

# HOUSE BILL 1062

A2

6lr2098  
CF SB 1015

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By: **St. Mary's County Delegation**

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2016

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

1 AN ACT concerning

2 **St. Mary's County – Alcoholic Beverages – Permits, Training, Prohibited Acts,**  
3 **and Violations**

4 FOR the purpose of altering the serving size of a sample serving of beer permitted to be  
5 served to an individual by a holder of a Class BWTS beer and wine tasting or  
6 sampling permits in St. Mary's County; establishing a BWT beer and wine tasting  
7 permit in St. Mary's County for a certain purpose; authorizing the Board of License  
8 Commissioners for St. Mary's County to issue the permit only to a holder of a certain  
9 license; providing for the application and fees for, maximum permit periods, and  
10 restrictions associated with the permit; requiring an applicant for an alcoholic  
11 beverages license in St. Mary's County to attend certain training within a certain  
12 time after the application is approved; providing that attendance at certain training  
13 does not fulfill a certain training requirement; prohibiting a person who operates a  
14 certain establishment in St. Mary's County without an alcoholic beverages license  
15 from knowingly allowing a customer to bring alcoholic beverages for consumption  
16 into, or on the grounds of, the establishment; providing that a person who violates a  
17 certain law is subject to license revocation or suspension and a certain civil penalty  
18 imposed by the Board; authorizing the Board to impose a certain fine on a certain  
19 employee of a holder of an alcoholic beverages license for selling alcoholic beverages  
20 to certain individuals; and generally relating to the regulation of alcoholic beverages  
21 in St. Mary's County.

22 BY repealing and reenacting, without amendments,

23 Article – Alcoholic Beverages

24 Section 28–102 and 28–1306(a)

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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.



1 Annotated Code of Maryland  
2 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

3 BY repealing and reenacting, with amendments,  
4 Article – Alcoholic Beverages  
5 Section 28–1306(f), 28–2501, and 28–2802  
6 Annotated Code of Maryland  
7 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

8 BY adding to  
9 Article – Alcoholic Beverages  
10 Section 28–1307 and 28–1411  
11 Annotated Code of Maryland  
12 (As enacted by Chapter \_\_\_\_ (S.B. 724) of the Acts of the General Assembly of 2016)

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

15 **Article – Alcoholic Beverages**

16 28–102.

17 This title applies only in St. Mary’s County.

18 28–1306.

19 (a) There is a 1–day Class BWTS beer and wine tasting or sampling license.

20 (f) An individual may consume beer or wine covered by the license in a quantity  
21 not exceeding:

22 (1) 1 ounce from each offering and 4 ounces from all offerings of wine in a  
23 day; and

24 (2) [3] 2 ounces from each offering and 8 ounces from all offerings of beer  
25 in a day.

26 **28–1307.**

27 **(A) THERE IS A BWT BEER AND WINE TASTING PERMIT.**

28 **(B) THE BOARD MAY ISSUE THE PERMIT ONLY TO A HOLDER OF A CLASS A**  
29 **LICENSE.**

30 **(C) THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON–PREMISES**  
31 **CONSUMPTION OF BEER AND WINE FOR TASTING PURPOSES ONLY.**

1           **(D) THE HOLDER OF A CLASS A LICENSE MAY APPLY FOR AND THE BOARD**  
2 **MAY ISSUE THE PERMIT THAT IS EFFECTIVE FOR A MAXIMUM OF:**

3           **(1) ANY 26 DAYS IN A LICENSING PERIOD;**

4           **(2) ANY 52 DAYS IN A LICENSING PERIOD; OR**

5           **(3) 365 DAYS IN A LICENSING PERIOD.**

6           **(E) A PERMIT HOLDER SHALL NOTIFY THE BOARD OF THE HOLDER'S**  
7 **INTENT TO HAVE A TASTING AT LEAST 7 DAYS BEFORE THE EVENT IF THE PERMIT IS**  
8 **EFFECTIVE FOR ANY:**

