BEER, WINE, AND LIQUOR LICENSE UNDER § 33-2005 OF THIS TITLE; OR**

**(2) DURING FEWER HOURS AS SPECIFIED BY THE LICENSE HOLDER.**

**(F) LICENSE FEES AND TRANSFER PROHIBITED.**

**THE LICENSE:**

**(1) SHALL BE ISSUED AND RENEWED WITHOUT CHARGE OR AN ANNUAL FEE; AND**

**(2) MAY NOT BE TRANSFERRED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6-401(y)(3).

Subsection (a) of this section is revised in standard language used throughout this article to establish a license.

In subsection (c)(2) of this section, the former reference to "permit" a concessionaire to sell beer, wine, and liquor is deleted as implicit in the reference to "contract with" a concessionaire to sell beer, wine, and liquor.



Also in subsection (c)(2) of this section, the former reference to “keep for sale” is deleted as unnecessary in light of the reference to “sell”.

In subsection (e) of this section, the reference to the authority of the “license holder” to “sell beer, wine, and liquor ... during the hours and days as set out for a Class D beer, wine, and liquor license under § 33–2005 of this title” is substituted for the former reference to the “hours and days of sale under the license are the same as a Class D beer, wine and liquor on–sale license under § 11–524 of this article” for clarity and consistency with similar provisions on hours and days of sale in this article.

Former Art. 2B, § 9–102(j)(6), which allowed the Mayor of Ocean City to be granted a license, is deleted as unnecessary in light of subsection (b)(1) of this section.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Wine” § 1–101

### **33–1005. RACETRACK LICENSES.**

#### **(A) ESTABLISHED.**

##### **THERE IS A RACETRACK:**

- (1) BEER LICENSE;**
- (2) BEER AND WINE LICENSE; AND**
- (3) BEER, WINE, AND LIQUOR LICENSE.**

#### **(B) AUTHORIZED HOLDER.**

##### **(1) THE BOARD MAY ISSUE A LICENSE UNDER THIS SECTION TO:**

**(I) THE OWNER OF A LICENSED HORSE RACING ESTABLISHMENT THAT HOLDS PUBLIC MEETINGS AT WHICH PARI–MUTUEL BETTING IS ALLOWED; OR**

**(II) THE CONCESSIONAIRE OR CATERING ORGANIZATION AT THE RACING ESTABLISHMENT, WHETHER AN INDIVIDUAL, AN ASSOCIATION, OR A CORPORATION.**

**(2) THERE ARE NO RESIDENTIAL OR VOTING QUALIFICATIONS FOR A LICENSE UNDER THIS SECTION.**

**(C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL THE ALCOHOLIC BEVERAGES STATED ON THE LICENSE AT ONE OR MORE LOCATIONS IN THE RACING PARK OF THE LICENSE HOLDER.**

**(D) PURCHASE OF ALCOHOLIC BEVERAGES BY LICENSE HOLDERS.**

**A LICENSE HOLDER MAY PURCHASE:**

**(1) BEER, WINE, AND LIQUOR FROM A HOLDER OF A WHOLESALER'S LICENSE; OR**

**(2) WINE AND LIQUOR FROM THE COUNTY DEPARTMENT OF LIQUOR CONTROL, WHICH SHALL SELL WINE AND LIQUOR TO A LICENSE HOLDER AT A DISCOUNT OF AT LEAST 15% FROM THE RETAIL SALES PRICE OR ANY SPECIAL SALE PRICE OR DISCOUNT PRICE, WHICHEVER IS LOWER.**

**(E) FEES.**

**THE ANNUAL FEE FOR:**

**(1) THE BEER LICENSE IS THE SAME AS THE FEE FOR OTHER BEER LICENSES IN THE COUNTY;**

**(2) THE BEER AND WINE LICENSE IS THE SAME AS THE FEE FOR OTHER BEER AND WINE LICENSES IN THE COUNTY; AND**

**(3) THE BEER, WINE, AND LIQUOR LICENSE IS \$1,500.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to explicitly establish the racetrack beer license, racetrack beer and light wine license, and racetrack beer, wine, and liquor license.

Subsections (b) through (e) of this section are new language derived without substantive change from former Art. 2B, § 8-603(a), (b), and (d).

In the introductory language of subsection (b)(1) of this section, the statement that the "Board may issue" a license is substituted for the former statement

that a person “may procure” a license to conform to the terminology used throughout this article.

In subsection (b)(1)(i) of this section, the former reference to “owners” is deleted in light of the reference to “owner” and GP § 1–202, which provides that the singular generally includes the plural.

In subsection (b)(2) of this section, the former reference to “locative” qualifications is deleted as redundant.

In subsection (c) of this section, the general reference to selling “alcoholic beverages stated on the license” is substituted for the former specific references to “beer or beer and light wine” and “beer, wine and liquor” for brevity and clarity.

Also in subsection (c) of this section, the former phrase “within the confines of its racing park in the county” is deleted as implicit in the phrase “at one or more locations in the racing park”.

Former Art. 2B, § 8–603(c), which stated that “[t]he licenses and the licensees are subject to all laws and regulations applicable in Worcester County to the sale of alcoholic beverages not inconsistent with the provisions of this section”, is deleted as an unnecessary statement of common practice.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the hours and days of sale for the license are not specified in statutory law.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“Beer” § 1–101

“County” § 33–101

“Wholesaler’s license” § 1–101

“Wine” § 1–101

## **SUBTITLE 11. ADDITIONAL LICENSE PRIVILEGES.**

### **33–1101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

(1) § 4-1102 (“CORKAGE — CONSUMING WINE NOT PURCHASED FROM LICENSE HOLDER ON LICENSED PREMISES”); AND

(2) § 4-1103 (“REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM LICENSED PREMISES”).

**(B) EXCEPTIONS.**

THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 11 (“ADDITIONAL LICENSE PRIVILEGES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

(1) § 4-1104 (“REFILLABLE CONTAINER PERMIT — DRAFT BEER”);  
AND

(2) § 4-1105 (“REFILLABLE CONTAINER PERMIT — WINE”).

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to additional privileges of license holders.

Defined terms: “Beer” § 1-101

“County” § 33-101

“License” § 1-101

“License holder” § 1-101

“Wine” § 1-101

**33-1102. UNLICENSED ORGANIZATIONS IN OCEAN CITY CONVENTION HALL.**

**(A) DEFINITIONS.**

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “COMMISSION” MEANS THE OCEAN CITY CONVENTION HALL COMMISSION.

(3) “ORGANIZATION” INCLUDES THE FOLLOWING TYPES OF NONPROFIT ORGANIZATIONS:

(I) ARMED SERVICES;

(II) CHARITABLE;

(III) CIVIC;

- (IV) EMPLOYEES;
- (V) FIREFIGHTERS;
- (VI) FRATERNAL;
- (VII) GOVERNMENTAL-SUPPORT;
- (VIII) HOSPITAL;
- (IX) LABOR;
- (X) PATRIOTIC;
- (XI) POLITICAL;
- (XII) PROFESSIONAL;
- (XIII) RELIGIOUS;
- (XIV) TRADE; AND
- (XV) WAR VETERANS.

**(B) LICENSE NOT REQUIRED TO BRING ALCOHOLIC BEVERAGES ON PREMISES.**

**WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE MEMBERS AND GUESTS OF AN ORGANIZATION TO BRING THEIR OWN ALCOHOLIC BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL WITHOUT FIRST OBTAINING A LICENSE IF:**

- (1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**
- (2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS RESTRICTED TO THE PREMISES.**

**(C) FUNCTION SPONSORED BY MAYOR AND CITY COUNCIL OF OCEAN CITY.**

**WITH THE APPROVAL OF THE COMMISSION, THE BOARD MAY ALLOW THE MAYOR AND CITY COUNCIL OF OCEAN CITY OR THEIR DESIGNEE TO SPONSOR A FUNCTION AT WHICH PATRONS ARE ALLOWED TO BRING THEIR OWN ALCOHOLIC**

**BEVERAGES ONTO THE PREMISES OF THE OCEAN CITY CONVENTION HALL WITHOUT FIRST OBTAINING A LICENSE IF:**

- (1) THE ALCOHOLIC BEVERAGES ARE NOT SOLD; AND**
- (2) THE CONSUMPTION OF THE ALCOHOLIC BEVERAGES IS ON THE PREMISES ONLY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(5)(i) through (iv).

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"License" § 1-101

**SUBTITLE 12. CATERER'S LICENSES.**

**33-1201. LOCAL CATERER'S LICENSE.**

- (A) ESTABLISHED.**

**THERE IS A LOCAL CATERER'S LICENSE.**

- (B) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO THE HOLDER OF:**

- (1) A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE; AND**

- (2) A CLASS D BEER, WINE, AND LIQUOR LICENSE.**

- (C) SCOPE OF AUTHORIZATION.**

**THE LICENSE AUTHORIZES A HOLDER TO:**

- (1) PROVIDE BEER, WINE, AND LIQUOR AT AN EVENT THAT IS HELD OFF THE PREMISES FOR WHICH THE HOLDER'S CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR LICENSE IS ISSUED; AND**

- (2) EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND ON THE DAYS AUTHORIZED FOR THE CLASS B RESTAURANT OR HOTEL**

**(ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(D) FOOD REQUIREMENT.**

**THE LICENSE HOLDER SHALL PROVIDE FOOD FOR CONSUMPTION AT THE CATERED EVENT.**

**(E) FEE.**

**THE ANNUAL LICENSE FEE IS \$500.**

**(F) EFFECT OF SECTION.**

**THIS SECTION DOES NOT REQUIRE A HOLDER OF A CLASS B RESTAURANT OR HOTEL (ON-SALE) BEER, WINE, AND LIQUOR LICENSE OR A CLASS D BEER, WINE, AND LIQUOR LICENSE TO OBTAIN A LOCAL CATERER'S LICENSE FOR CATERING ON THE PREMISES FOR WHICH THE HOLDER'S CLASS B OR CLASS D LICENSE IS ISSUED.**

REVISOR'S NOTE: Subsection (a) of this section is new language added to state expressly what was only implied in the former law, that a local caterer's license exists in Worcester County.

Subsections (b) through (f) of this section are new language derived without substantive change from former Art. 2B, §§ 6-711(b) through (g) and 9-102(j)(5).

In subsection (c)(1) of this section, the reference to the premises "for which the holder's Class B restaurant or hotel (on-sale) beer, wine, and liquor license or Class D beer, wine, and liquor license is issued" is substituted for the former reference to the premises "licensed as a Class B restaurant or hotel or a Class D establishment" for clarity and consistency with other similar provisions of this article.

Also in subsection (c)(1) of this section, the reference to "beer, wine, and liquor" is substituted for the former reference to "alcoholic beverages" for clarity.

In subsection (c)(2) of this section, the former phrase "in this article" is deleted as surplusage.

In subsection (d) of this section, the former reference to providing food "as well as alcoholic beverages" is deleted as unnecessary in light of subsection (c)(1) of this section.

In subsection (f) of this section, the reference to a “local” caterer’s license is added for clarity.

Also in subsection (f) of this section, the former reference to an “existing” license is deleted as surplusage.

Former Art. 2B, § 6–711(a), which stated that former Art. 2B, § 6–711 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Beer” § 1–101

“Board” § 33–101

“Hotel” § 1–101

“On–sale” § 1–101

“Restaurant” § 1–101

“Wine” § 1–101

### **SUBTITLE 13. TEMPORARY LICENSES.**

#### **PART I. IN GENERAL.**

#### **33–1301. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 12 (“TEMPORARY LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–1202 (“PER DIEM LICENSES”);**

**(2) § 4–1203 (“CLASS C PER DIEM BEER AND CLASS C PER DIEM BEER AND WINE LICENSES”);**

**(3) § 4–1206 (“LICENSE TO DISPOSE OF STOCK”);**

**(4) § 4–1207 (“TEMPORARY MOVE OF LICENSED PREMISES”); AND**

**(5) § 4–1209 (“WINE PERMIT FOR FUND–RAISING EVENT”).**

##### **(B) EXCEPTION.**

**SECTION 4–1204 (“CLASS C PER DIEM BEER, WINE, AND LIQUOR LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**



**(C) VARIATIONS.**

**SECTIONS 4-1205 (“LICENSE FEES”) AND 4-1208 (“HOURS AND DAYS OF SALE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY, SUBJECT TO § 33-1307 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to local temporary licenses.

