

(2) (i) The Board may issue a Class B beer, wine and liquor license for use in a restaurant.

(ii) To qualify for licensure under this subsection, the restaurant shall:

- 1. Be fully equipped with a proper and adequate dining room;
- 2. Have sufficient facilities for preparing and serving meals to the public; and
- 3. Be approved by the Board.

(iii) When operating under this license, a holder's average daily receipts from the sale of food shall comprise at least 60 percent of the average daily receipts of the business.

(4) (I) THE BOARD MAY ISSUE A SPECIAL MARYLAND WINE LICENSE PRIVILEGE.

(II) TO QUALIFY FOR A SPECIAL MARYLAND WINE LICENSE PRIVILEGE, AN APPLICANT SHALL BE A HOLDER OF A CLASS B (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE AND LIQUOR LICENSE FOR USE ON A PREMISES THAT QUALIFIES AS A RESTAURANT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION.

(III) A SPECIAL MARYLAND WINE LICENSE PRIVILEGE AUTHORIZES THE HOLDER TO SELL WINE ~~FROM A CLASS 4 WINERY~~ BY THE BOTTLE FOR OFF-SALE WITHOUT THE COST OF THE WINE COUNTING AS A PART OF THE AVERAGE DAILY RECEIPTS OF THE BUSINESS REQUIRED TO MEET THE MINIMUM 60 PERCENT FOOD SALES REQUIREMENT UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION.

(IV) THE ANNUAL FEE FOR THE SPECIAL MARYLAND WINE LICENSE PRIVILEGE IS \$100.

(V) THE SPECIAL MARYLAND WINE LICENSE PRIVILEGE IS NOT A SEPARATE CLASS OF LICENSE BUT SHALL BE CONSIDERED PART OF THE EXISTING CLASS B (ON-SALE) BEER AND WINE LICENSE OR BEER, WINE AND LIQUOR LICENSE OF THE HOLDER OF THE SPECIAL MARYLAND WINE LICENSE PRIVILEGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2003.

May 22, 2003

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House
Annapolis MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have