9           **(1) 26 DAYS IN A LICENSING PERIOD; OR**

10          **(2) 52 DAYS IN A LICENSING PERIOD.**

11          **(F) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY THE**  
12 **LICENSE IN A QUANTITY NOT EXCEEDING:**

13           **(1) 1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL**  
14 **OFFERINGS OF WINE IN A DAY; AND**

15           **(2) 2 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL**  
16 **OFFERINGS OF BEER IN A DAY.**

17          **(G) THE PERMIT AUTHORIZES THE CONSUMPTION OF BEER OR WINE ONLY**  
18 **ON THE LICENSED PREMISES OF THE HOLDER.**

19          **(H) THE PERMIT FEES ARE:**

20           ~~(H)~~ **(1) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 26 DAYS IN A**  
21 **LICENSING PERIOD, \$150;**

22           ~~(H)~~ **(2) FOR A PERMIT THAT IS EFFECTIVE FOR ANY 52 DAYS IN A**  
23 **LICENSING PERIOD, \$200; AND**

24           ~~(H)~~ **(3) FOR A PERMIT THAT IS EFFECTIVE FOR 365 DAYS IN A**  
25 **LICENSING PERIOD, \$250.**

26 **28-1411.**

1 (A) WITHIN 90 DAYS AFTER THE BOARD APPROVES AN APPLICATION FOR A  
 2 LICENSE, THE APPLICANT SHALL ATTEND RESPONSIBLE ALCOHOL SERVICE  
 3 TRAINING.

4 (B) ATTENDANCE AT THE RESPONSIBLE ALCOHOL SERVICE TRAINING  
 5 DOES NOT FULFILL THE ALCOHOL AWARENESS TRAINING REQUIREMENT UNDER §  
 6 4-505 OF THIS ARTICLE.

7 28-2501.

8 (a) An establishment not licensed by the Board, at a location under the control or  
 9 possession of the establishment, may not:

10 (1) sell or serve alcoholic beverages to a member or guest;

11 (2) keep alcoholic beverages for a member or guest;

12 (3) allow a customer to consume or to be served alcoholic beverages from  
 13 the supplies that the customer has previously purchased or reserved; or

14 (4) sell, serve, keep, or allow to be consumed setups or other component  
 15 parts of mixed alcoholic drinks to a member or guest.

16 (b) A person who operates an establishment for profit that is not licensed under  
 17 this article may not knowingly allow a customer to bring alcoholic beverages for  
 18 consumption into OR ON THE GROUNDS OF the establishment.

19 (c) A person who violates this section is guilty of a misdemeanor and on conviction  
 20 is subject to a fine not exceeding \$1,000.

21 28-2802.

22 (a) **(1)** A person who violates a law relating to:

23 ~~(1) licensing the sale of alcoholic beverages is guilty of a misdemeanor and~~  
 24 ~~on conviction is subject to a fine not exceeding \$1,000; and~~

25 ~~(2)~~ hours or days for the sale of alcoholic beverages is guilty of a  
 26 misdemeanor and on conviction is subject to imprisonment or a fine not exceeding \$250 or  
 27 both.

28 **(2) IF THE BOARD FINDS THAT A PERSON HAS VIOLATED A LAW**  
 29 **RELATING TO LICENSING THE SALE OF ALCOHOLIC BEVERAGES, THE BOARD MAY:**

30 **(1) REVOKE OR SUSPEND THE PERSON'S LICENSE;**

1                    **(II) IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000; OR**

2                    **(III) BOTH REVOKE OR SUSPEND THE PERSON'S LICENSE AND**  
3 **IMPOSE A CIVIL PENALTY NOT EXCEEDING \$1,000.**

4            (b) For a license violation, the Board may revoke or suspend a license or impose  
5 a fine on the license holder or both.

6            **(C) IF AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC BEVERAGES**  
7 **TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS THE BOARD MAY IMPOSE A FINE**  
8 **ON THE EMPLOYEE NOT EXCEEDING \$500 PER OFFENSE.**

9            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.