

CHAPTER 51

(House Bill 425)

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2009

FOR the purpose of authorizing the Dorchester County Board of License Commissioners to issue a Class B caterer’s license to certain persons; providing an annual license fee; specifying the privileges conferred by the Class B caterer’s license; specifying certain requirements that a holder of a caterer’s license must meet and certain restrictions on the use of a caterer’s license; requiring a holder of a caterer’s license at a catered public event to issue wristbands to certain individuals; prohibiting the serving of alcoholic beverages to individuals without wristbands; authorizing the Board to issue a beer and wine sampling or tasting (BWST) license to certain persons; authorizing certain holders of a BWST license to hold only beer tastings or samplings; specifying certain conditions for the use of a BWST license; specifying certain maximum quantities of alcoholic beverages that may be consumed under certain conditions; specifying certain requirements for applying for a BWST license, resubmitting an application, and issuing a BWST license; specifying certain license fees; requiring that the holder of a BWST license dispose of certain alcoholic beverages at a certain time; clarifying a certain prohibition concerning the granting of a new license within a certain distance of certain buildings; exempting from the prohibition applications for certain licenses in certain municipalities and certain premises; repealing the authority of a holder of an on-sale alcoholic beverages license in the county to make sales at any time on New Year’s Day; altering the annual compensation of the Chairman and the regular members of the Board; authorizing the county inspector to serve summonses; providing that this Act does not apply to the salary or compensation of the incumbent Chairman or regular members of the Board; and generally relating to alcoholic beverages in Dorchester County.

BY adding to

Article 2B – Alcoholic Beverages
Section 6–713 and 8–405.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9–210, 15–109(k), and 16–410(b)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing

Article 2B – Alcoholic Beverages

Section 11–402(k)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

Article 2B – Alcoholic Beverages

6–713.

(A) **THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.**

(B) **THE DORCHESTER COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS B CATERER’S LICENSE TO A LICENSEE WHO:**

(1) **HOLDS A CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER AND LIGHT WINE LICENSE OR CLASS B RESTAURANT OR HOTEL (ON–SALE) BEER, WINE AND LIQUOR LICENSE;**

(2) **HOLDS A CATERER’S LICENSE ISSUED BY THE COUNTY HEALTH DEPARTMENT; AND**

(3) **CONTRACTS TO PROVIDE FOOD AND ALCOHOLIC BEVERAGES TO SPONSORS OF PUBLIC OR PRIVATE EVENTS.**

(C) **THE ANNUAL LICENSE FEE IS \$150.**

(D) (1) **A CLASS B CATERER’S LICENSE AUTHORIZES THE HOLDER TO PROVIDE ALCOHOLIC BEVERAGES AT EVENTS THAT ARE HELD OFF THE PREMISES COVERED BY THE CLASS B BEER AND LIGHT WINE LICENSE OR CLASS B BEER, WINE AND LIQUOR LICENSE.**

(2) **A HOLDER OF A CLASS B BEER AND LIGHT WINE LICENSE OR A CLASS B BEER, WINE AND LIQUOR LICENSE NEED NOT HAVE A CLASS B CATERER’S LICENSE FOR CATERING ON THE PREMISES THAT IS COVERED BY THE HOLDER’S LICENSE.**

(E) THE BOARD OF LICENSE COMMISSIONERS NEED NOT PUBLISH AN APPLICATION FOR A CLASS B CATERER'S LICENSE BEFORE ISSUING THE LICENSE.

(F) THE HOLDER OF A CLASS B CATERER'S LICENSE:

(1) SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE THE EVENT FOR WHICH THE LICENSE IS TO BE USED;

(2) SHALL PROVIDE FOOD AS WELL AS ALCOHOLIC BEVERAGES FOR CONSUMPTION AT THE CATERED EVENT; AND

(3) MAY EXERCISE THE PRIVILEGES OF THE LICENSE ONLY DURING THE HOURS AND DAYS THAT ARE AUTHORIZED FOR THE HOLDER'S CLASS B BEER AND LIGHT WINE LICENSE OR CLASS B BEER, WINE AND LIQUOR LICENSE.

(G) WHEN CATERING A PUBLIC EVENT, A HOLDER OF A CLASS B CATERER'S LICENSE:

(1) SHALL DISTRIBUTE A WRISTBAND TO EACH INDIVIDUAL AT LEAST 21 YEARS OLD AT THE CATERED EVENT; AND

(2) MAY NOT SERVE AN ALCOHOLIC BEVERAGE TO AN INDIVIDUAL AT THE CATERED EVENT WHO DOES NOT WEAR THE WRISTBAND.

8-405.2.

(A) THIS SECTION APPLIES ONLY IN DORCHESTER COUNTY.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER AND WINE SAMPLING OR TASTING (BWST) LICENSE TO A HOLDER OF A CLASS A LICENSE TO HOLD TASTINGS OR SAMPLINGS OF BEER OR WINE.

(2) A HOLDER OF A CLASS A BEER LICENSE MAY USE A BWST LICENSE TO HOLD TASTINGS OR SAMPLINGS OF BEER ONLY.

