

SENATE BILL 1015

A2

(6lr3682)

ENROLLED BILL

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

Introduced by **Senator Waugh**

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.

President.

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~~ *license* in St. Mary's County; establishing a BWT beer and wine
7 tasting permit in St. Mary's County for a certain purpose; authorizing the Board of
8 License Commissioners for St. Mary's County to issue the permit only to a holder of
9 a certain license; providing for the application and fees for, maximum permit periods,
10 and 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 beverage license
15 from knowingly allowing a customer to bring alcoholic beverages for consumption

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 into, or on the grounds of, the establishment; providing that a person who violates a
 2 certain law is subject to license revocation or suspension and a certain civil penalty
 3 imposed by the Board; authorizing the Board to impose a certain fine on a certain
 4 employee of a holder of an alcoholic beverage license for selling alcoholic beverages
 5 to certain individuals; and generally relating to the regulation of alcoholic beverages
 6 in St. Mary's County.

7 BY repealing and reenacting, without amendments,

8 Article – Alcoholic Beverages

9 Section 28–102 and 28–1306(a)

10 Annotated Code of Maryland

11 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

12 BY repealing and reenacting, with amendments,

13 Article – Alcoholic Beverages

14 Section 28–1306(f), 28–2501, and 28–2802

15 Annotated Code of Maryland

16 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

17 BY adding to

18 Article – Alcoholic Beverages

19 Section 28–1307 and 28–1411

20 Annotated Code of Maryland

21 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

23 That the Laws of Maryland read as follows:

24 **Article – Alcoholic Beverages**

25 28–102.

26 This title applies only in St. Mary's County.

27 28–1306.

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

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

31 (1) 1 ounce from each offering and 4 ounces from all offerings of wine in a
 32 day; and

33 (2) [3] 2 ounces from each offering and 8 ounces from all offerings of beer
 34 in a day.

1 **28-1307.**

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

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

5 (C) **THE PERMIT AUTHORIZES THE HOLDER TO ALLOW THE ON-PREMISES**
6 **CONSUMPTION OF BEER AND WINE FOR TASTING PURPOSES ONLY.**

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

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

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

11 (3) **365 DAYS IN A LICENSING PERIOD.**

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

15 (1) **26 DAYS IN A LICENSING PERIOD; OR**

16 (2) **52 DAYS IN A LICENSING PERIOD.**

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

19 (1) **1 OUNCE FROM EACH OFFERING AND 4 OUNCES FROM ALL**
20 **OFFERINGS OF WINE IN A DAY; AND**

21 (2) **2 OUNCES FROM EACH OFFERING AND 8 OUNCES FROM ALL**
22 **OFFERINGS OF BEER IN A DAY.**

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

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

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

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

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

5 **28-1411.**

6 **(A) WITHIN 90 DAYS AFTER THE BOARD APPROVES AN APPLICATION FOR A**
 7 **LICENSE, THE APPLICANT SHALL ATTEND RESPONSIBLE ALCOHOL SERVICE**
 8 **TRAINING.**

9 **(B) ATTENDANCE AT THE RESPONSIBLE ALCOHOL SERVICE TRAINING**
 10 **DOES NOT FULFILL THE ALCOHOL AWARENESS TRAINING REQUIREMENT UNDER §**
 11 **4-505 OF THIS ARTICLE.**

12 **28-2501.**

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

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

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

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

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

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

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

26 **28-2802.**

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

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

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

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

8 **(I) REVOKE OR SUSPEND THE PERSON’S LICENSE;**

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

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

12 ~~(c)~~ **(B)** IF AN EMPLOYEE OF A LICENSE HOLDER SELLS ALCOHOLIC
13 BEVERAGES TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS THE BOARD MAY
14 IMPOSE A FINE ON THE EMPLOYEE NOT EXCEEDING \$500 PER OFFENSE.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.