

Chapter 584

(Senate Bill 949)

AN ACT concerning

Worcester County – Alcoholic Beverages

FOR the purpose of authorizing a holder of a seven-day Class B beer, wine and liquor license in Worcester County to sell beer, wine and liquor off-sale; creating a Class EF (entertainment facility) beer, wine and liquor license; authorizing a license holder to sell beer, wine, and liquor from one or more outlets in a certain entertainment facility, for consumption anywhere throughout the entertainment facility only; requiring a facility for which a license is issued to have a certain amount of capital investment; authorizing the Board of License Commissioners to issue one or more licenses for the same facility; specifying the hours of sale and a certain license fee; authorizing a holder of a seven-day Class D beer, wine and liquor license in Worcester County to sell beer, wine and liquor off-sale; altering the maximum amount of a certain fine for certain violations in Worcester County; applying certain provisions of law relating to certain alcohol awareness programs to holders of certain alcoholic beverages licenses or certain employees of certain license holders in Worcester County; making a certain exception; altering a certain date on which a licensee in the county may elect to purchase wine or liquor from a licensed wholesaler; authorizing ~~the Director of the Department of Liquor Control to purchase or otherwise acquire wine and liquor from any source for resale, regardless of any other State law or regulation to the contrary, without a certain tax having been paid; providing that the wine and liquor may not be resold until a certain excise tax has been paid,~~ acting as a wholesaler, to purchase wine and liquor under certain circumstances; prohibiting the resale of certain wine and liquor until a certain excise tax has been paid; authorizing the Department, acting as a retailer, to purchase wine and liquor under certain circumstances; making clarifying changes; and generally relating to alcoholic beverages in Worcester County.

BY repealing and reenacting, without amendments,
 Article 2B – Alcoholic Beverages
 Section 6-201(a)(1) and 6-401(a)(1)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
 Article 2B – Alcoholic Beverages
 Section 6-201(y), 6-401(y), 11-304(a), ~~and~~ 13-101, 15-204(e), and 15-205(l)
 Annotated Code of Maryland
 (2011 Replacement Volume and 2012 Supplement)

~~BY adding to~~

~~Article 2B – Alcoholic Beverages~~

~~Section 6–201(y)(9)~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2012 Supplement)~~

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

Article 2B – Alcoholic Beverages

6–201.

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

(y) (1) This subsection applies only in Worcester County.

(2) The annual license fees for the following types of licenses are:

(i) Six–day licenses – \$1,750; and

(ii) Seven–day licenses – \$2,500.

(3) Hotels and restaurants are defined to be:

(i) For six–day license holders:

1. Bona fide hotels having at least 20 rooms and serving meals regularly; or

2. Restaurants having a seating capacity at tables of at least 70 people.

(ii) For seven–day license holders:

1. As required for six–day license holders, which are incorporated by reference; and

2. A. Establishments for the accommodation of the public which provide services found ordinarily in hotels, have a lobby with a

registration and mail desk and seating facilities, and an enclosed dining area which serves full-course meals from menus at least twice daily; or

B. Establishments which have an enclosed dining area which serves full-course meals from menus at least twice daily and have daily receipts from the sale of food in excess of that from the sale of alcoholic beverages during the effective period of the license.

(iii) A license may not be issued unless the hotel or restaurant is operated in a clean and sanitary manner and is equipped with the proper restroom facilities.

(4) Seven-day license holders may sell beer, wine and liquor ~~(on-sale OR OFF-SALE) and beer and light wine (off-sale)~~ **ON-SALE AND OFF-SALE.**

(5) If the premises to be licensed by the provisions of this subsection are within a municipal corporation, the license application may be subject to approval by its mayor and town council and shall be approved by the licensing authority.

(6) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(7) (i) Except as provided in subparagraph (ii) of this paragraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

(ii) Beginning on May 1, 2016, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15-204(e) of this article.

(8) The hours for sale are as provided in § 11-524 of this article.

(9) (I) THERE IS A CLASS EF (ENTERTAINMENT FACILITY) BEER, WINE AND LIQUOR LICENSE.

(II) A CLASS EF LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE FROM ONE OR MORE OUTLETS IN THE ENTERTAINMENT FACILITY, FOR CONSUMPTION ANYWHERE THROUGHOUT THE ENTERTAINMENT FACILITY.