Defined term: “County” § 33-101

**33-1302. RESERVED.**

**33-1303. RESERVED.**

**PART II. FESTIVAL, SAMPLING, AND TASTING LICENSE.**

**33-1304. BEER AND WINE FESTIVAL LICENSE.**

**(A) “FESTIVAL” DEFINED.**

**IN THIS SECTION, “FESTIVAL” MEANS:**

**(1) THE WORCESTER COUNTY BEER AND WINE FESTIVAL; OR**

**(2) A SIMILAR FESTIVAL FEATURING BEER AND WINE THAT THE BOARD APPROVES.**

**(B) ESTABLISHED.**

**(1) THERE IS A BEER AND WINE FESTIVAL LICENSE.**

**(2) THE BOARD MAY ISSUE NOT MORE THAN THREE FESTIVAL LICENSES EACH YEAR.**

**(C) AUTHORIZED HOLDER.**

**THE BOARD MAY ISSUE THE LICENSE TO A HOLDER OF A RETAIL LICENSE, CLASS 3 WINERY LICENSE, OR 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**

**(2) DURING THE HOURS AND DAYS DESIGNATED FOR THE FESTIVAL.**

**(F) TIME, LOCATION, AND FOCUS OF FESTIVAL.**

**THE BOARD:**

**(1) EACH YEAR MAY CHOOSE ONE WEEKEND, FRIDAY THROUGH SUNDAY INCLUSIVE, FOR EACH FESTIVAL;**

**(2) MAY NOT CHOOSE A WEEKEND FOR EACH FESTIVAL THAT IS THE SAME WEEKEND AS THE MARYLAND WINE FESTIVAL IN CARROLL COUNTY;**

**(3) SHALL CHOOSE A LOCATION THAT IS NOT ALREADY LICENSED; AND**

**(4) SHALL ENSURE THAT THE PRIMARY FOCUS OF THE FESTIVAL IS THE PROMOTION OF MARYLAND BEER AND WINE.**

**(G) HOLDING ANOTHER LICENSE ALLOWED.**

**THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE OF A DIFFERENT CLASS OR NATURE.**

**(H) INVOICING AND DELIVERY.**

**BEER AND WINE DISPLAYED AND SOLD SHALL BE:**

**(1) INVOICED TO THE LICENSE HOLDER BY A LICENSED WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY; AND**

**(2) DELIVERED TO EACH FESTIVAL FROM THE LICENSED PREMISES OF THE WHOLESALER, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY.**

**(I) DELIVERY AGREEMENT.**

**A HOLDER OF A WHOLESALE, CLASS 3 WINERY, OR CLASS 4 LIMITED WINERY LICENSE MAY ENTER INTO AN AGREEMENT WITH THE LICENSE HOLDER TO:**

**(1) DELIVER BEER AND WINE NOT EARLIER THAN 2 DAYS BEFORE THE EFFECTIVE DATE OF THE LICENSE; AND**

**(2) ACCEPT RETURNS NOT LATER THAN 2 DAYS AFTER THE EXPIRATION DATE OF THE LICENSE.**

**(J) FEE.**

**THE BOARD MAY SET THE LICENSE FEE.**

**(K) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 8-314(c) through (i) and (a)(1) and (3).

Throughout this section, the former references to a "special" license are deleted as surplusage.

Subsection (b) 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 a “retail” license is substituted for the former reference to an “existing State retail alcoholic beverages” license for brevity.

Also in subsection (c) of this section, the former phrase “[n]otwithstanding any other provision of this article,” is deleted as unnecessary in light of the organization of this revised article.

In the introductory language of subsection (d) of this section, the reference to the “license authoriz[ing] the holder” to display and sell is substituted for the former reference to the requirement that the “licensee shall” display and sell for clarity and consistency with terminology used throughout this article.

In subsection (d) of this section, the former requirement that wine must be “[p]rice filed in accordance with regulations adopted by the Comptroller” is deleted as obsolete. *See* General Revisor’s Note to Division II.

In subsection (f)(2) of this section, the reference to the Maryland Wine Festival “in Carroll County” is added for clarity.

In subsection (f)(3) of this section, the reference to a location that is not “already licensed” is substituted for the former reference to a location that is not “licensed under this article” for consistency with terminology used throughout this article.

Also in subsection (f)(3) of this section, the former reference to a location “for each Festival” is deleted as surplusage.

Also in subsection (f)(3) of this section, the former reference to a location “in the county” is deleted as surplusage.

In subsection (g) of this section, the reference to a license holder who “may hold” another license is substituted for the former statement that “[t]his section does not prohibit the holder ... from holding” another license for clarity.

In the introductory language of subsection (h) of this section, the reference to “[b]eer and wine” is substituted for the former reference to “[p]roducts” for clarity.

In subsection (h)(1) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “licensed State wholesaler, winery, or limited winery” for clarity. Similarly, in subsection (h)(2) of this section, the reference to a “wholesaler, Class 3 winery, or Class 4 limited winery” is substituted for the former reference to a “wholesaler, winery, or limited winery”. Similarly, in the introductory

language of subsection (i) of this section, the reference to a “holder of a wholesale, Class 3 winery, or Class 4 limited winery license” is substituted for “holders of wholesale, winery, or limited winery licenses”.

In the introductory language of subsection (i) of this section, the former phrase “[w]henver a special festival license is issued under this subsection,” is deleted as surplusage.

Former Art. 2B, § 8–314(a)(2), which defined “Board” to mean the Worcester County Board of License Commissioners, is deleted as redundant in light of the defined term “Board” in § 33–101 of this title.

Former Art. 2B, § 8–314(b), which stated that former Art. 2B, § 8–314 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“License” § 1–101

“License holder” § 1–101

“State” § 1–101

“Wholesaler” § 1–101

“Wine” § 1–101

**33–1305. RESERVED.**

**33–1306. RESERVED.**

**PART III. PER DIEM, MULTIPLE DAY, AND MULTIPLE EVENT LICENSES.**

**33–1307. SUNDAY LICENSES FOR HOLDERS OF 6–DAY CLASS B OR CLASS C BEER, WINE, AND LIQUOR LICENSES.**

**(A) ESTABLISHED.**

**THE BOARD MAY ISSUE A SUNDAY LICENSE TO A HOLDER OF A 6–DAY CLASS B OR A 6–DAY CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(B) SCOPE OF AUTHORIZATION.**

**THE LICENSE ENTITLES THE HOLDER TO SELL ALCOHOLIC BEVERAGES TO A CONVENTION OR OTHER SPECIAL GROUP THAT IS APPROVED BY:**

**(1) THE BOARD; AND**

**(2) THE MAYOR AND CITY COUNCIL OF A MUNICIPALITY IF:**

**(I) THE PREMISES IS IN THE MUNICIPALITY; AND**

**(II) THE MAYOR AND CITY COUNCIL REQUIRE THAT THE GROUP OBTAIN THEIR APPROVAL.**

**(C) HOURS FOR ON-PREMISES CONSUMPTION.**

**THE LICENSE ALLOWS ON-PREMISES CONSUMPTION FROM 12:30 P.M. ON SUNDAY TO 1 A.M. THE FOLLOWING DAY.**

**(D) APPLICATION DUE AT LEAST 10 DAYS BEFORE EVENT.**

**AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE AT LEAST 10 DAYS BEFORE THE DAY THE LICENSE IS TO BE USED.**

**(E) PAYMENT OF FEE BEFORE ISSUANCE OF LICENSE.**

**THE FEE SHALL BE PAID TO THE BOARD BEFORE THE LICENSE IS ISSUED.**

**(F) LICENSE FEE.**

**THE FEE FOR A SUNDAY LICENSE IS \$10 PER DAY OF USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(2).

In subsection (c) of this section, the former reference to "prevailing time" is deleted as surplusage.

In subsection (d) of this section, the reference to "[a]n applicant" is added for clarity.

Also in subsection (d) of this section, the references to the "license" are substituted for the former references to the "permit" to conform to the terminology used throughout this section.

Also in subsection (d) of this section, the reference to the day "the license is to be used" is substituted for the former reference to the day "upon which the permit is to be exercised" for brevity.

In subsection (e) of this section, the former reference to the authority of the holder of the license to "exercise the privileges of the license at the time and

place described in the license” is deleted as an unnecessary statement of normal practice.

Former Art. 2B, § 7–101(u)(1), which stated that former Art. 2B, § 7–101(u) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 9–102(b–7), which stated that former Art. 2B, § 9–102(a), which generally prohibited one person from holding more than one license, does not apply to this section, is deleted as unnecessary. Subsection (a) of this section expressly states that the Board may issue a Sunday license to a holder of certain Class B or Class C licenses.

Former Art. 2B, § 11–524(d), which allowed holders of certain 7–day licenses to serve alcoholic beverages to conventions or other groups, is deleted as unnecessary in light of this section.

Defined terms: “Alcoholic beverage” § 1–101  
 “Board” § 33–101

### **33–1308. SUNDAY CLUB LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A SUNDAY CLUB LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE A SUNDAY CLUB LICENSE TO A CLUB THAT ALREADY HOLDS A CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**(C) LIMIT ON NUMBER OF LICENSES.**

**THE BOARD MAY ISSUE TO A CLUB NOT MORE THAN 20 SUNDAY CLUB LICENSES DURING A CALENDAR YEAR.**

**(D) APPLICATION DUE AT LEAST 14 DAYS BEFORE EVENT.**

**AN APPLICANT SHALL FILE AN APPLICATION FOR A LICENSE WITH THE BOARD AT LEAST 14 DAYS BEFORE THE LICENSE IS TO BE USED.**

**(E) OTHER CONDITIONS.**

**A LICENSE ISSUED BY THE BOARD IS SUBJECT TO ALL CONDITIONS AND REGULATIONS ESTABLISHED BY THE BOARD FOR THE ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES AUTHORIZED UNDER THE LICENSE.**

**(F) FEE.**

**THE FEE FOR THE LICENSE IS \$10 PER DAY OF USE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7-101(u)(3).

In subsection (b) of this section, the former reference to "bona fide" clubs is deleted as surplusage.

In subsection (e) of this section, the former reference to "restrictions" is deleted as included in the references to "conditions" and "regulations".

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"Club" § 1-101

**33-1309. CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) LICENSE.**

**(A) ESTABLISHED.**

**THERE IS A CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE.**

**(B) AUTHORIZED LICENSE HOLDER.**

**THE BOARD MAY ISSUE A CLASS C PER DIEM (NONPROFIT CHARITABLE ORGANIZATION) BEER, WINE, AND LIQUOR LICENSE TO A NONPROFIT ORGANIZATION.**

**(C) LICENSE PERIOD.**

**(1) THE LICENSE IS A MULTIPLE 1-DAY ALCOHOLIC BEVERAGES LICENSE.**

**(2) ON APPLICATION, THE APPLICANT:**

**(i) SHALL SPECIFY THE DATES OF THE EVENTS FOR WHICH THE LICENSE WILL BE USED; BUT**



**(II) MAY NOT SPECIFY MORE THAN 12 DATES.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 7–101(u)(4).

In subsection (b) of this section, the former reference to a “bona fide” nonprofit organization is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Beer” § 1–101

“Board” § 33–101

“License” § 1–101

“Wine” § 1–101

**SUBTITLE 14. APPLICATIONS FOR LICENSES.**

**33–1401. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4–102 (“APPLICATIONS TO BE FILED WITH LOCAL LICENSING BOARD”);**

**(2) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”);**

**(3) § 4–106 (“PAYMENT OF NOTICE EXPENSES”);**

**(4) § 4–108 (“APPLICATION FORM REQUIRED BY COMPTROLLER”);**

**(5) § 4–110 (“REQUIRED INFORMATION ON APPLICATION – PETITION OF SUPPORT”);**

**(6) § 4–113 (“REFUND OF LICENSE FEES”); AND**

**(7) § 4–114 (“FEES FOR LICENSES ISSUED FOR LESS THAN 1 YEAR”).**

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 33-1402 OF THIS SUBTITLE;**

**(2) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 33-1402 OF THIS SUBTITLE;**

**(3) § 4-107 (“CRIMINAL HISTORY RECORDS CHECK”), SUBJECT TO §§ 33-1404 THROUGH 33-1406 OF THIS SUBTITLE;**

**(4) § 4-109 (“REQUIRED INFORMATION ON APPLICATION — IN GENERAL”), SUBJECT TO § 33-1403 OF THIS SUBTITLE;**

**(5) § 4-111 (“PAYMENT OF LICENSE FEES”), SUBJECT TO § 33-1407 OF THIS SUBTITLE; AND**

**(6) § 4-112 (“DISPOSITION OF LICENSE FEES”), SUBJECT TO § 33-1408 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to applications for local licenses.

Defined term: “County” § 33-101

**33-1402. APPLICATION ON BEHALF OF CORPORATION OR LIMITED LIABILITY COMPANY.**

**(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO:**

**(1) A LICENSE HOLDER OF A LICENSE ISSUED BEFORE MAY 1, 1977;**  
AND

**(2) AN APPLICANT FOR A CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(B) REQUIREMENTS FOR APPLICANTS.**

**(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE ON BEHALF OF A CORPORATION OR LIMITED LIABILITY COMPANY MAY BE ISSUED ONLY IF THE FOLLOWING REQUIREMENTS ARE MET.**

**(2) AT LEAST ONE APPLICANT SHALL:**

**(I) BE A REGISTERED VOTER, TAXPAYER, AND RESIDENT OF THE COUNTY; AND**

**(II) OWN AT LEAST 10% OF THE TOTAL ISSUED CAPITAL STOCK OF THE CORPORATION OR 10% INTEREST IN THE LIMITED LIABILITY COMPANY.**

**(3) EACH APPLICANT SHALL SUBMIT TO THE BOARD A SWORN STATEMENT THAT INCLUDES:**

**(I) 1. THE NAME AND ADDRESS OF EACH STOCKHOLDER OF THE CORPORATION; AND**

**2. THE NUMBER OF VOTING SHARES OWNED BY EACH STOCKHOLDER; OR**

**(II) 1. THE NAME AND ADDRESS OF EACH MEMBER OF THE LIMITED LIABILITY COMPANY; AND**

**2. THE PERCENTAGE SHARE OF VOTING INTEREST OWNED BY EACH MEMBER.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-101(i).

In subsection (b)(1) of this section, the former phrase "as the case may be" is deleted as surplusage.

