

# HOUSE BILL 995

A2

(6lr2834)

## ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Allegany County Delegation**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Allegany County – Alcoholic Beverages – Sunday Sales**

3 FOR the purpose of altering the hours for sale of certain alcoholic beverages on Sundays by  
4 a holder of a Class D beer license, a Class D beer and light wine license, a Class B  
5 beer, wine, and liquor license, and a Class D beer, wine, and liquor license in  
6 Allegany County under certain circumstances; ~~submitting this Act to a referendum~~  
7 ~~of the qualified voters of Allegany County;~~ and generally relating to the hours for  
8 sale of alcoholic beverages on Sundays in Allegany County.

9 BY repealing and reenacting, without amendments,  
10 Article – Alcoholic Beverages  
11 Section 9–101(a) and (b), 9–102, and 9–2005  
12 Annotated Code of Maryland  
13 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
14 Assembly of 2016)

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 BY repealing and reenacting, with amendments,  
2 Article – Alcoholic Beverages  
3 Section 9–2002(d), 9–2003(d), and 9–2004(b) and (d)  
4 Annotated Code of Maryland  
5 (As enacted by Chapter \_\_\_\_ (S.B. \_\_\_\_)(6lr1406) of the Acts of the General  
6 Assembly of 2016)

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

9 **Article – Alcoholic Beverages**

10 9–101.

11 (a) In this title:

12 (1) except as provided in subsection (c) of this section, the definitions in §  
13 1–101 of this article apply without exception or variation; and

14 (2) the following words have the meanings indicated.

15 (b) “Board” means the Board of License Commissioners for Allegany County.

16 9–102.

17 This title applies only in Allegany County.

18 9–2002.

19 (d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and  
20 January 1, a holder of a Class D beer license may sell beer:

21 (i) on Monday through Saturday, for on–premises and off–premises  
22 consumption, from 7 a.m. to 2 a.m. the following day;

23 (ii) on Sunday, for on–premises consumption, from [1 p.m.] 11 A.M.  
24 to 2 a.m. the following day if the holder:

25 1. pays an additional fee of \$250; and

26 2. is issued the license for use in a restaurant in a permanent  
27 building with ample space and accommodations where meals are usually prepared, sold, or  
28 served to the public when the restaurant is regularly open for business; or

29 (iii) in accordance with a 2–day Sunday sales permit issued under  
30 paragraph (2) of this subsection.

1                   (2)   (i)    The Board may issue a 2-day Sunday sales permit to a holder of  
2 a Class D beer license.

3                               (ii)   An applicant for a 2-day Sunday sales permit need not have  
4 kitchen facilities on the licensed premises.

5                               (iii)   A 2-day Sunday sales permit authorizes the holder to sell beer  
6 for on-premises consumption on not more than two Sundays in a year from [1 p.m.] **11**  
7 **A.M.** Sunday to 2 a.m. the following day.

8                               (iv)   The permit fee is \$50 for each time the permit is used.

9 9-2003.

10           (d)   (1)    Except as provided in § 9-2005 of this subtitle for December 31 and  
11 January 1, a holder of a Class D beer and light wine license may sell beer and light wine:

12                               (i)    on Monday through Saturday, for on-premises and off-premises  
13 consumption, from 7 a.m. to 2 a.m. the following day;

14                               (ii)   on Sunday, for on-premises consumption, from [1 p.m.] **11 A.M.**  
15 to 2 a.m. the following day if the holder:

16                                       1.    pays an additional fee of \$250; and

17                                       2.    is issued the license for use in a restaurant in a permanent  
18 building with ample space and accommodations where meals are usually prepared, sold, or  
19 served to the public when the restaurant is regularly open for business; or

20                               (iii)   in accordance with a 2-day Sunday sales permit issued under  
21 paragraph (2) of this subsection.

22                   (2)   (i)    The Board may issue a 2-day Sunday sales permit to a holder of  
23 a Class D beer and light wine license.

24                               (ii)   An applicant for a 2-day Sunday sales permit need not have  
25 kitchen facilities on the licensed premises.