(III) A HOLDER OF A CLASS EF LICENSE MAY NOT SELL ALCOHOLIC BEVERAGES FOR OFF-SALE CONSUMPTION.

(IV) NOTWITHSTANDING § 8-208(B) OF THIS ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS EF LICENSE ONLY IF THE APPLICANT HAS AN INITIAL CAPITAL INVESTMENT IN THE FACILITY FOR WHICH THE LICENSE IS SOUGHT OF AT LEAST \$45,000,000.

(V) THE BOARD MAY ISSUE ONE OR MORE CLASS EF LICENSES FOR THE SAME FACILITY.

(VI) A CLASS EF LICENSE AUTHORIZES THE SALE AND SERVING OF BEER, WINE, AND LIQUOR ANYWHERE THROUGHOUT THE ENTERTAINMENT FACILITY DURING THOSE DAYS THAT THE ENTERTAINMENT FACILITY IS OPEN FOR BUSINESS AND FROM 9:00 A.M. THROUGH 4:00 A.M. THE FOLLOWING DAY.

(VII) A CLASS EF LICENSE AUTHORIZES THE PLAYING OF MUSIC AND DANCING.

(VIII) THE ANNUAL LICENSE FEE IS \$15,000.

6-401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(y) (1) This subsection applies only in Worcester County.

(2) (i) A Class D beer, wine and liquor license may be issued only within:

1. The corporate limits of Ocean City;
2. The boundary lines of the 10th taxing district;
3. The area bounded by U.S. Route 50 to the south, Turville Creek and Herring Creek to the east, St. Martin River to the north, and Maryland Route 589 to the west;
4. The area bounded by Maryland Route 589 to the north and east, U.S. Route 50 to the south, and U.S. Route 113 to the west; and
5. From the intersection of Maryland Route 589 and U.S. Route 50, an area bounded by a line that extends 1,500 feet south of U.S. Route

50, east to the boundary of the 10th taxing district, north along the 10th taxing district boundary to U.S. Route 50, and west to the intersection of Maryland Route 589 and U.S. Route 50.

(ii) The annual license fee for the six-day license set by the Worcester County Commissioners may not be less than \$3,000.

(iii) The annual license fee for the seven-day license set by the Worcester County Commissioners may not be less than \$3,500.

(iv) Seven-day license holders may sell beer, wine and liquor ~~(on sale OR OFF-SALE) and beer and light wine (off-sale)~~ ON-SALE AND OFF-SALE.

(v) All license fees shall go to the general funds of the county. However, if the licensed premises are in a municipal corporation, 75 percent of the fees shall go to that municipal corporation.

(vi) 1. Except as provided in subparagraph 2 of this subparagraph, all licensees shall purchase all wines and liquors, except light wine and beer, from the Worcester County Department of Liquor Control. They shall be charged not more than 85 percent of the retail price or any special sale price or discount price, whichever is lower, set by the Department for wines and liquors. All licensees may purchase beer and light wine from licensed wholesalers.

2. Beginning on May 1, 2016, a licensee may elect to purchase wine and liquor from a licensed wholesaler under § 15-204(e) of this article.

(vii) The hours for sale are as provided in § 11-524 of this article.

(viii) With respect to the Ocean City Convention Hall, only the Convention Hall Commission and its successors may be issued an alcoholic beverages license. The Commission may permit its vendors to dispense alcoholic beverages pursuant to whatever license the Commission is granted. Further, the Commission may contract to receive some proportion of the revenue derived from the vendor's sale of alcoholic beverages. This license shall be subject to the following restrictions:

1. This monopoly may not impinge upon the provisions of § 7-101(u)(5) of this article;

2. Only on-sale transactions shall be permitted; and

3. Consumption of alcoholic beverages shall be restricted to the premises.

(3) (i) 1. A. The Board may issue a special 7–day Class D beer, wine and liquor on–sale retail license to the Mayor of Ocean City for use on the premises of the Ocean City municipal golf courses.

B. A separate license is required for each Ocean City municipal golf course.

2. Prior to the issuance of any license under this paragraph, the Mayor shall designate an individual to complete training in an alcohol awareness program approved under § 13–101 of this article.

3. The individual designated by the Mayor shall:

A. Represent the concessionaire; and

B. Be directly involved with the management of the sale of beer, wine, and liquor by the concessionaire.

(ii) The holder may contract with and permit a concessionaire to keep for sale and sell beer, wine, and liquor for on premises consumption only.