In subsection (b)(2) of this section, the phrase "[a]t least one applicant [for a license for a corporation or limited liability company] shall" is substituted for the former phrase "unless one of the applicants has been" for brevity.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that the requirements that an applicant reside and be a registered voter in the County in subsection (b)(2) of this section 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 classifies 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: “Board” § 33–101  
 “County” § 33–101

### **33–1403. ADDITIONAL REQUIREMENTS.**

**AN APPLICANT FOR A LICENSE SHALL INCLUDE A SIGNED STATEMENT THAT:**

**(1) THE APPLICANT HAS NEVER OFFERED A PLEA OF NOLO CONTENDERE TO A FELONY INDICTMENT WHICH WAS ACCEPTED BY A COURT; AND**

**(2) (I) THE APPLICANT HAS NOT BEEN CONVICTED OF A FELONY;  
 OR**

**(II) IF THE APPLICATION IS MADE ON BEHALF OF A CORPORATION, NEITHER THE APPLICANT NOR THE STOCKHOLDERS OF THE CORPORATION HAVE BEEN CONVICTED OF A FELONY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(9)(ii) and (iv)2 and, as it related to Worcester County, 1.

The former reference to “the owner of the corporation” having not been convicted of a felony is deleted as being included in the reference to “neither the applicant nor the stockholders of the corporation” being convicted of a felony.

Defined term: “License” § 1–101

### **33–1404. OBTAINING CRIMINAL RECORDS.**

**THE BOARD MAY OBTAIN CRIMINAL RECORDS ON LICENSE APPLICANTS AND THEIR AGENTS FROM THE COUNTY POLICE, SHERIFF’S DEPARTMENT, AND ALL MUNICIPAL POLICE DEPARTMENTS, AS WELL AS FROM THE CENTRAL REPOSITORY.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)2 and 1E.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that it is unclear why the Board may obtain criminal records on the agents of applicants.

Defined terms: “Board” § 33–101  
 “Central Repository” § 4–107  
 “County” § 33–101

“License” § 1–101

**33–1405. CRIMINAL RECORDS ON STOCKHOLDERS.**

**THE BOARD ALSO MAY OBTAIN CRIMINAL RECORDS UNDER § 33–1404 OF THIS SUBTITLE ON THE STOCKHOLDERS HOLDING AT LEAST A 10% INTEREST IN THE CORPORATION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(iii).

The former reference to the Board obtaining criminal records of “owners of a corporation” on whose behalf the application is being made is deleted as included in the reference to the Board obtaining criminal records of “the stockholders holding at least a 10% interest in the corporation”.

Defined term: “Board” § 33–101

**33–1406. CRIMINAL HISTORY RECORD INFORMATION TO BE DESTROYED AFTER APPLICATION PROCESS.**

**THE BOARD SHALL DESTROY THE CRIMINAL HISTORY RECORD INFORMATION OBTAINED UNDER § 4–107 OF THIS ARTICLE ON COMPLETION OF ITS NECESSARY USE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–103(b)(13)(ii)1E and, as it related to Worcester County, (i)2.

Defined term: “Board” § 33–101

**33–1407. FEES.**

**(A) FEE REGULATION.**

**THE COUNTY COMMISSIONERS SHALL REGULATE THE LICENSE FEES.**

**(B) FEES IN TITLE PREVAIL UNLESS SUPERSEDED BY COUNTY COMMISSIONERS.**

**UNLESS OTHERWISE PROVIDED BY THE COUNTY COMMISSIONERS, THE LICENSE FEES ESTABLISHED IN THIS TITLE PREVAIL.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 18–102.

Defined term: “License” § 1–101

### **33–1408. DISPOSITION OF LICENSE FEES.**

#### **(A) IN GENERAL.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE LICENSE FEES SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

#### **(B) REMITTANCE TO MUNICIPALITY.**

**IF A LICENSED PREMISES IS IN A MUNICIPALITY, 75% OF THE LICENSE FEES SHALL BE REMITTED TO THE MUNICIPALITY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 6–401(y)(2)(v).

Former Art. 2B, § 6–401(y)(1), which stated that former Art. 2B, § 6–401(y) applied only to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101  
“License” § 1–101

## **SUBTITLE 15. ISSUANCE OR DENIAL OF LICENSES.**

### **33–1501. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–202 (“AUTHORITY OF LOCAL LICENSING BOARDS”);**
- (2) § 4–205 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**
- (3) § 4–206 (“LIMITATIONS ON RETAIL SALES FLOOR SPACE”);**
- (4) § 4–207 (“LICENSES ISSUED TO MINORS”);**

- (5) § 4-209 (“HEARING”);
- (6) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”);
- (7) § 4-211 (“LICENSE FORMS; EFFECTIVE DATE; EXPIRATION”);
- (8) § 4-213 (“REPLACEMENT LICENSES”); AND
- (9) § 4-214 (“WAITING PERIODS AFTER DENIAL OF LICENSE APPLICATIONS”).

**(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 2 (“ISSUANCE OR DENIAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-203 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES TO INDIVIDUAL OR FOR USE OF ENTITY”), SUBJECT TO SUBTITLE 13, PART III AND SUBTITLE 16, PART II OF THIS TITLE;
- (2) § 4-204 (“PROHIBITION AGAINST ISSUING MULTIPLE LICENSES FOR SAME PREMISES”), SUBJECT TO SUBTITLE 13, PART III OF THIS TITLE;
- (3) § 4-208 (“NOTICE OF LICENSE APPLICATION REQUIRED”), SUBJECT TO § 33-1502 OF THIS SUBTITLE; AND
- (4) § 4-212 (“LICENSE NOT PROPERTY”), SUBJECT TO § 33-1503 OF THIS SUBTITLE.

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the issuance of local licenses.

Defined terms: “County” § 33-101

“License” § 1-101

“Local licensing board” § 1-101

**33-1502. NOTICE OF LICENSE APPLICATION.**

**NOTICE OF A LICENSE APPLICATION SHALL BE PUBLISHED ONCE A WEEK FOR 2 CONSECUTIVE WEEKS IN AT LEAST ONE NEWSPAPER PUBLISHED IN THE MUNICIPALITY IN WHICH OR NEAREST TO WHICH THE LOCATION DESCRIBED IN THE APPLICATION IS SITUATED.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–202(l)(1).

The reference to a newspaper published in “the municipality” is substituted for the former reference to “the town” for consistency with the terminology used throughout this article.

The reference to the “location described in the application” is substituted for the former reference to “the applicant’s proposed place of business” for clarity.

Former Art. 2B, § 10–202(l)(2), which required the Board to issue a license when the fee was paid, is deleted as a statement of common procedure.

Defined term: “License” § 1–101

### **33–1503. LICENSE NOT SUBJECT TO CERTAIN ACTIONS.**

**A LICENSE IS NOT SUBJECT TO:**

**(1) A WRIT OF EXECUTION BY A JUDGMENT CREDITOR OF A LICENSE HOLDER; OR**

**(2) A DISTRAINT FOR RENT.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–501(c).

Defined terms: “License” § 1–101  
“License holder” § 1–101

### **33–1504. INCOMPLETE OR REMODELED BUILDING.**

**(A) TENTATIVE APPROVAL BY BOARD.**

**IF AN APPLICANT APPLIES FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN A BUILDING THAT IS INCOMPLETE, OR IN A BUILDING OR PORTION OF A BUILDING THAT IS TO BE REMODELED OR RENOVATED, THE BOARD MAY GIVE TENTATIVE APPROVAL OF THE APPLICATION ON THE BASIS OF THE BUILDING PLANS AND SPECIFICATIONS THAT ACCOMPANY THE APPLICATION.**

**(B) FINAL APPROVAL BY BOARD.**



**THE BOARD MAY GIVE FINAL APPROVAL OF THE LICENSE APPLICATION FOR WHICH IT HAD GIVEN TENTATIVE APPROVAL ON COMPLETION OF THE CONSTRUCTION OR THE REMOLDING OR RENOVATION OF THE BUILDING IN ACCORDANCE WITH THE BUILDING PLANS SUBMITTED BY THE APPLICANT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–104(y).

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License” § 1–101

**GENERAL REVISOR’S NOTE TO SUBTITLE**

Former Art. 2B, § 9–102(b–1)(2)(vi), which stated that the bowling alley exception to the prohibition against multiple licenses did not apply to Worcester County, is deleted as unnecessary. This revision applies the general rule to Worcester County. The fact that Worcester County is not covered by the exception need not be stated.

Former Art. 2B, § 9–301(2), which stated that the prohibition against a person having an interest in more than one license does not apply to licenses issued under former Art. 2B, § 9–102(j), which concerned certain Class B and Class H licenses, is deleted as unnecessary in light of the organization of this revised article.

**SUBTITLE 16. LICENSING CONDITIONS; MULTIPLE LICENSING PLANS.**

**PART I. LICENSING CONDITIONS.**

**33–1601. DRIVE–THROUGH SALES PROHIBITED.**

**THE BOARD MAY NOT ISSUE ANY LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE–THROUGH SALES FACILITY AT WHICH ALCOHOLIC BEVERAGES ARE:**

**(1) SOLD AT RETAIL; AND**

**(2) DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF–PREMISES CONSUMPTION.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–224(b), except as it related to the transfer of a license.

In the introductory language of this section, the reference to a “sales” facility is substituted for the former reference to a “purchase” facility for clarity.

Former Art. 2B, § 9–224(a), which stated that former Art. 2B, § 9–224 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License” § 1–101

“Off–sale” § 1–101

**33–1602. RESERVED.**

**33–1603. RESERVED.**

## **PART II. MULTIPLE LICENSING PLANS.**

**33–1604. ADDITIONAL LICENSES FOR RESTAURANTS AND HOTEL OR MOTEL RESTAURANTS.**

**THE BOARD MAY ISSUE NOT MORE THAN NINE LICENSES TO A PERSON UNDER §§ 33–1605 AND 33–1606 OF THIS SUBTITLE, INCLUDING NOT MORE THAN THREE LICENSES FOR A RESTAURANT UNDER § 33–1605 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(3)(iii).

Defined terms: “Board” § 33–101

“Person” § 1–101

**33–1605. ADDITIONAL CLASS B AND CLASS H LICENSES FOR RESTAURANT.**

**(A) AUTHORIZED HOLDER.**

**(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ISSUE NOT MORE THAN TWO ADDITIONAL LICENSES OF THE SAME TYPE TO A HOLDER OF:**

**(I) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER, WINE, AND LIQUOR LICENSE; OR**

**(II) A CLASS B (ON–SALE) HOTEL AND RESTAURANT BEER AND WINE LICENSE.**

**(2) A LICENSE ISSUED UNDER THIS SUBSECTION SHALL BE ISSUED FOR PREMISES USED AS A RESTAURANT.**

**(B) SCOPE OF AUTHORIZATION.**

**(1) THE RESTAURANT SHALL HAVE:**

**(I) A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDINGS; AND**

**(II) A MINIMUM SEATING CAPACITY OF 125 INDIVIDUALS.**

**(2) THE BOARD MAY DEFINE “RESTAURANT” BY REGULATION.**

**(3) EXCEPT AS PROVIDED IN § 33-1606 OF THIS SUBTITLE, THE BOARD MAY NOT ISSUE MORE THAN THREE LICENSES OF ALL CLASSES UNDER THIS SECTION TO OR FOR THE USE OF THE SAME PERSON.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(j)(2).

In the introductory language of subsection (a) of this section, the phrase “[s]ubject to subsection (b) of this section” is substituted for the former phrase “[n]otwithstanding any other provisions of this section” for accuracy.

Also in the introductory language of subsection (a) of this section, the former sentence “[t]he granting of additional licenses hereunder shall be limited and restricted to the purpose of providing alcoholic beverages for consumption on the licensed premises only, with no off-sale privileges” is deleted in light of the defined term “on-sale”.

In subsection (a)(1) of this section, the reference to the Board’s authority to issue additional licenses is added for clarity.

In subsection (a)(2) of this section, the former reference to “occupied” is deleted as unnecessary in light of the reference to “used”.

Also in subsection (a)(2) of this section, the former reference to a “bona fide” restaurant is deleted as surplusage.

In subsection (b)(3) of this section, the clause “the Board may not issue more than three licenses of all classes” is substituted for the former clause “[t]hese provisions do not permit the issuance of more than a total of three licenses of all classes issued under this section” for clarity.

Also in subsection (b)(3) of this section, the defined term “person” is substituted for the former phrase “any partnership, corporation, unincorporated association, or limited liability company” for brevity.

