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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 subsubparagraph 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)(ii)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 NEGLECT 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. WHOLESALE’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]henever 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 subsubparagraph 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 adopt 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]henever 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:

- OR
- (1) \$150 FOR NOT MORE THAN 15 BEER OR WINE TASTINGS PER YEAR;
 - (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 subsubparagraph 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, NEGLECT 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 (l)(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(l)(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).

“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(l)(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 (drafhhouse) 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 (BWLT) 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) WOLFSVILLE 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

(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 (l)(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 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 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 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 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 CATERS 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 subsubparagraph 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 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 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 (“**GROUND**S 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

(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.

Defined terms: “Beer” § 1–101

“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.

“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 (BWLT) 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 (BWLT) 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 BWLT 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.

“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, WHOLESALERS, 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. WHOLESALE'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.

Editor's Note:

Chapter 41, the Alcoholic Beverages Article, continues in the next volume.