(iii) The hours and days of sale under the license are the same as a Class D beer, wine and liquor on–sale license under § 11–524 of this article or during lesser hours specified by the holder.

(iv) A license shall be issued and renewed without charge or an annual fee and may not be transferred.

11–304.

(a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume any alcoholic beverages on 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, and an owner, operator or manager of the premises or places may not knowingly permit such consumption.

(2) Except as provided in this section, any person found consuming any alcoholic beverage on any premises open to the general public, and any owner, operator or manager of those premises or places who knowingly permits consumption between the hours provided by this section is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$50 and not less than \$5.

(i) In Anne Arundel County the fine may not be more than \$250.

(ii) In Worcester County the fine may not be more than **[\$1,000]**
\$4,000.

13–101.

(a) In this section “alcohol awareness program” means a program:

(1) That:

(i) Is approved and certified by the State Comptroller; and

(ii) Has been issued an alcohol awareness program permit by the State Comptroller;

(2) That includes instruction on how alcohol affects a person’s:

(i) Body; and

(ii) Behavior;

(3) That provides education on the dangers of drinking and driving;
 and

(4) That defines effective methods for:

(i) Serving customers to minimize the chance of intoxication;

(ii) Ceasing service before the customer becomes intoxicated;
 and

(iii) Determining if a customer is under the drinking age.

(b) (1) The provisions of this section apply to:

(i) Licensed premises that are operated by selling alcoholic beverages directly to a customer from a bar or service bar on the premises;

(ii) Premises licensed for off sale;

(iii) In Montgomery County, a holder of a caterer’s license issued under § 6–706.1 of this article; and

(iv) In Baltimore City, an establishment covered under § 20–102(a) of this article.

(2) This section does not apply to:

- (i) Temporary alcoholic beverages licenses issued under § 7–101 of this article;
- (ii) A Class E (on–sale) steamboat alcoholic beverages license;
- (iii) A Class F (on–sale) railroad alcoholic beverages license; or
- (iv) A Class G (on–sale) aircraft alcoholic beverages license.

(c) (1) A holder of any class of retail alcoholic beverages license or an employee designated by the holder shall complete training in an approved alcohol awareness program. The training shall be valid for a period of 4 years, and the holder shall complete retraining in an approved program for each successive 4–year period.

(2) (i) This paragraph applies only in the following jurisdictions:

1. Howard County;
2. Montgomery County;
3. Kent County;
4. Washington County;
5. Caroline County; and

6. Except as provided in subparagraph (ii) of this paragraph, Wicomico County **AND WORCESTER COUNTY**.

(ii) This paragraph does not apply to a licensee in Wicomico County **OR WORCESTER COUNTY** with a Class C license.

(iii) The licensee or a person who is employed in a supervisory capacity designated by the licensee:

1. Shall be certified by an approved alcohol awareness program; and
2. Except as otherwise provided in subparagraph (iv) of this paragraph, be present during the hours in which alcohol may be sold.

(iv) 1. In Howard County, Kent County, Washington County, [and] Wicomico County, **AND WORCESTER COUNTY**, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a

bona fide personal or business reason or an emergency, if the absence lasts for not more than 2 hours.

2. In Caroline County, the person certified by an approved alcohol awareness program may be absent from the licensed premises for a bona fide emergency, if the absence lasts for not more than 2 hours.

3. The Board of License Commissioners shall require the licensee to keep a log book on the licensed premises that contains documentation of each temporary absence, the length of time of the absence, and the reason for the absence, in the form required by the Board of License Commissioners.

(3) (i) This paragraph applies only in Harford County.

(ii) The licensee or a person who is employed in a supervisory capacity designated by the licensee shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol may be sold.

(4) (i) This paragraph applies only to an establishment covered under § 20-102(a) of this article, in Baltimore City.

(ii) Any bottle club owner or a person who is employed in a supervisory capacity designated by the owner shall be certified by an approved alcohol awareness program and shall be present during the hours in which alcohol is served or consumed.

(d) Any licensee who violates the provisions of subsection (c) of this section is subject to:

(1) For the first offense, a \$100 fine; and

(2) For each subsequent offense, a fine not to exceed \$500 or a suspension or revocation of the license or both.