Former Art. 2B, § 9–102(j)(1), which stated that the provisions of former Art. 2B, § 9–102(j) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“License” § 1–101

“On–sale” § 1–101

“Person” § 1–101

**33–1606. ADDITIONAL CLASS B AND CLASS H LICENSES FOR HOTEL OR MOTEL RESTAURANT COMPLEXES.**

**(A) AUTHORIZED HOLDER.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND § 33–1604 OF THIS SUBTITLE, THE BOARD MAY NOT ISSUE ADDITIONAL LICENSES OF THE SAME CLASS AND TYPE TO A HOLDER OF:**

**(I) A CLASS B (ON–SALE) BEER, WINE, AND LIQUOR LICENSE;**  
OR

**(II) A CLASS B (ON–SALE) BEER AND WINE LICENSE.**

**(2) A LICENSE UNDER THIS SUBSECTION SHALL BE ISSUED FOR PREMISES USED AND OPERATED AS A HOTEL–RESTAURANT OR MOTEL–RESTAURANT COMPLEX.**

**(B) HOTEL OR MOTEL RESTAURANT COMPLEX REQUIREMENTS.**

**THE PREMISES OF A LICENSE HOLDER UNDER THIS SECTION SHALL HAVE:**

**(1) 50 OR MORE SLEEPING ROOMS FOR RENT;**

**(2) A MINIMUM CAPITAL INVESTMENT OF \$150,000 FOR RESTAURANT FACILITIES, NOT INCLUDING THE COST OF LAND OR BUILDING; AND**

**(3) A MINIMUM RESTAURANT SEATING CAPACITY OF 75 INDIVIDUALS.**

**(C) ADDITIONAL REQUIREMENTS.**

**(1) THE BOARD MAY ONLY ISSUE AN ADDITIONAL LICENSE UNDER THIS SECTION IF THE RESTAURANT OPERATION IS PART OF THE HOTEL OR MOTEL OPERATION.**

**(2) A PERSON MAY NOT HAVE A PECUNIARY INTEREST IN THE LICENSE OTHER THAN THE PERSON'S ENTITY THAT OWNS THE HOTEL OR MOTEL.**

**(D) TRANSFER PROHIBITED WITHOUT NEW APPLICATION.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD MAY NOT ALLOW THE TRANSFER OF A LICENSE GRANTED UNDER THIS SECTION.**

**(2) A LICENSE MAY ONLY BE TRANSFERRED SUBJECT TO THE FILING OF A NEW APPLICATION.**

**(E) LICENSES LIMITED TO ON-PREMISES CONSUMPTION.**

**THE BOARD SHALL LIMIT ADDITIONAL LICENSES TO PROVIDING ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(j)(3).

In the introductory language of subsection (a)(1) of this section, the clause "the Board may not issue additional licenses" is substituted for the former clause "[t]hese provisions do not permit the issuance of" for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "[n]otwithstanding any other provisions of this section" is deleted as surplusage.

In subsection (a)(2) of this section, the former reference to a "public" hotel-restaurant is deleted as surplusage.

In subsection (c)(2) of this section, the defined term "person" is substituted for the former reference to "partnership, corporation, unincorporated association, [or] limited liability company" for brevity and consistency within the article.

In subsection (d)(1) of this section, the former phrase "notwithstanding the provisions of § 10-503" is deleted as surplusage.

In subsection (e) of this section, the clause "[t]he Board shall limit" is substituted for the former clause "[t]he granting of additional licenses hereunder shall be limited and restricted" for brevity.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License” § 1–101

“Person” § 1–101

### **33–1607. HOMEOWNERS ASSOCIATION.**

#### **(A) AUTHORIZED HOLDER.**

**SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY ALLOW A HOMEOWNERS ASSOCIATION THAT OWNS MORE THAN ONE FACILITY, AS DEFINED BY THE BOARD, TO HOLD MULTIPLE CLASS B LICENSES, MULTIPLE CLASS C LICENSES, OR A COMBINATION OF CLASS B AND CLASS C LICENSES.**

#### **(B) LIMITATIONS ON ADMISSION.**

**ADMISSION TO A FACILITY LICENSED WITH A CLASS C LICENSE SHALL BE LIMITED TO:**

**(1) THE OWNERS OF THE REAL PROPERTY AS GOVERNED BY RECORDED COVENANTS OF THE HOMEOWNERS ASSOCIATION;**

**(2) THE OWNERS’ TENANTS; AND**

**(3) GUESTS IN THE COMPANY OF THE OWNERS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9–102(j)(4).

In subsections (a) and (b) of this section, the former references to a “bona fide” homeowners association and “bona fide” tenants are deleted as surplusage.

In subsection (a) of this section, the former phrase “notwithstanding any other provisions of this section” is deleted as surplusage.

Also in subsection (a) of this section, the phrase “the Board may allow” is added for clarity.

Defined terms: “Board” § 33–101

“License” § 1–101

### **SUBTITLE 17. TRANSFER OF LICENSES; SUBSTITUTION OF NAMES ON LICENSE.**

**33-1701. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 4-303 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”);**  
**AND**

**(2) § 4-304 (“COMPLIANCE WITH BULK TRANSFERS ACT REQUIRED”).**

**(B) EXCEPTION.**

**SECTION 4-306 (“SUBSTITUTION OF NAMES OF OFFICERS ON LICENSE”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY AND IS SUPERSEDED BY § 33-1706 OF THIS SUBTITLE.**

**(C) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 3 (“TRANSFER OF LOCAL LICENSES; SUBSTITUTION OF NAMES ON LICENSE”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

**(1) § 4-302 (“TRANSFER OF PLACE OF BUSINESS; TRANSFER OF LICENSE AND INVENTORY”), SUBJECT TO § 33-1702 OF THIS SUBTITLE; AND**

**(2) § 4-305 (“FILING FEE AND ENDORSEMENT”), SUBJECT TO § 33-1705 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the transfer of licenses and the substitution of the names of officers on licenses.

Defined terms: “County” § 33-101  
“License” § 1-101

**33-1702. TRANSFER OF LICENSES PROHIBITED FOR DRIVE-THROUGHS.**

**THE BOARD MAY NOT TRANSFER AN OFF-SALE LICENSE FOR USE IN A BUSINESS THAT IS INTENDED TO BE OPERATED AS A DRIVE-THROUGH PURCHASE**

**FACILITY WHERE ALCOHOLIC BEVERAGES ARE TO BE SOLD AT RETAIL AND DISPENSED THROUGH A WINDOW OR DOOR TO A PURCHASER IN OR ON A MOTOR VEHICLE FOR OFF-PREMISES CONSUMPTION.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 10-503(y)(3) and, as it related to license transfers, 9-224(b).

The former reference to a license "of any class" is deleted as surplusage.

Former Art. 2B, § 10-503(y)(1), which stated that former Art. 2B, § 10-503(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: "Alcoholic beverage" § 1-101

"Board" § 33-101

"License" § 1-101

"Off-sale" § 1-101

**33-1703. TRANSFER OF PECUNIARY INTEREST IN LICENSED ESTABLISHMENT.**

**BEFORE A LICENSE HOLDER TRANSFERS A PECUNIARY INTEREST IN THE LICENSED ESTABLISHMENT, THE LICENSE HOLDER SHALL OBTAIN THE APPROVAL OF THE BOARD.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(y)(4).

The reference to the license holder "obtain[ing] the approval of the Board" is substituted for the former reference to the Board "approv[ing]" the transfer to avoid the erroneous implication that the Board is obligated to approve each transfer.

The defined term "license holder" is substituted for the former reference to "an owner of a business that is licensed under this article" for brevity.

The former references to "assign" and "assignment" are deleted as included in the reference to "transfer".

The former phrase "[i]n addition to the restrictions provided in subsection (a) of this section" is deleted as unnecessary in light of the organization of this revised article.

The former reference to the requirement that the license holder of a licensed business "first notify the Board of the proposed transfer" is deleted as implicit



in the requirement that the license holder “obtain the approval of the Board” before making the transfer.

Defined terms: “Board” § 33-101  
“License holder” § 1-101

**33-1704. RETAIL DEALER WITH DEBT ON EXTENDED CREDIT.**

**THE BOARD MAY NOT TRANSFER THE LICENSE OF A RETAIL DEALER THAT HAS BEEN EXTENDED CREDIT UNDER § 33-504 OF THIS TITLE AND THAT OWES A BALANCE ON THE DEBT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-112(c)(6), as it related to the transfer of a license.

The former reference to a retail dealer’s owing a balance on the debt “at the time of the transfer” is deleted as implicit.

Defined terms: “Board” § 33-101  
“License” § 1-101  
“Retail dealer” § 1-101

**33-1705. FEE.**

**IN ADDITION TO THE COSTS OF PUBLICATION, NOTICE, AND ANY HEARING FEES REQUIRED, THE FEE FOR A TRANSFER OF A LICENSE IS THE GREATER OF:**

- (1) \$50; OR**
- (2) 25% OF THE ANNUAL FEE FOR THE LICENSE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(y)(2)(iv).

The former reference to an “assignment” is deleted as included in the reference to a “transfer”.

The former reference to the license “being transferred” is deleted as surplusage.

Defined term: “License” § 1-101

**33-1706. PROCEDURES FOR SUBSTITUTION OF NAMES ON LICENSE.**

**(A) CONDITIONS FOR SUBSTITUTION.**

**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, FOR A LICENSE ISSUED FOR THE USE OF A CORPORATION OR CLUB, THE LICENSE HOLDER MAY SUBSTITUTE ON THE LICENSE THE NAME OF A DIFFERENT OFFICER FOR THE NAME OF ANY OFFICER WHO:**

**(I) HAS DIED;**

**(II) HAS RETIRED; OR**

**(III) NO LONGER HOLDS AN OFFICE IN THE CORPORATION OR CLUB.**

**(2) A SUBSTITUTE OFFICER SHALL BE AN INDIVIDUAL APPROVED BY THE BOARD WHO MEETS ALL THE REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER.**

**(B) AFFIDAVIT REQUIRED.**

**THE LICENSE HOLDER SHALL FILE AN AFFIDAVIT AND APPLICATION WITH THE BOARD THAT CONTAINS:**

**(1) THE SUBSTITUTION OF THE OFFICER; AND**

**(2) AN EXPLANATION FOR THE SUBSTITUTION.**

**(C) CORRECTIONS ON LICENSES OTHER THAN CLASS C LICENSES.**

**ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND AFTER A FINDING BY THE BOARD THAT THE INDIVIDUAL IS FIT AND WOULD MEET THE SAME REQUIREMENTS APPLICABLE TO THE ORIGINAL OFFICER, THE BOARD SHALL:**

**(1) AMEND ITS RECORD; AND**

**(2) ISSUE A CORRECTED LICENSE.**

**(D) CORRECTIONS ON CLASS C LICENSES.**

**ON RECEIPT OF THE AFFIDAVIT AND APPLICATION AND PAYMENT OF A \$5 FEE, THE BOARD SHALL:**

- (1) AMEND ITS RECORDS; AND
  - (2) ISSUE A CORRECTED LICENSE.
- (E) FEE.

**THE LICENSE HOLDER SHALL PAY A FEE OF \$100 TO THE BOARD FOR THE SERVICE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-503(y)(2)(i), (ii), and (iii) and, as they related to Worcester County, the first through fourth and sixth sentences of § 10-301(h)(1).

In subsection (a) of this section, the former references to an officer who has "been removed from office" are deleted as included in the reference to an officer who "no longer holds an office in the corporation or club".

In the introductory language of subsection (a)(1) of this section, the reference to "any officer who" is substituted for the former references to "the deleted officer" for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former references to any "class of alcoholic beverage" or "class of alcoholic beverages" license are deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "during any license year" is deleted as surplusage.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "notwithstanding any other provision of this article" is deleted as surplusage.

In subsection (a)(2) of this section, the reference to requirements "applicable to the original officer" is substituted for the former references to requirements "the substitute would have to meet if the substitute were named in the original application" for brevity.

Also in subsection (a)(2) of this section, the former reference to a "fit" individual is deleted as implicit in the requirement that the individual be approved by the Board and meet the requirements applicable to the original officer.

In subsection (b)(1) of this section, the former reference to "officers" is deleted in light of the reference to "officer" and GP § 1-202, which provides that the singular generally includes the plural.

In subsections (c)(2) and (d)(2) of this section, the references to a “corrected license” are substituted for the former references to a “new license with the corrected names on it” for brevity.

Defined terms: “Board” § 33–101

“Club” § 1–101

“License” § 1–101

“License holder” § 1–101

### **SUBTITLE 18. RENEWAL OF LICENSES.**

#### **33–1801. APPLICATION OF GENERAL PROVISIONS.**

##### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);**
- (2) § 4–403 (“RENEWAL APPLICATION”);**
- (3) § 4–405 (“CONTENTS OF RENEWAL APPLICATION”);**
- (4) § 4–406 (“PROTESTS”);**
- (5) § 4–407 (“DENIAL OF RENEWAL APPLICATION”);**
- (6) § 4–408 (“ISSUANCE OF RENEWED LICENSES”);**
- (7) § 4–409 (“MULTIPLE LICENSES”); AND**
- (8) § 4–410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

##### **(B) VARIATION.**

**SECTION 4–404 (“FILING PERIOD FOR RENEWAL APPLICATION”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33–1802 OF THIS SUBTITLE.**

REVISOR'S NOTE: This section is new language added to incorporate by reference general provisions relating to the renewal of local licenses.

Defined terms: "County" § 33-101  
"License" § 1-101

**33-1802. FILING PERIOD FOR RENEWAL APPLICATION — LATE FILING.**

**THE BOARD MAY ACCEPT LATE APPLICATIONS DURING APRIL AND FINE THE LICENSE HOLDER AN AMOUNT NOT EXCEEDING \$50 FOR EACH DAY THE APPLICATION IS LATE.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10-301(t).

The reference authorizing the Board to "accept" late applications is substituted for the former reference authorizing the Board to "receive" late applications for clarity.

Defined terms: "Board" § 33-101  
"License holder" § 1-101

**33-1803. RENEWAL OF CLASS A LICENSE.**

**THE BOARD MAY RENEW A CLASS A BEER LICENSE, BEER AND WINE LICENSE, OR WINE LICENSE ISSUED BEFORE JANUARY 1, 2002.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 9-102(j)(7).

The former phrase "[n]otwithstanding any other provision of this section," is deleted as surplusage.