(C) (1) A BWST LICENSE AUTHORIZES SAMPLING OR TASTING OF ALCOHOLIC BEVERAGES ONLY ON THE LICENSED PREMISES OF THE HOLDER OF A CLASS A LICENSE.

(2) THE ALCOHOLIC BEVERAGES SHALL BE OFFERED TO CONSUMERS AT NO CHARGE.

(D) A PERSON MAY CONSUME ALCOHOLIC BEVERAGES COVERED BY A BWST LICENSE IN A QUANTITY NOT EXCEEDING:

(1) (I) 1 OUNCE FROM A SINGLE BRAND OF WINE; AND

(II) 4 OUNCES FROM ALL BRANDS OF WINE IN A SINGLE DAY;

AND

(2) (I) 3 OUNCES FROM A SINGLE BRAND OF BEER; AND

(II) 8 OUNCES FROM ALL BRANDS OF BEER IN A SINGLE DAY.

(E) (1) AN APPLICATION FOR A BWST LICENSE SHALL BE MADE ON A FORM SUPPLIED BY THE BOARD OF LICENSE COMMISSIONERS.

(2) A BWST LICENSE MAY BE ISSUED WITHOUT A PUBLIC HEARING.

(3) IF AN INITIAL APPLICATION FOR A BWST LICENSE 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 APPLICATION BEFORE DETERMINING WHETHER TO ISSUE THE LICENSE.

(4) A RENEWAL OF A BWST LICENSE MAY BE MADE AT THE TIME THE HOLDER'S CLASS A LICENSE IS RENEWED.

(F) THE FEE FOR A BWST LICENSE 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.

(G) (1) THE BOARD OF LICENSE COMMISSIONERS MAY NOT REQUIRE THE PUBLICATION OF AN APPLICATION FOR A BWST LICENSE BEFORE ISSUING THE LICENSE.

(2) THE HOLDER OF A BWST LICENSE SHALL NOTIFY THE BOARD IN WRITING AT LEAST 7 DAYS BEFORE THE EVENT AT WHICH THE LICENSE IS TO BE USED.

(H) AT THE END OF THE DAY FOR WHICH A BWST LICENSE IS VALID, THE HOLDER OF THE LICENSE SHALL PROPERLY DISPOSE OF ALCOHOLIC BEVERAGES THAT REMAIN IN A CONTAINER OPENED FOR TASTING OR SAMPLING.

9-210.

(a) Except as provided in subsection (b) of this section, in Dorchester County, a new license may not be granted to sell any alcoholic beverage [on any premises located within 300 feet of a church or public school] **IN A BUILDING WITH A WALL WITHIN 300 FEET IN A DIRECT LINE OF THE NEAREST POINT OF THE MAIN BUILDING OF A PUBLIC OR NONPUBLIC KINDERGARTEN, ELEMENTARY, OR SECONDARY SCHOOL, OR CHURCH OR OTHER PLACE OF WORSHIP.**

(b) Subsection (a) of this section does not apply to:

(1) [the] **THE** granting of a license for a premises located within the restricted distance if a license to sell alcoholic beverages on the premises existed as of October 1, 1996;

(2) AN APPLICATION FOR A CLASS B (ON-SALE) BEER, WINE AND LIQUOR LICENSE FOR A PREMISES IN CAMBRIDGE OR SECRETARY; OR

(3) A PREMISES ISSUED A SPECIAL OR TEMPORARY LICENSE.

11-402.

[(k) (1) This subsection applies only in Dorchester County.

(2) This article may not be construed to require any holder of an on-sale license to close that establishment at any time on January 1 of any year, and any holder of this license is permitted to make any sale of alcoholic beverages authorized by the license at any time on January 1 of any year.]

15-109.

(k) In Dorchester County, the annual compensation for the members of the Board of License Commissioners is:

- (1) [\$2,500] **\$3,000** for the Chairman; and
- (2) [\$2,000] **\$2,500** for each regular member.

16-410.

(b) (2) (i) All summonses shall be served by the sheriff, except that:

1. In the City of Annapolis, summonses may also be served by the Annapolis Police Department;

2. In Anne Arundel County, summonses may also be served by inspectors employed by the Board and by the Anne Arundel County Police Department;

3. In Baltimore City, summonses may also be served by inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

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

5. IN DORCHESTER COUNTY, SUMMONSES MAY ALSO BE SERVED BY THE INSPECTOR EMPLOYED BY DORCHESTER COUNTY AND ASSIGNED TO THE BOARD OF LICENSE COMMISSIONERS; AND

[5.] **6.** In Harford County, summonses may also be served by inspectors employed by the Harford County Liquor Control Board.

SECTION 2. AND BE IT FURTHER ENACTED, That, pursuant to Article III, § 35 of the Maryland Constitution, § 15-109 of Article 2B of the Annotated Code of Maryland, as enacted by Section 1 of this Act, may not be construed to extend or apply to the salary or compensation of the Chairman or regular members of the Dorchester County Board of License Commissioners in office on the effective date of this Act, but the provisions of this Act concerning the salary or compensation of the Chairman and the regular members of the Dorchester County Board of License Commissioners shall take effect at the beginning of the next following term of office.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009.

Approved by the Governor, April 14, 2009.