

SB 205

March 5, 2021 @ 2:00 PM

Board of License Commissioners ***Liquor Control Board of Garrett County***

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March 2, 2021

The Honorable Paul G. Pinsky, Chairman
Education, Health, and Environmental Affairs Committee
2 West Miller Senate Office Building - 11 Bladen Street
Annapolis, MD 21401

RE: Senate Bill 205 — Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption

Dear Chairman Pinsky:

On behalf of the Garrett County Board of License Commissioners, this office recommends you oppose Senate Bill 205 Alcoholic Beverages – Sale or Delivery for Off-Premises Consumption. Although, we recognize that many restaurants and bars have faced hardships during the COVID-19 pandemic, we object to the bill as written especially the mixed drink component. SB 0205 / HB 0012 would authorize a restaurant or bar to sell certain alcoholic beverages for off-premises consumption or delivery and prohibits a local licensing board from charging an additional fee. This bill basically codifies Governor Hogan's Executive Order permitting on premise license holders to add beer, wine or liquor along with food with a takeout order. The Executive Order was put in place without any dialogue from the alcohol regulators that are directly impacted and required to administer.

The bill does not take into consideration that there are currently jurisdictions that have existing rules, regulations and fees that authorize similar limited carry out and delivery license privileges. Some of which are even more restrictive. For those reasons, we would request to be excluded from the bill. Garrett County does offer a Delivery Option to a qualifying business for a small fee as stated in AB § 21-1903 of the Alcoholic Beverages Article. The license holder must be approved and agree to comply with existing rules, regulations and required delivery forms. The person delivering the alcohol must be an employee at least 21 years of age with current alcohol awareness training. The first sales to minor violation in the course of delivery will result in the suspension of the privilege for the remainder of the license year. All of our Class B restaurants are already permitted to sell brewed beverages to-go in a factory sealed bottle or growler if applicable and our Class D BWL On-Sale bars licensees can sell up to 25% for consumption elsewhere. In addition, we offer an Off-Premise Wine Option for a small cost so that a restaurant can sell limited quantities of wine to go. In Garrett County, a Class D BWL Off-Sale package stores pay twice as much as a Class B BWL On-Sale restaurant and allowing a restaurant to have more privileges with no additional cost is not just. We are very concerned about allowing mixed drinks in to-go cups or containers to be sold off-premise. Alcoholic beverages in passenger vehicles should be in factory sealed containers. Has any research been made on open container laws and how the meager definition of a sealed container in the bill may violate such laws and highway funding?

In closing, it would have been beneficial for a collaboration with the local jurisdictions on the drafting of the legislation as it directly impacts local budgets, staffing requirements and safety of our communities. The Garrett County Board of License Commissioners urge you to oppose Senate Bill 205 as written and thank you for the attention you may give this legislative issue.

Sincerely,

Deborah R. Owston

Deborah R. Owston,
Administrator of the Board of License Commissioners

cc: Senator George Edwards
Delegate Wendell Beitzel