Defined terms: "Beer" § 1-101  
"Board" § 33-101  
"Wine" § 1-101

**SUBTITLE 19. CONDUCT OF LICENSE HOLDERS.**

**33-1901. APPLICATION OF GENERAL PROVISIONS.**

**(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4-502 (“STORAGE OF ALCOHOLIC BEVERAGES”);**
  - (2) § 4-503 (“SOLICITATIONS AND SALES OUTSIDE OF LICENSED PREMISES”);**
  - (3) § 4-506 (“EVIDENCE OF PURCHASER’S AGE”); AND**
  - (4) § 4-508 (“DISPLAY OF LICENSE”).**
- (B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 5 (“CONDUCT OF LOCAL LICENSE HOLDERS”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4-504 (“EMPLOYMENT OF UNDERAGE INDIVIDUALS”), SUBJECT TO § 33-1902 OF THIS SUBTITLE;**
- (2) § 4-505 (“ALCOHOL AWARENESS PROGRAM”), SUBJECT TO § 33-1903 OF THIS SUBTITLE; AND**
- (3) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”), SUBJECT TO § 33-1904 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the conduct of local license holders.

Defined terms: “Alcoholic beverage” § 1-101  
 “County” § 33-101  
 “License” § 1-101  
 “License holder” § 1-101

**33-1902. EMPLOYMENT OF UNDERAGE INDIVIDUALS.**

**(A) INDIVIDUALS UNDER THE AGE OF 18 YEARS.**

**A LICENSE HOLDER MAY NOT EMPLOY AN INDIVIDUAL UNDER THE AGE OF 18 YEARS IN THE SALE OF ALCOHOLIC BEVERAGES, UNLESS A PERMIT IS OBTAINED FROM THE SHERIFF AND STATE’S ATTORNEY OF THE COUNTY.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-224(b) and (a)(1).

In subsection (a) of this section, the reference to an "individual" is substituted for the former reference to a "person" because this subsection applies only to human beings.

In subsection (b) of this section, the reference to "imprisonment" is substituted for the former reference to "jail" to conform to the terminology used throughout this article.

Defined terms: "Alcoholic beverage" § 1-101

"County" § 33-101

"License holder" § 1-101

"Person" § 1-101

**33-1903. ALCOHOL AWARENESS PROGRAM.****(A) SCOPE OF SECTION.**

**THIS SECTION DOES NOT APPLY TO A HOLDER OF A CLASS C LICENSE.**

**(B) PRESENCE REQUIRED; TEMPORARY ABSENCE FROM LICENSED PREMISES ALLOWED.**

**(1) THE LICENSE HOLDER OR AN INDIVIDUAL DESIGNATED BY THE LICENSE HOLDER WHO IS EMPLOYED IN A SUPERVISORY CAPACITY SHALL:**

**(I) BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND**

**(II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, BE PRESENT ON THE LICENSED PREMISES DURING THE HOURS IN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD.**

**(2) THE LICENSE HOLDER OR INDIVIDUAL SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION MAY BE ABSENT FROM THE LICENSED PREMISES FOR A**

**PERSONAL OR BUSINESS REASON OR AN EMERGENCY IF THE ABSENCE LASTS FOR NOT MORE THAN 2 HOURS.**

**(3) THE BOARD SHALL REQUIRE THE LICENSE HOLDER TO KEEP A LOG BOOK ON THE LICENSED PREMISES THAT DOCUMENTS EACH TEMPORARY ABSENCE, THE LENGTH OF TIME OF THE ABSENCE, AND THE REASON FOR THE ABSENCE, IN THE FORM THAT THE BOARD REQUIRES.**

**(C) PENALTY.**

**A LICENSE HOLDER WHO VIOLATES THIS SECTION IS SUBJECT TO:**

**(1) FOR A FIRST OFFENSE, A \$100 FINE; AND**

**(2) FOR EACH SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$500 OR A SUSPENSION OR REVOCATION OF THE LICENSE OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 13–101(d) and (c)(2)(iii) and (iv)4 and, as they relate to Worcester County, (ii), (i)7, and (iv)1.

In subsection (b) of this section, the references to an “individual” are substituted for the former references to a “person” because this section applies only to human beings.

In subsection (b)(1)(ii) of this section, the reference to being present “on the licensed premises” is added for clarity.

Also in subsection (b)(1)(ii) of this section, the defined term “alcoholic beverage[s]” is substituted for the former reference to “alcohol” to conform to the terminology used throughout this article.

In subsection (b)(2) of this section, the former reference to a “bona fide” personal or business reason is deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“License holder” § 1–101

### **33–1904. RETAIL DELIVERY.**

**(A) NO DELIVERY OUTSIDE LICENSED PREMISES.**



**EXCEPT FOR EVENTS CATERED BY A HOLDER OF A CATERER'S LICENSE, A HOLDER OF A RETAIL LICENSE ISSUED BY THE BOARD MAY NOT DELIVER ALCOHOLIC BEVERAGES OUTSIDE OF THE LICENSED PREMISES.**

**(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$200 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12-224(a)(2) and (b).

In subsection (a) of this section, the reference to a "holder of a retail license issued by the Board" is substituted for the former reference to "a retail alcoholic beverages licensee in Worcester County" for clarity.

In subsection (b) of this section, the reference to "imprisonment" is substituted for the former reference to "jail" to conform to the terminology used throughout this article.

Defined terms: "Alcoholic beverage" § 1-101  
"Board" § 33-101  
"Person" § 1-101

**33-1905. PUBLIC RESTROOMS REQUIRED.**

**(A) FOR ON-SALE ESTABLISHMENTS.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR AN "ON-SALE" CLASS B LICENSE, CLASS C LICENSE, OR CLASS D LICENSE, THE LICENSED PREMISES SHALL BE EQUIPPED WITH PUBLIC RESTROOMS WITH:**

**(1) A MINIMUM OF ONE RESTROOM FOR EACH SEX; AND**

**(2) A CONNECTION TO A PUBLIC OR PRIVATE WATER AND WASTE SYSTEM THAT IS APPROVED BY THE HEALTH DEPARTMENT.**

**(B) WAIVER.**

**IF THE BOARD FINDS THAT THE REQUIREMENTS OF THIS SECTION WILL IMPOSE AN UNDUE HARDSHIP ON THE APPLICANT, THE BOARD MAY WAIVE THE REQUIREMENTS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(f).

In subsection (a) of this section, the former phrase "at least" is deleted as redundant of the phrase "a minimum of".

Defined term: "Board" § 33-101

## **SUBTITLE 20. HOURS AND DAYS FOR CONSUMPTION AND SALE.**

### **33-2001. CONSUMPTION FROM 2 A.M. TO 6 A.M. PROHIBITED.**

#### **(A) IN GENERAL.**

**(1) UNLESS OTHERWISE PROVIDED IN THIS TITLE, FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN A PREMISES LICENSED UNDER THIS TITLE.**

**(2) AN OWNER, AN OPERATOR, OR A MANAGER OF A PREMISES LICENSED UNDER THIS TITLE MAY NOT KNOWINGLY ALLOW CONSUMPTION PROHIBITED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

#### **(B) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$50.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and, as it related to Worcester County, (2).

In subsection (a)(1) of this section, the phrase "[u]nless otherwise provided in this title" is added for clarity.

Also in subsection (a)(1) of this section, the reference to an "individual" is substituted for the former reference to a "person" because the prohibition against consumption applies only to human beings.

Also in subsection (a)(1) of this section, the reference to "a premises licensed under this title" is substituted for the former reference to "any premises open to the general public, any place of public entertainment, or any place at which setups or other component parts of mixed alcoholic drinks are sold under any license issued under the provisions of the Business Regulation Article" for brevity.

In subsection (a)(2) of this section, the reference to “a premises licensed under this title” is substituted for the former reference to “the premises” for consistency with the terminology used in subsection (a)(1) of this section.

In subsection (b) of this section, the reference to a person who “violates this section” is substituted for the former reference to a person who is “found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section” for brevity.

Also in subsection (b) of this section, the former phrase “[e]xcept as provided in this section” is deleted as unnecessary in light of the organization of this revised article.

Also in subsection (b) of this section, the former reference to a fine “not less than \$5” is deleted to conform to the statement of legislative policy in § 14–102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: “Alcoholic beverage” § 1–101  
 “Person” § 1–101

### **33–2002. SALES OF ALCOHOLIC BEVERAGES.**

#### **(A) IN GENERAL.**

**A HOLDER OF A RETAIL ALCOHOLIC BEVERAGES LICENSE MAY SELL OR PROVIDE ALCOHOLIC BEVERAGES OR ALLOW ALCOHOLIC BEVERAGES TO BE CONSUMED ON THE LICENSED PREMISES ONLY IN ACCORDANCE WITH THIS SUBTITLE.**

#### **(B) HOURS WHEN SALES ARE PROHIBITED.**

**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, ALCOHOLIC BEVERAGES MAY NOT BE SOLD ON MONDAY THROUGH SUNDAY, FROM 2 A.M. TO 9 A.M.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11–524(a) and (b)(1).

In subsection (a) of this section, the reference to “provide” is substituted for the former reference to “barter, deliver or give away, or otherwise dispose of” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the phrase “only in accordance with this subtitle” is substituted for the former phrase “except as hereinafter provided” to conform to the terminology used throughout this subtitle.

Also in subsection (a) of this section, the former phrase “notwithstanding any other provisions of this subtitle” is deleted as unnecessary in light of the organization of this revised article.

In subsection (b) of this section, the phrase “on Monday through Sunday” is substituted for the former phrases “on Sunday”, “on Monday”, and “on the remaining days of the week” for brevity.

Also in subsection (b) of this section, the former references to “prevailing time” are deleted as surplusage.

Defined terms: “Alcoholic beverage” § 1–101  
 “License” § 1–101

### **33–2003. BEER LICENSES.**

#### **(A) CLASS A BEER LICENSE.**

##### **A HOLDER OF A CLASS A BEER LICENSE MAY SELL BEER UNDER:**

**(1) A 6–DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7–DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

#### **(B) CLASS B BEER LICENSE.**

**(1) A HOLDER OF A 6–DAY CLASS B BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7-DAY CLASS B BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A 7-DAY CLASS B BEER LICENSE IN THE TENTH ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(c) CLASS C BEER LICENSE.**

**A HOLDER OF A CLASS C BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(d) CLASS D BEER LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS D BEER LICENSE MAY SELL BEER ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7-DAY CLASS D BEER LICENSE MAY SELL BEER:**

**(I) FOR OFF-PREMISES CONSUMPTION, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION:**

**1. ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. ON SUNDAY, FROM 12:30 P.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A 7-DAY CLASS D BEER LICENSE IN THE TENTH ELECTION DISTRICT IN THE COUNTY MAY SELL BEER ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(c)(1) through (4).

In each subsection of this section, the introductory language stating that the holder of a particular license "may sell beer" is substituted for the former introductory language stating that "[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be" for clarity.

In subsection (a) of this section, the former reference to "Section 3-101" is deleted as obsolete and unnecessary in light of the organization of this revised article. Similarly, in subsections (b) and (c) of this section, former references to "Section 3-201" and "Section 3-301", respectively, are deleted.

In subsection (a)(1) of this section, the former reference that "there shall be no sales between 2:00 a.m. Sunday and 6:00 a.m. Monday" is deleted as unnecessary because the authority of a holder of a 6-day license to sell beer extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in subsection (b)(1) of this section, the former sentence "[t]here may be no sales between 2 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively", and in subsection (c) of this section, the former clause "except that there be no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings" are deleted.

In subsection (b) of this section, the phrase “[e]xcept as provided in paragraph (3) of this subsection” is substituted for the former phrase “[c]ountywide (exclusive of tenth election district)” in light of the organization of this revised section.

Defined terms: “Beer” § 1–101

“County” § 33–101

“License” § 1–101

**33–2004. BEER AND WINE LICENSES.**

**(A) CLASS A BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS A BEER AND WINE LICENSE MAY SELL BEER AND WINE UNDER:**

**(1) A 6–DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7–DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(B) CLASS B BEER AND WINE LICENSE.**

**(1) A HOLDER OF A 6–DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7–DAY CLASS B BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF–PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(C) CLASS C BEER AND WINE LICENSE.**

**A HOLDER OF A CLASS C BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER AND WINE LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SATURDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7-DAY CLASS D BEER AND WINE LICENSE MAY SELL BEER AND WINE ON MONDAY THROUGH SUNDAY:**

**(I) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(c)(5) through (8).

In this section, references to a "beer and wine license" are substituted for the former references to a "beer and light wine license" to avoid confusion. Traditionally, wines were divided according to their amount of alcoholic content into two groups: light wines (containing up to 15.5% alcohol by volume) and fortified wines (containing above 15.5%). However, in former Art. 2B, § 4-101(y), "light wine" was defined in the County as a fermented beverage containing up to 22% of alcohol by volume – a maximum amount sufficient to include fortified wines, thus rendering meaningless the traditional division of wines into light wines and fortified wines.

In each subsection of this section, the introductory language stating that the holder of a particular license "may sell beer and wine" is substituted for the former introductory language stating that "[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be" for clarity.



In subsection (a) of this section, the former reference to “Section 5–101” is deleted as obsolete and unnecessary in light of the organization of this revised article. Similarly, in subsections (b) and (c) of this section, former references to “Section 5–201” and “Section 5–301”, respectively, are deleted.

In subsection (a)(1) of this section, the former reference that “there shall be no sales on Sundays between 2:00 a.m. and 6:00 a.m. Monday” is deleted as unnecessary because the authority of a holder of a 6–day license to sell beer and wine extends only from 6 a.m. Monday to 2 a.m. Sunday. Similarly, in subsection (b)(1) of this section, the former sentence “[t]here may be no sales between 2:00 a.m. Sunday and 6:00 a.m. or 9:00 a.m. Monday, respectively”, and in subsection (c)(1) of this section, the former clause “except that there be no sales on Sundays between 2:00 a.m. and 9:00 a.m. Monday mornings” are deleted.