26                               (iii)   A 2-day Sunday sales permit authorizes the holder to sell beer  
27 and light wine for on-premises consumption on not more than two Sundays in a year from  
28 [1 p.m.] **11 A.M.** Sunday to 2 a.m. the following day.

29                               (iv)   The permit fee is \$50 for each time the permit is used.

30 9-2004.

1 (b) (1) Except as provided in § 9–2005 of this subtitle for December 31 and  
2 January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and  
3 liquor:

4 (i) on Monday through Saturday, for on–premises and off–premises  
5 consumption, from 7 a.m. to 2 a.m. the following day;

6 (ii) on Sunday, for on–premises consumption, from [1 p.m.] **11 A.M.**  
7 to 2 a.m. the following day if the holder:

8 1. pays an additional fee of \$250;

9 2. is issued the license for use in a restaurant in a permanent  
10 building with ample space and accommodations where meals are usually prepared, sold, or  
11 served to the public when the restaurant is regularly open for business; or

12 3. is issued a 2–day Sunday sales permit in accordance with  
13 paragraph (2) of this subsection.

14 (2) (i) The Board may issue a 2–day Sunday sales permit to a holder of  
15 a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license  
16 issued for use in a restaurant or banquet room in a hotel or motel.

17 (ii) An applicant for a 2–day Sunday sales permit need not have  
18 kitchen facilities on the licensed premises.

19 (iii) A 2–day Sunday sales permit authorizes the holder to sell beer,  
20 wine, and liquor for on–premises consumption on not more than two Sundays in a year  
21 from [1 p.m.] **11 A.M.** Sunday to 2 a.m. the following day.

22 (iv) The permit fee is \$50 for each time the permit is used.

23 (d) (1) Except as provided in § 9–2005 of this subtitle for December 31 and  
24 January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and  
25 liquor:

26 (i) on Monday through Saturday, for on–premises and off–premises  
27 consumption, from 7 a.m. to 2 a.m. the following day;

28 (ii) on Sunday, from [1 p.m.] **11 A.M.** to 2 a.m. the following day if  
29 the holder:

30 1. pays an additional fee of \$250; and

1                   2.       is issued the license for use in a restaurant in a permanent  
2 building with ample space and accommodations where meals are usually prepared, sold, or  
3 served to the public when the restaurant is regularly open for business; or

4                   (iii)   in accordance with a 2-day Sunday sales permit issued under  
5 paragraph (2) of this subsection.

6                   (2)   (i)       The Board may issue a 2-day Sunday sales permit to a holder of  
7 a Class D beer, wine, and liquor license.

8                   (ii)   An applicant for a 2-day Sunday sales permit need not have  
9 kitchen facilities on the licensed premises.

10                  (iii)   A 2-day Sunday sales permit authorizes the holder to sell beer,  
11 wine, and liquor for on-premises consumption on not more than two Sundays in a year  
12 from [1 p.m.] 11 A.M. Sunday to 2 a.m. the following day.

13                  (iv)   The permit fee is \$50 for each time the permit is used.

14 9-2005.

15                  The Board shall determine the hours of sale for December 31 and January 1,  
16 regardless of the days of the week on which those dates fall.

17                  SECTION 2. AND BE IT FURTHER ENACTED, That ~~before this Act becomes~~  
18 ~~effective it shall first be submitted to a referendum of the qualified voters of Allegany~~  
19 ~~County at the general election to be held in November of 2016. The County governing body~~  
20 ~~and the Allegany County Board of Elections shall do those things necessary and proper to~~  
21 ~~provide for and hold the referendum required by this section. If a majority of the votes cast~~  
22 ~~on the question are "For the referred law" the provisions of this Act shall become effective~~  
23 ~~on the 30th day following the official canvass of votes for the referendum, but if a majority~~  
24 ~~of the votes cast on the question are "Against the referred law" the provisions of this Act~~  
25 ~~are of no effect and null and void.~~

26                  ~~SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions of~~  
27 ~~Section 2 of this Act and for the sole purpose of providing for the referendum required by~~  
28 ~~Section 2 of this Act,~~ this Act shall take effect July 1, 2016.