(e) (1) The State Comptroller:

(i) Shall approve and certify each alcohol awareness program that is in compliance with this section; and

(ii) May require recertification of the approved program to insure compliance with any changes in the program.

(2) Any individual who is authorized or employed to teach an alcohol awareness program must obtain an alcohol awareness instructor's permit.

(3) Each local licensing board is responsible for enforcing this section, including the penalty provision.

(4) (i) A certificate of completion shall be issued for each completion of a certified program and it shall be valid for 4 years from the date of issuance.

(ii) An up-to-date valid certificate shall be presented to the proper authority upon request.

(5) (i) Within 5 days after a licensee, bottle club owner, or an employee of a licensee or bottle club owner is sent a certificate of completion, the program provider shall inform the appropriate local licensing board of:

1. The individual's name, address, and certification date;
- and
2. The name and address of the licensed establishment.

(ii) Any program provider who violates the provisions of this subsection is subject to a decertification of the program by the State Comptroller.

(f) (1) This section may not be construed to create or enlarge any civil cause of action or criminal proceeding against a licensee.

(2) Evidence of a violation of this section may not be introduced in any civil or criminal proceeding, but may only be used as evidence before the local licensing board in actions brought before the board for violations of this section.

(g) The Comptroller may issue regulations to set standards and requirements pertaining to course content, course duration, course format and any other course related activities the Comptroller may require.

(h) (1) This subsection applies only in Dorchester County.

(2) A certificate of completion of a certified alcohol awareness program held by an employee or an employee's employer may not be used at more than one licensed establishment.

15-204.

(e) (1) In this subsection, "Department" means the Worcester County Department of Liquor Control.

(2) This subsection applies only in Worcester County.

(3) (i) Beginning on [May 1, 2016] **JULY 1, 2014**, a licensee in the county may elect to purchase wine or liquor from a licensed wholesaler by providing written notice of the licensee's intent to the Department at least 60 days before the date the purchasing activity is to start.

(ii) The notice shall contain:

1. The name of the licensee;
2. The name and address of the licensed premises; and
3. The date that the notice was sent to the Department.

(4) A licensee that meets the requirements of this subsection may purchase wine or liquor from a licensed wholesaler in addition to or instead of the Department.

(5) (i) The Department shall issue a letter of confirmation to a licensee that meets the requirements of this subsection.

(ii) The licensee shall display the letter conspicuously on the licensed premises.

15-205.

(1) **(1)** In Worcester County, subject to the approval of the County Commissioners, the Director of the Department of Liquor Control may purchase or otherwise acquire:

~~(1)~~ **(1)** Real or personal property that the Director considers necessary to operate dispensaries, stores, or warehouses; and

~~(2)~~ Wine and liquor from any source for resale, REGARDLESS OF ANY OTHER STATE LAW OR REGULATION TO THE CONTRARY, INCLUDING A GOVERNMENT ALCOHOLIC BEVERAGE CONTROL DEPARTMENT OR AGENCY OF ANOTHER STATE, ANY NONRESIDENT WHOLESALER WHETHER OR NOT LICENSED IN THIS STATE, OR ACTING AS A WHOLESALER, FROM A LICENSED WHOLESALER OR LIQUOR CONTROL BOARD WITHOUT THE TAX IMPOSED BY § 5-102 OF THE TAX GENERAL ARTICLE HAVING TO BE PAID, BUT MAY NOT BE RESOLD UNTIL THE EXCISE TAX HAS BEEN PAID

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WINE AND LIQUOR FROM ANY SOURCE FOR RESALE.

(2) (i) 1. ACTING AS A WHOLESALER, THE DEPARTMENT OF LIQUOR CONTROL MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS NOT BEEN PAID, FROM A LICENSED WHOLESALER.

2. THE DEPARTMENT OF LIQUOR CONTROL MAY ONLY RESELL THE WINE AND LIQUOR PURCHASED UNDER THIS SUBPARAGRAPH TO A NONDISPENSARY, LICENSED RETAILER AND ONLY AFTER THE EXCISE TAX HAS BEEN PAID.

(ii) ACTING AS A RETAILER, THE DEPARTMENT OF LIQUOR CONTROL MAY PURCHASE WINE AND LIQUOR, ON WHICH THE EXCISE TAX HAS BEEN PAID, FROM A LICENSED WHOLESALER FOR RETAIL SALE IN DISPENSARY STORES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 16, 2013.