Defined terms: “Beer” § 1–101  
 “County” § 33–101  
 “License” § 1–101

### **33–2005. BEER, WINE, AND LIQUOR LICENSES.**

#### **(A) CLASS A BEER, WINE, AND LIQUOR LICENSE.**

**RESERVED.**

#### **(B) CLASS B BEER, WINE, AND LIQUOR LICENSE.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 6–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF–PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON–PREMISES CONSUMPTION ON MONDAY THROUGH SATURDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A HOLDER OF A 7–DAY CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, BEER, WINE, AND LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(3) A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS THAT ARE SET OUT UNDER PARAGRAPHS (1) OR (2) OF THIS SUBSECTION, UNLESS THE OCEAN CITY CONVENTION HALL COMMISSION SPECIFIES A SHORTER TIME.**

**(C) CLASS C BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS C BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(D) CLASS D BEER, WINE, AND LIQUOR LICENSE.**

**(1) A HOLDER OF A 6-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF-PREMISES CONSUMPTION:**

**1. BEER AND WINE, ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(2) A HOLDER OF A 7-DAY CLASS D BEER, WINE, AND LIQUOR LICENSE MAY SELL:**

**(I) FOR OFF-PREMISES CONSUMPTION:**

**1. BEER AND WINE, FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**2. LIQUOR, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) FOR ON-PREMISES CONSUMPTION, BEER, WINE, AND LIQUOR FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

**(E) CLASS I BEER, WINE, AND LIQUOR LICENSE.**

**A HOLDER OF A CLASS I BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR, FOR ON-PREMISES CONSUMPTION, UNDER:**

**(1) A 6-DAY LICENSE, ON MONDAY THROUGH SATURDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY; OR**

**(2) A 7-DAY LICENSE, ON MONDAY THROUGH SUNDAY, FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, §§ 8-224(h) and 11-524(c)(9) through (11).

In subsections (b), (c), and (d) of this section, the introductory language stating that the holder of a particular type of beer, wine, and liquor license "may sell" beer, wine, and liquor is substituted for the former introductory language stating that "[i]n the sections of this article set forth in this subsection, the hours for sale in Worcester County shall be" for clarity.

In subsection (b) of this section, the former reference to "Section 6-201" is deleted as obsolete. Similarly, in subsections (c) and (d) of this section, former references to "Section 6-301" and "Section 6-401", respectively, are deleted.

In subsection (b)(1)(ii) of this section, the reference to “beer, wine, and liquor” is added to clarify that the hours of sale for consumption on the premises extend to all three types of alcoholic beverages.

In subsection (e) of this section, the reference to the specific hours and days of sale are substituted for the former cross-reference to Art. 2B, § 11-524 in light of the reorganization of this revised article.

Former Art. 2B, § 11-403(b)(2)(viii), which stated that in Worcester County a prohibition against Sunday sales is not applicable to Class B beer, wine and liquor licenses regulated by the provisions of former Art. 2B, § 11-524 of this title, now this section, is deleted in light of the organization of this revised article.

Defined term: “License” § 1-101

### **33-2006. HOURS ON JANUARY 1.**

**THE BOARD SHALL DETERMINE THE HOUR WHEN A LICENSE HOLDER SHALL STOP SELLING ALCOHOLIC BEVERAGES ON JANUARY 1, REGARDLESS OF THE DAY OF THE WEEK ON WHICH JANUARY 1 FALLS.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-402(y)(2).

The former phrase “within [the Board’s] sole discretion” is deleted as surplusage.

The former reference allowing the Board to determine the hour at which establishments serving alcoholic beverages must cease sales on “December 31” — a provision intended to allow establishments to extend their hours when December 31 fell on a Sunday — is deleted as obsolete. The normal hours of sale on Sunday in the County now extend to 2 a.m. the following day.

Former Art. 2B, § 11-402(y)(1), which stated that former Art. 2B, § 11-402(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 11-524(e), which stated that in Worcester County Sunday sales when December 31 or January 1 fall on a Sunday shall be governed by former Art. 2B, § 11-402(y), is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1-101  
“Board” § 33-101

“License holder” § 1–101

**33–2007. CONSUMPTION PROHIBITED.**

**(A) PLACES WHERE CONSUMPTION IS PROHIBITED.**

**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OR (3) OF THIS SUBSECTION, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN AN UNLICENSED CLUB, DANCE STUDIO, DISCO, HOTEL, RESTAURANT, TAVERN, OR ANY OTHER PLACE OF PUBLIC ENTERTAINMENT.**

**(2) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES:**

**(I) IN THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE; OR**

**(II) ON THE PROPERTY OF A VOLUNTEER FIRE COMPANY.**

**(3) AN INDIVIDUAL MAY CONSUME ALCOHOLIC BEVERAGES ON THE PREMISES OF:**

**(I) A FISHING CLUB THAT WAS ESTABLISHED BEFORE JANUARY 1, 1970; OR**

**(II) ANY OF THE FOLLOWING ESTABLISHMENTS IF IT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS:**

**1. A CATERING ESTABLISHMENT;**

**2. A COMMUNITY OR CIVIC ASSOCIATION;**

**3. A SWIM CLUB;**

**4. A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; OR**

**5. A RELIGIOUS INSTITUTION.**

**(B) HOURS WHEN CONSUMPTION IS PROHIBITED.**

**THE PROHIBITION UNDER SUBSECTION (A) OF THIS SECTION APPLIES AT ALL TIMES, UNLESS CONSUMPTION IS AUTHORIZED BY THIS SUBTITLE.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(D) PENALTY.**

**A PERSON SUBJECT TO THIS SECTION WHO KNOWINGLY VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(y)(2) through (5).

In subsection (a)(1) of this section, the reference to "an unlicensed" club, dance studio, disco, hotel, restaurant, tavern, or any other place of public entertainment is added for clarity.

In subsection (a)(3)(ii)1, 4, and 5 of this section, the former references to a "bona fide" organization are deleted as surplusage.

In subsection (b) of this section, the reference to "all times" is substituted for the former reference to "any day of the week, including Saturday and Sunday" for brevity and clarity.

In subsection (c) of this section, the former reference to "uniform" regulations is deleted as implicit in the reference to "regulations".

In subsection (d) of this section, the reference to "[a] person subject to this section" is substituted for the former reference to "[a]ny owner, operator, manager, or employee of premises or places subject to the prohibitions of this subsection" for clarity.

Defined terms: "Alcoholic beverage" § 1-101

"Club" § 1-101

"Person" § 1-101

**33-2008. LIMIT ON CONSUMPTION.**

**IF SALES OF ALCOHOLIC BEVERAGES IN A LICENSED PREMISES MAY CONTINUE UNTIL 2 A.M., ALCOHOLIC BEVERAGES MAY NOT BE CONSUMED LATER THAN 2:30 A.M., WHEN THE LICENSED PREMISES SHALL BE VACATED BY ALL CUSTOMERS.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-524(b)(2).

The phrase “in a licensed premises” is added for clarity.

Defined terms: “Alcoholic beverage” § 1–101  
 “License” § 1–101

## **SUBTITLE 21. REVOCATION AND SUSPENSION OF LICENSES.**

### **33–2101. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

- (1) § 4–602 (“POWER OF LOCAL LICENSING BOARD”);**
- (2) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”); AND**
- (3) § 4–606 (“EFFECTS OF REVOCATION”).**

#### **(B) VARIATIONS.**

**THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY:**

- (1) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO § 33–2102 OF THIS SUBTITLE; AND**
- (2) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 33–2103 OF THIS SUBTITLE.**

**REVISOR’S NOTE:** This section is new language added to incorporate by reference general provisions relating to the revocation and suspension of local licenses.

Former Art. 2B, § 10–405(a)(18), which stated that former Art. 2B, § 10–405, which related to nudity and sexual displays, applied in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101  
 “License” § 1–101

“Local licensing board” § 1–101

**33–2102. NOTICE OF COMPLAINT INITIATING LICENSE REVOCATION OR SUSPENSION PROCEDURES.**

**(A) IN GENERAL.**

**IN ADDITION TO THE PROCEDURES UNDER § 4–603 OF THIS ARTICLE, THE BOARD SHALL NOTIFY THE LICENSE HOLDER OF THE COMPLAINT BY:**

**(1) PERSONAL SERVICE ON THE LICENSE HOLDER OR ANY ADULT EMPLOYEE OF THE LICENSE HOLDER; OR**

**(2) ANY OTHER METHOD OF SERVICE OF NOTICE THAT CONFORMS WITH MARYLAND RULES 2–121 AND 2–122.**

**(B) NOTICE GIVEN TO EMPLOYEE.**

**IF NOTICE IS GIVEN TO AN ADULT EMPLOYEE OF THE LICENSE HOLDER UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL MAIL A COPY OF THE NOTICE OR A LETTER DESCRIBING THE CONTENTS OF THE NOTICE TO THE HOME OR BUSINESS ADDRESS OF THE LICENSE HOLDER WITHIN 72 HOURS AFTER THE NOTICE IS GIVEN TO THE ADULT EMPLOYEE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–403(c)(2) and (3).

In the introductory language of subsection (a) and in subsection (b) of this section, the references to “the Board” are added to clarify that the Board is required to fulfill notification requirements.

Also in the introductory language of subsection (a) and in subsection (b) of this section, the former references to the “service of” notice are deleted as surplusage.

In the introductory language of subsection (a) of this section, the phrase “[i]n addition to the procedures under § 4–603 of this article,” is added for clarity.

Also in the introductory language of subsection (a) of this section, the former reference to the “charges of” complaint is deleted as surplusage.

In subsection (b) of this section, the reference to within 72 hours “after the notice is given” is substituted for the former reference to within 72 hours “of the day service is given” for clarity.



Former Art. 2B, § 10–403(c)(1), as it related to applying former Art. 2B, § 10–403(c) to Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101  
“License holder” § 1–101

### **33–2103. ADDITIONAL GROUNDS FOR REVOCATION OR SUSPENSION.**

**IN ADDITION TO THE GROUNDS FOR REVOCATION OR SUSPENSION IN § 4–604 OF THIS ARTICLE, THE BOARD MAY REVOKE OR SUSPEND A LICENSE IF THE LICENSE HAS NOT BEEN PLACED IN OPERATION AFTER 6 MONTHS FOLLOWING ITS ISSUANCE OR TRANSFER.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 10–401(i).

The phrase “[i]n addition to the grounds for revocation or suspension under § 4–604 of this article,” is added for clarity.

The reference to the “issuance or transfer” of a license is substituted for the former reference to the “Board approv[al of]: (1) [t]he issuance of the license; or (2) [t]he transfer of the license” for brevity.

Defined terms: “Board” § 33–101  
“License” § 1–101

## **SUBTITLE 22. EXPIRATION OF LICENSES.**

### **33–2201. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 7 (“EXPIRATION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference the general provisions relating to the expiration of local licenses.

Defined terms: “County” § 33–101  
“License” § 1–101

## **SUBTITLE 23. DEATH OF LICENSE HOLDER.**

### **33–2301. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 8 (“DEATH OF LICENSE HOLDER”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the death of a local license holder.

Defined terms: “County” § 33–101  
“License holder” § 1–101

**SUBTITLE 24. JUDICIAL REVIEW.**

**33–2401. APPLICATION OF GENERAL PROVISIONS.**

**TITLE 4, SUBTITLE 9 (“JUDICIAL REVIEW”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY WITHOUT EXCEPTION OR VARIATION.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to the appeal of the decisions of the Board.

Defined term: “County” § 33–101

**SUBTITLE 25. UNLICENSED ESTABLISHMENTS.**

**33–2501. PROHIBITED ACTIVITIES IN A PLACE OF ADULT ENTERTAINMENT.**

**(A) SERVING, KEEPING, OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES.**

**A PERSON MAY NOT SERVE SETUPS, INCLUDING DRINKING CONTAINERS AND ICE, OR SERVE, KEEP, OR ALLOW TO BE CONSUMED ALCOHOLIC BEVERAGES OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC DRINKS IN A PLACE OF ADULT ENTERTAINMENT THAT:**

**(1) DOES NOT HOLD A LICENSE UNDER THIS ARTICLE; AND**

**(2) ALLOWS AT ITS LOCATION ANY FORM OF SEXUAL DISPLAY OR ATTIRE PROHIBITED UNDER § 4–605 OF THIS ARTICLE.**

**(B) PROHIBITION AGAINST OPERATOR.**

**A PERSON WHO OPERATES A BUSINESS ESTABLISHMENT FOR PROFIT THAT IS NOT LICENSED UNDER THIS ARTICLE MAY NOT KNOWINGLY ALLOW A CUSTOMER TO BRING ALCOHOLIC BEVERAGES FOR CONSUMPTION INTO THE ESTABLISHMENT.**

**(C) 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 \$10,000 OR BOTH.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 20–113(a), (c), and (d).

In the introductory language of subsection (a) of this section, the former references to “dispense” are deleted as included in the references to “serve”.

In subsection (a) of this section, the reference to “adult” entertainment is substituted for the former references to “public” entertainment for clarity.

In subsection (a)(2) of this section, the reference to “location” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Former Art. 2B, § 20–113(b), which provided that former Art. 2B, § 20–113 applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Alcoholic beverage” § 1–101

“License” § 1–101

“Person” § 1–101

**33–2502. HOURS WHEN CONSUMING OR ALLOWING CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.**

**(A) PROHIBITION AGAINST INDIVIDUAL.**

**FROM 2 A.M. TO 6 A.M. ON ANY DAY, AN INDIVIDUAL MAY NOT CONSUME ALCOHOLIC BEVERAGES IN:**

**(1) AN ESTABLISHMENT OPEN TO THE PUBLIC;**

**(2) A PLACE OF PUBLIC ENTERTAINMENT; OR**

**(3) A PLACE AT WHICH SETUPS OR OTHER COMPONENT PARTS OF MIXED ALCOHOLIC BEVERAGES ARE SOLD UNDER A LICENSE ISSUED UNDER THE BUSINESS REGULATION ARTICLE.**

**(B) PROHIBITION AGAINST OWNER OR MANAGER.**

**AN OWNER OR A MANAGER OF AN ESTABLISHMENT OR A PLACE SPECIFIED IN SUBSECTION (A) OF THIS SECTION MAY NOT KNOWINGLY ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES BETWEEN THE HOURS SPECIFIED IN SUBSECTION (A) OF THIS SECTION.**

**(C) PENALTY.**

**A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$4,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(a)(1) and (2)(ii).

In subsections (a) and (b) of this section, the references to an "establishment" are substituted for the former references to "premises" to avoid the implication that the establishment is licensed.

In subsection (a) of this section, the former reference to the "general" public is deleted as surplusage.

In subsection (b) of this section, the former reference to an "operator" is deleted as included in the reference to a "manager".

In subsection (c) of this section, the former minimum penalty of \$5 is deleted to conform to the statement of legislative policy in § 14-102 of the Criminal Law Article, which sets forth the general rule that, notwithstanding a statutory minimum penalty, a court may impose a lesser penalty of the same character.

Defined terms: "Alcoholic beverage" § 1-101  
"Person" § 1-101

**33-2503. CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED IN A PLACE OF PUBLIC ENTERTAINMENT.****(A) PLACES AFFECTED.**

**EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (B) OF THIS SECTION AND ELSEWHERE IN THIS ARTICLE, A PERSON MAY NOT CONSUME ALCOHOLIC BEVERAGES AT ANY TIME ON ANY DAY OF THE WEEK IN A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE STUDIO, DISCO, AND ANY OTHER PLACE OF PUBLIC ENTERTAINMENT.**

**(B) PLACES EXEMPTED.**

**EXEMPT FROM SUBSECTION (A) OF THIS SECTION ARE:**

- (1) THE ROOM OF A REGISTERED GUEST IN A HOTEL, MOTEL, OR HOSPICE;**
- (2) THE PROPERTY OF A VOLUNTEER FIRE COMPANY;**
- (3) A FISHING CLUB ESTABLISHED BEFORE JANUARY 1, 1970; AND**
- (4) IF IT HAS BEEN IN EXISTENCE FOR AT LEAST 3 YEARS:**
- (I) A CATERING ESTABLISHMENT;**
  - (II) A COMMUNITY OR CIVIC ASSOCIATION;**
  - (III) A SWIM CLUB;**
  - (IV) A SOCIAL, CIVIC, NONPROFIT, CHARITABLE, FRATERNAL, PATRIOTIC, EDUCATIONAL, OR PUBLIC SERVICE ORGANIZATION; AND**
  - (V) A RELIGIOUS INSTITUTION.**

**(C) REGULATIONS.**

**THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

**(D) PENALTY.**

**AN OWNER, A MANAGER, OR AN EMPLOYEE OF AN ESTABLISHMENT OR A PLACE SUBJECT TO THE PROHIBITIONS OF THIS SECTION WHO KNOWINGLY ALLOWS CONSUMPTION IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 11-304(y)(2) through (5).

In subsection (b)(4)(i), (iv), and (v) of this section, the former references to a "bona fide" catering establishment, social, civic, nonprofit, charitable, fraternal, patriotic, educational, public service organization, and religious institution are deleted as vague.

In subsection (d) of this section, the reference to an “establishment” is substituted for the former reference to “premises” to avoid the implication that the establishment is licensed.

Also in subsection (d) of this section, the former reference to an “operator” is deleted as included in the reference to a “manager”.

Former Art. 2B, § 11–304(y)(1), which stated that former Art. 2B, § 11–304(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Former Art. 2B, § 18–104, which prohibited alcoholic beverages in Worcester County from being brought onto any premises and consumed or transferred except in a manner specifically allowed or provided for in former Article 2B, and provided a penalty and certain exceptions from the prohibition, is deleted as duplicative of this section.

Defined terms: “Alcoholic beverage” § 1–101

“Board” § 33–101

“Person” § 1–101

## **SUBTITLE 26. ENFORCEMENT.**

### **33–2601. APPLICATION OF GENERAL PROVISIONS.**

#### **(A) WITHOUT EXCEPTION OR VARIATION.**

**THE FOLLOWING SECTIONS OF TITLE 6, SUBTITLE 2 (“ENFORCEMENT”) OF DIVISION I OF THIS ARTICLE APPLY IN THE COUNTY WITHOUT EXCEPTION OR VARIATION:**

**(1) § 6–202 (“INSPECTIONS”);**

**(2) § 6–203 (“USE OF EQUIPMENT TO MEASURE QUANTITY AND QUALITY OF ALCOHOLIC BEVERAGES”);**

**(3) § 6–204 (“POWER TO SUMMON WITNESSES”);**

**(4) § 6–205 (“PEACE OFFICERS”);**

**(5) § 6–206 (“CHARGING DOCUMENT FOR UNLAWFUL SALE OF ALCOHOLIC BEVERAGE”);**

**(6) § 6–207 (“DISPLAY OF ALCOHOLIC BEVERAGES AS PRIMA FACIE EVIDENCE OF SALE”);**

**(7) § 6–208 (“REGULATING POSSESSION OR CONSUMPTION OF ALCOHOL IN PUBLIC PLACES”);**

**(8) § 6–209 (“ADOPTION OF STANDARDS FOR AUTHORIZATION OF CONSUMPTION”); AND**

**(9) § 6–210 (“STATE PREEMPTION OF LOCAL DISORDERLY INTOXICATION LAWS”).**

**(B) VARIATION.**

**SECTION 6–211 (“FINES AND FORFEITURES”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33–2603 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to enforcement.

Defined terms: “Alcoholic beverage” § 1–101

“County” § 33–101

“State” § 1–101

**33–2602. AUTHORITY OF BOARD TO SUBPOENA RECORDS.**

**(A) IN GENERAL.**

**THE BOARD MAY SUBPOENA RECORDS PERTAINING TO A LICENSED ESTABLISHMENT.**

**(B) REFUSAL OF SUBPOENA.**

**(1) THE BOARD MAY PETITION THE CIRCUIT COURT IF A WITNESS REFUSES TO PRODUCE A SUBPOENAED RECORD.**

**(2) THE COURT MAY PROCEED BY ATTACHMENT AGAINST THE WITNESS AS IF THE REFUSAL HAD BEEN BY A WITNESS SUMMONED TO APPEAR IN A CASE PENDING BEFORE THE COURT.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–410(c)(1)(xi), (2), and (3).

In subsections (a) and (b)(1) of this section, the former references to “papers” are deleted as included in the references to “records” and “record”.

In subsection (b)(1) of this section, the phrase “may petition” is substituted for the former phrase “shall report the fact to” for clarity.

Also in subsection (b)(1) of this section, the former phrase “for the county” is deleted as surplusage.

In subsection (b)(2) of this section, the phrase “may proceed” is substituted for the former phrase “shall proceed” for clarity.

Also in subsection (b)(2) of this section, the former phrase “in all respects” is deleted as surplusage.

Defined term: “Board” § 33–101

### **33–2603. DISTRIBUTION OF FINES.**

**ONE–HALF OF EACH FINE IMPOSED IN THE COUNTY SHALL BE DISTRIBUTED AS PROVIDED UNDER § 7–507 OF THE COURTS ARTICLE.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–502(d).

Defined term: “County” § 33–101

## **SUBTITLE 27. PROHIBITED ACTS.**

### **33–2701. 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) § 6–307 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INTOXICATED INDIVIDUAL”);**



- (4) § 6-308 (“ALLOWING ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (5) § 6-309 (“ALLOWING ON-PREMISES CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY INDIVIDUAL UNDER THE AGE OF 21 YEARS”);
- (6) § 6-310 (“PROVIDING FREE FOOD”);
- (7) § 6-311 (“RESTRICTIONS ON PURCHASES AND SALES BY RETAIL DEALER”);
- (8) § 6-312 (“BEVERAGE MISREPRESENTATION”);
- (9) § 6-313 (“TAMPERING WITH ALCOHOLIC BEVERAGE CONTAINER”);
- (10) § 6-314 (“SALE OF ALCOHOLIC BEVERAGE CONTAINER WITH DETACHABLE METAL TAB”);
- (11) § 6-315 (“ALCOHOLIC BEVERAGE IN CONTAINER WITHOUT REGULAR LABEL PRESUMED ILLICIT”);
- (12) § 6-316 (“MAXIMUM ALCOHOL CONTENT”);
- (13) § 6-319 (“ON-PREMISES CONSUMPTION OF ALCOHOLIC BEVERAGES NOT PURCHASED FROM LICENSE HOLDER”);
- (14) § 6-320 (“DISORDERLY INTOXICATION”);
- (15) § 6-321 (“CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC”);
- (16) § 6-323 (“POSSESSION OR USE OF ALCOHOL WITHOUT LIQUID MACHINE”);
- (17) § 6-326 (“UNLICENSED OUT-OF-STATE SALE OF ALCOHOLIC BEVERAGES”);
- (18) § 6-327 (“TAX EVASION”);
- (19) § 6-328 (“DESTRUCTION OF EVIDENCE”); AND

**(20) § 6-329 (“PERJURY”).****(B) EXCEPTION.**

**SECTION 6-322 (“POSSESSION OF OPEN CONTAINER”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.**

**(C) VARIATION.**

**SECTION 6-304 (“SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY, SUBJECT TO § 33-2702 OF THIS SUBTITLE.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to prohibited acts.

Defined terms: “Alcoholic beverage” § 1-101

“County” § 33-101

“License holder” § 1-101

“Retail dealer” § 1-101

**33-2702. SELLING OR PROVIDING ALCOHOLIC BEVERAGES TO INDIVIDUAL UNDER THE AGE OF 21 YEARS — CRIMINAL PROCEDURE.**

**(A) INSTITUTION OF CRIMINAL PROCEEDING.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER WHO IS CHARGED WITH A VIOLATION OF § 6-304 OF THIS ARTICLE MAY BE PROCEEDED AGAINST ON A CHARGING DOCUMENT ISSUED BY THE DISTRICT COURT FOR THE COUNTY OR BY AN INDICTMENT RETURNED BY THE GRAND JURY OF THE COUNTY.**

**(B) DUE CAUTION STANDARD.**

**A LICENSE HOLDER OR AN EMPLOYEE OF A LICENSE HOLDER MAY NOT BE FOUND GUILTY OF A VIOLATION OF § 6-304 OF THIS ARTICLE IF THE LICENSE HOLDER OR EMPLOYEE ESTABLISHES TO THE SATISFACTION OF THE FINDER OF FACT THAT THE LICENSE HOLDER OR EMPLOYEE USED DUE CAUTION TO ESTABLISH THAT THE INDIVIDUAL WAS NOT UNDER THE AGE OF 21 YEARS.**

REVISOR’S NOTE: This section is new language derived without substantive change from the first and third sentences of former Art. 2B, § 12-108(b)(2).

In subsection (b) of this section, the reference to the “finder of fact” is substituted for the former reference to the “jury or court sitting as a jury” for brevity.

Also in subsection (b) of this section, the former phrase “in fact” is deleted as surplusage.

The second sentence of former Art. 2B, § 12–108(b)(2), which stated that a license holder who violates § 6–304 of this article is guilty of a misdemeanor and on conviction is subject to “the penalties provided by § 16–503 of this article”, is deleted as unnecessary in light of § 33–2801 of this title.

The fourth sentence of former Art. 2B, § 12–108(b)(2), which stated that this subsection “applies solely to Worcester County and stands in place and stead of subsection (a)(1), (2), and (3)(i), (ii), and (iv) of this section as those provisions apply generally to the counties of the State”, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “County” § 33–101

“License holder” § 1–101

### **33–2703. ALLOWING LOITERING ON PREMISES.**

#### **(A) PROHIBITED.**

**EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LICENSE HOLDER MAY NOT ALLOW AN INDIVIDUAL WHO IS NOT A CONSUMER TO LOITER ON THE PREMISES FOR WHICH THE LICENSE IS ISSUED.**

#### **(B) MEALS WITHOUT ALCOHOLIC BEVERAGES.**

**A RESTAURANT MAY SERVE A MEAL WITHOUT AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL.**

REVISOR’S NOTE: This section is new language derived without substantive change from former Art. 2B, § 12–111. It is revised in this title because when enacted it applied only to Worcester County. A drafting error in 1993 inadvertently made this section applicable statewide.

In subsection (a) of this section, the reference to an “individual who is not a consumer” is substituted for the former reference to a “person not designated under § 1–102(a)(6) of this article” for clarity.

Also in subsection (a) of this section, the phrase “on the premises” is substituted for the former phrase “about the place of business” for consistency with the terminology used throughout this article.

Also in subsection (a) of this section, the former reference to “loaf[ing]” is deleted as included in the reference to “loiter[ing]”.

The Alcoholic Beverages Article Review Committee notes, for consideration by the General Assembly, that this section, which prohibits loitering about the place of business for which an alcoholic beverages license is issued, may be unconstitutionally vague in violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution. This section does not define “loitering”. Under *City of Chicago v. Morales*, 527 U.S. 41 (1999), a law fails to meet the requirements of the Due Process Clause if it is so vague and standardless that it leaves the public uncertain as to the conduct it prohibits.

Defined terms: “Alcoholic beverage” § 1–101

“Consumer” § 1–101

“License holder” § 1–101

“Restaurant” § 1–101

## **SUBTITLE 28. PENALTIES.**

### **33–2801. APPLICATION OF GENERAL PROVISION.**

**SECTION 6–402 (“GENERAL PENALTY”) OF DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY.**

REVISOR’S NOTE: This section is new language added to incorporate by reference general provisions relating to imposing a penalty for a violation for which no specific penalty is provided.

Defined term: “County” § 33–101

### **33–2802. PENALTY IMPOSED BY BOARD.**

#### **(A) IN GENERAL.**

**THE BOARD MAY SUSPEND A LICENSE OR IMPOSE A FINE NOT EXCEEDING \$4,000 OR BOTH FOR A VIOLATION OF THE ALCOHOLIC BEVERAGE LAWS AFFECTING THE COUNTY.**

#### **(B) DISPOSITION OF FINES.**

**FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE COUNTY.**

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 2B, § 16–507(y)(2) and (3).

In subsection (b) of this section, the reference to “[f]ines” is substituted for the former reference to “[a]ll moneys” for clarity.

Former Art. 2B, § 16–507(y)(1), which stated that the provisions of former Art. 2B, § 16–507(y) applied only in Worcester County, is deleted as unnecessary in light of the organization of this revised article.

Defined terms: “Board” § 33–101

“County” § 33–101

“License” § 1–101

**GENERAL REVISOR'S NOTE TO DIVISION II**

Throughout Division II of this article, former references to the requirement that a holder of a wine festival license may only display and sell wine that is “[p]rice filed in accordance with regulations adopted by the Comptroller” are deleted as obsolete. The price filing requirement was needed for the Comptroller to maintain a post–and–hold system that prescribed how and when liquor wholesalers may change their prices by requiring wholesalers to file a schedule of prices with the Comptroller by a fixed date every month. However, in 2009, the United States Court of Appeals for the Fourth Circuit in *TFWS, Inc. v. Franchot*, 572 F. 3d 186 (4th Cir. 2009) held the post–and–hold system and its accompanying volume–discount ban to be hybrid restraints on trade and per se violations of the Sherman Act. Consequently, the Comptroller has abandoned both practices.

Former Art. 2B, § 11–202, which stated that the hours of sale specified in former Art. 2B, §§ 11–301 to 11–303 applied, except as modified by §§ 11–203, 11–304, 11–305, and 11–401 through 11–524, is deleted as unnecessary in light of the organization of this revised article. Hours of sale in this article are attached to individual licenses or classes of licenses and appear in Subtitles 6 through 10 and 20 of each title in Division II.

Former Art. 2B, § 11–302(e)(1), which stated that the hours of sale for Class H beer and light wine licenses are from 9 a.m. to midnight, is deleted as obsolete. The few jurisdictions that have Class H beer and light wine licenses – Anne Arundel, Caroline, Charles, and Montgomery counties – have different hours of sale, which are specified in the specific titles for those counties.

**GENERAL REVISOR'S NOTE TO ARTICLE**

The Department of Legislative Services is charged with revising the law in a clear, concise, and organized manner, without changing the effect of the law. One precept of

revision has been that, once something is said, it should be said in the same way every time. To that end, the Alcoholic Beverages Article Review Committee standardized the language and organization of this article not only to achieve internal consistency but also, to the extent possible, conform the language to that of previously enacted revised articles.

It is the manifest intent both of the General Assembly and the Alcoholic Beverages Article Review Committee that this bulk revision of the substantive alcoholic beverages law of the State render no substantive change. The guiding principle of the preparation of this article is that stated in *Welch v. Humphrey*, 200 Md. 410, 417 (1952):

[T]he principal function of a Code is to reorganize the statutes and state them in simpler form. Consequently, any changes made in them by a Code are presumed to be for the purpose of clarity rather than change of meaning. Therefore, even a change in the phraseology of a statute by a codification thereof will not ordinarily modify the law, unless the change is so radical and material that the intention of the Legislature to modify the law appears unmistakably from the language of the Code. (citations omitted)

Accordingly, except to the extent that changes that are noted in Revisor's Notes clarify the former law, the enactment of this article in no way is intended to make any change to the substantive law of Maryland.

Noted below are conventions observed for material revised in this article.

The defined term "license holder" is substituted for the word "licensee" to refer to an individual who holds an alcoholic beverages license.

Phrases in former Article 2B provisions specifying the jurisdiction to which the provision applies, such as "in Allegany County", are deleted without comment as unnecessary because the organization of the Alcoholic Beverages Article accords each jurisdiction its own title. Freestanding subsections and paragraphs that specify applicable jurisdictions are deleted with an explanatory Revisor's Note.

The word "regulations" is substituted for former references to "rules and regulations" to distinguish, to the extent possible, between regulations of executive units and rules of judicial or legislative units and to establish consistency in the use of the words. This substitution conforms to the practice of the Division of State Documents.

The phrase "per diem license" is used for a license labeled in former Article 2B as a "one-day license" to underscore the fact that such a license may be issued on a day-to-day basis and not necessarily for 1 day only.

The rule of statutory construction used in this article and found in § 1-202 of this article follows the common rule in declaring that to the extent that a statement of a general rule of law conflicts or is inconsistent with an exception or a qualification applicable to a special area, particular person, or set of circumstances, the exception or qualification

prevails. Division I of this article contains provisions affecting multiple jurisdictions, while Division II of this article contains provisions affecting individual jurisdictions. Consequently, a provision in Division II of this article prevails over a conflicting or inconsistent provision in Division I of this article or a provision in the Tax – General Article relating to alcoholic beverages.

Under § 10–203 of this article, the Mayor and City Council of the City of Annapolis have the extraordinary power to adopt regulations that, in their judgment, give the City more effective control of each licensed establishment.

Under § 30–103 of this article, the County governing body for Talbot County, unlike the governing body of any other jurisdiction in the State, regulates the retail sale of alcoholic beverages within its territory. A law enacted by the Talbot County governing body prevails over a provision in this article; but, unless the Talbot County governing body enacts a conflicting or inconsistent law regulating the retail sale of alcoholic beverages, a provision in this article remains in effect.

In some instances, the staff of the Department of Legislative Services may create “Special Revisor’s Notes” to reflect the substantive effect of legislation enacted during the 2016 Session on some provisions of this article.

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

### **Article – Alcoholic Beverages**

24–202.

(A) [The County Commissioners sit as the Board] **THE COUNTY COMMISSIONERS SHALL APPOINT THREE MEMBERS TO THE BOARD.**

**(B) EACH MEMBER OF THE BOARD SHALL BE:**

**(1) A REGISTERED VOTER OF THE COUNTY DURING THE MEMBER’S TERM OF OFFICE; AND**

**(2) AN INDIVIDUAL OF GOOD MORAL CHARACTER AND INTEGRITY WHO REASONABLY REFLECTS THE CITIZENRY OF THE COUNTY.**

**(C) (1) IN THIS SUBSECTION, “DIRECT OR INDIRECT INTEREST” MEANS AN INTEREST THAT IS PROPRIETARY OR OBTAINED BY A LOAN, MORTGAGE, OR LIEN OR IN ANY OTHER MANNER.**

**(2) A MEMBER OF THE BOARD MAY NOT:**

**(I) HAVE A DIRECT OR INDIRECT INTEREST IN OR ON A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD;**

**(II) HAVE A DIRECT OR INDIRECT INTEREST IN A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(III) OWN STOCK IN:**

**1. A CORPORATION THAT HAS A DIRECT OR INDIRECT INTEREST IN A PREMISES WHERE ALCOHOLIC BEVERAGES ARE MANUFACTURED OR SOLD; OR**

**2. A BUSINESS WHOLLY OR PARTLY DEVOTED TO THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES;**

**(IV) HOLD ANY OTHER PUBLIC OFFICE OR EMPLOYMENT; OR**

**(V) SOLICIT OR RECEIVE, DIRECTLY OR INDIRECTLY, A COMMISSION, REMUNERATION, OR GIFT FROM:**

**1. A PERSON ENGAGED IN THE MANUFACTURE OR SALE OF ALCOHOLIC BEVERAGES; OR**

**2. A LICENSE HOLDER.**

**(3) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000.**

**(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

**(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2016.**

**(E) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

**(F) (1) THE COUNTY COMMISSIONERS MAY REMOVE A MEMBER FOR:**

**(I) INCOMPETENCE;**



- (II) MISCONDUCT;
- (III) UNPROFESSIONAL CONDUCT;
- (IV) DISHONORABLE CONDUCT; OR
- (V) NEGLIGENCE OF A DUTY REQUIRED BY LAW.

(2) THE REMOVAL PROCEDURE IS AS PROVIDED IN THIS ARTICLE.

(G) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR.

(H) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A QUORUM.

[(b)] (I) [Each member of the Board shall receive, in addition to a County Commissioner's salary, \$300 annually for services in acting as a member of the Board] **THE CHAIR AND EACH OTHER MEMBER OF THE BOARD SHALL RECEIVE \$300 ANNUALLY.**

24-203.

(A) The Board may[:

(1)] employ:

[(i)] (1) a secretary;

[(ii)] (2) inspectors[, subject to § 24-204 of this subtitle]; and

[(iii)] (3) **WITH THE APPROVAL OF THE COUNTY COMMISSIONERS**, clerical and other assistants as are necessary [; and] **TO CARRY OUT THE DUTIES OF THE BOARD.**

[(2)] (B) (1) **THE BOARD SHALL** set the compensation of the [employees] **SECRETARY AND INSPECTORS.**

(2) **THE COUNTY COMMISSIONERS SHALL SET THE SALARY OF THE CLERICAL AND OTHER ASSISTANTS, AS PROVIDED IN THE COUNTY BUDGET.**

(C) **THE RESTRICTIONS AND PENALTY UNDER § 24-202(C) OF THIS SUBTITLE REGARDING DIRECT AND INDIRECT INTERESTS OF MEMBERS OF THE BOARD IN ALCOHOLIC BEVERAGES ACTIVITIES APPLY TO ALL EMPLOYEES OF THE BOARD.**

[24–205.

Sections 24–201 through 24–203 of this subtitle apply in the County until the Board of County Commissioners passes the resolution for which provision is made by Chapter 236 of the Acts of the General Assembly of 1991.]

SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act, which provides for an alternative Board of License Commissioners in Kent County, does not take effect until the Kent County Commissioners pass a resolution authorizing the change, as provided by Chapter 236 of the Acts of the General Assembly of 1991.

SECTION 5. AND BE IT FURTHER ENACTED, That on the effective date of Section 3 of this Act, the Kent County Commissioners shall appoint three initial members to the Board of License Commissioners who shall serve initial terms as follows:

- (1) (i) one member shall serve a term of 4 years;
  - (ii) one member shall serve a term of 3 years; and
  - (iii) one member shall serve a term of 2 years.
- (2) Thereafter, the terms are 4 years.

SECTION 6. AND BE IT FURTHER ENACTED, That it is the intention of the General Assembly that, except as expressly provided in this Act, this Act shall be construed as a nonsubstantive revision and may not otherwise be construed to render any substantive change in the law of the State.

SECTION 7. AND BE IT FURTHER ENACTED, That the catchlines, captions, Revisor's Notes, Special Revisor's Notes, and General Revisor's Notes contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That nothing in this Act affects the term of office of an appointed or elected member of any commission, board, office, department, agency, or other unit. An individual who is a member of a unit on the effective date of this Act shall remain a member for the balance of the term to which appointed or elected, unless the member sooner dies, resigns, or is removed under provisions of law.

SECTION 9. AND BE IT FURTHER ENACTED, That, except as expressly provided to the contrary in this Act, any transaction or employment status affected by or flowing from any change of nomenclature or any statute amended, repealed, or transferred by this Act remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced as required or allowed by any statute amended, repealed, or transferred by this Act as though the repeal, amendment, or transfer had not occurred. If a change in nomenclature involves a change in name or designation of any State unit, the

successor unit shall be considered in all respects as having the powers and obligations granted the former unit.

SECTION 10. AND BE IT FURTHER ENACTED, That the continuity of every commission, board, office, department, agency, or other unit is retained. The personnel records, files, furniture, fixtures, and other properties and all appropriations, credits, assets, liabilities, and obligations of each retained unit are continued as the personnel, records, files, furniture, fixtures, properties, appropriations, credits, assets, liabilities, and obligations of the unit under the laws enacted by this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, except as expressly provided in this Act, any person licensed, registered, certified, or issued a permit or certificate by any commission, office, department, agency, or other unit established or continued by any statute amended, repealed, or transferred by this Act is considered for all purposes to be licensed, registered, certified, or issued a permit or certificate by the appropriate unit continued under this Act or the duration of the term for which the license, registration, certification, or permit was issued, and may renew that authorization in accordance with the appropriate renewal provisions of this Act.

SECTION 12. AND BE IT FURTHER ENACTED, That this Act does not rescind, supersede, change, or modify any rule adopted by the Court of Appeals that is or was in effect on the effective date of this Act concerning the practice and procedure in and the administration of the appellate courts and the other courts of the State.

SECTION 13. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross-references and terminology rendered incorrect by this Act or by any other Act of the General Assembly of 2016 that affects provisions enacted by this Act. The publisher shall adequately describe such correction in an editor's note following the section affected.

SECTION 14. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

**Approved by the Governor, April 12, 2016.**