

HOUSE BILL 273

A2

5lr0551
CF SB 500

By: **Frederick County Delegation**

Introduced and read first time: February 4, 2015

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Wine Events, Licensing, Alcohol**
3 **Awareness Requirements, and Fines**

4 FOR the purpose of restricting the number of bottles of wine that may remain open at any
5 one time at a wine sampling or tasting event in Frederick County to all bottles in a
6 wine preservation system that the Board of License Commissioners approves and a
7 certain number of other bottles opened by certain persons; altering in Frederick
8 County the qualifications for signatories of a certificate accompanying a license
9 application; providing for an alternative method for selecting signatories under
10 certain circumstances; requiring, with a certain exception, that a person certified by
11 an approved alcohol awareness program be present at a licensed premises in the
12 county when alcoholic beverages may be sold; allowing the person to be absent for a
13 certain time under certain circumstances; altering the maximum fine that the Board
14 may impose on a licensee for a certain violation; authorizing the Board to reduce a
15 suspension under certain circumstances; making certain stylistic changes; and
16 generally relating to alcoholic beverages in Frederick County.

17 BY repealing and reenacting, with amendments,
18 Article 2B – Alcoholic Beverages
19 Section 8–406.1, 10–103(b)(18), 13–101(c)(2), and 16–507(l)
20 Annotated Code of Maryland
21 (2011 Replacement Volume and 2014 Supplement)

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

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 **Article 2B – Alcoholic Beverages**

2 8–406.1.

3 (a) This section applies only in Frederick County.

4 (b) The Board of License Commissioners may issue a beer, wine and liquor tasting
5 (BWLTL) license.

6 (c) A beer, wine and liquor tasting license may be issued only to a holder of a
7 Class A beer, wine and liquor license.

8 (d) A beer, wine and liquor tasting license authorizes the consumption of one-half
9 an ounce of liquor from a given brand and 1.5 ounces from all brands by any one person in
10 a single day for tasting and sampling purposes only.

11 (e) The limitations on the consumption of beer and wine under § 8–406 of this
12 subtitle apply to a beer, wine and liquor tasting license.

13 **(F) THE BOTTLES OF WINE THAT MAY BE OPENED AT ANY ONE TIME AT A**
14 **WINE SAMPLING OR TASTING EVENT ARE:**

15 **(I) ALL BOTTLES IN A WINE PRESERVATION SYSTEM THAT THE**
16 **BOARD APPROVES; AND**

17 **(II) NOT MORE THAN SIX OTHER BOTTLES OF WINE OPENED BY A**
18 **HOLDER OF A SOLICITOR’S PERMIT, THE HOLDER OF THE BWLTL LICENSE, OR AN**
19 **EMPLOYEE OF THE LICENSE HOLDER.**

20 ~~[(f)]~~ **(G)** The Board shall set the annual fee for a beer, wine and liquor tasting
21 license.

22 10–103.

23 (b) Except as otherwise provided in this subtitle, every new application for a
24 license shall be made to the Board of License Commissioners on forms prescribed by the
25 Comptroller and sworn to by the applicant. Every application for a license shall contain the
26 following:

27 (18) (i) **[A] SUBJECT TO SUBPARAGRAPHS (II) THROUGH (IV) OF**
28 **THIS PARAGRAPH, A certificate signed by at least ten citizens who are owners of real estate**
29 **and registered voters of the precinct in which the business is to be conducted, stating the**
30 **length of time each has been acquainted with the applicant, or in the case of a corporation**
31 **with the individuals making the application; that they have examined the application of**
32 **the applicant and that they have good reason to believe that all the statements contained**

1 in this application are true, and that they are of the opinion that the applicant is a suitable
2 person to obtain the license. The certificate must have a statement that the signers of it are
3 familiar with the premises upon which the proposed business is to be conducted, and that
4 they believe the premises are suitable for the conduct of the business of a retail dealer in
5 alcoholic beverages.

6 (ii) In St. Mary’s County, persons who are owners of real estate
7 within 5 miles of the premises for which a license is sought and registered voters of St.
8 Mary’s County shall be those persons signing the certificate.

9 (iii) The certificate required by subparagraph (i) of this paragraph is
10 not necessary for applications filed in Dorchester County, Prince George’s County,
11 Montgomery County, Anne Arundel County, and Baltimore County.

12 (IV) 1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS
13 SUBPARAGRAPH, IN FREDERICK COUNTY, PERSONS WHO ARE OWNERS OF REAL
14 ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT
15 SHALL BE THOSE PERSONS SIGNING THE CERTIFICATE.

16 2. IF AN INSUFFICIENT NUMBER OF PERSONS OWN REAL
17 ESTATE WITHIN 5,000 FEET OF THE PREMISES FOR WHICH A LICENSE IS SOUGHT,
18 THE PERSONS SIGNING THE CERTIFICATE SHALL BE DRAWN FROM OWNERS OF REAL
19 ESTATE WITHIN THE AREA OF A CIRCLE THAT:

20 A. HAS THE PREMISES FOR WHICH A LICENSE IS SOUGHT
21 AT ITS CENTER; AND

22 B. ENCOMPASSES PROPERTIES OWNED BY AT LEAST
23 1,000 PERSONS.

24 13–101.

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

26 1. Howard County;

27 2. Montgomery County;

28 3. Kent County;

29 4. Washington County;

30 5. Caroline County; [and]

31 6. FREDERICK COUNTY; AND

1 [6.] 7. Except as provided in subparagraph (ii) of this
2 paragraph, Wicomico County and Worcester County.

3 (ii) This paragraph does not apply to a licensee in Wicomico County
4 or Worcester County with a Class C license.

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

7 1. Shall be certified by an approved alcohol awareness
8 program; and

9 2. Except as otherwise provided in subparagraph (iv) of this
10 paragraph, be present during the hours in which alcohol may be sold.

11 (iv) 1. In Howard County, Kent County, Washington County,
12 Wicomico County, and Worcester County, the person certified by an approved alcohol
13 awareness program may be absent from the licensed premises for a bona fide personal or
14 business reason or an emergency, if the absence lasts for not more than 2 hours.

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

18 **3. IN FREDERICK COUNTY, THE PERSON CERTIFIED BY**
19 **AN APPROVED ALCOHOL AWARENESS PROGRAM MAY BE ABSENT FROM THE**
20 **LICENSED PREMISES FOR AN EMERGENCY THAT MEETS STANDARDS THAT THE**
21 **BOARD OF LICENSE COMMISSIONERS SETS BY REGULATION, IF THE ABSENCE LASTS**
22 **FOR NOT MORE THAN 2 HOURS.**

23 [3.] 4. The Board of License Commissioners shall require
24 the licensee to keep a log book on the licensed premises that contains documentation of
25 each temporary absence, the length of time of the absence, and the reason for the absence,
26 in the form required by the Board of License Commissioners.

27 16-507.

28 (l) (1) In Frederick County, the [License Commissioner] **BOARD OF**
29 **LICENSE COMMISSIONERS** may impose a fine of not more than [\$1,500] **\$3,000** per
30 offense or suspend an alcoholic beverages license for any violation that is cause for
31 suspension under the alcoholic beverages laws affecting Frederick County.

32 (2) The [Commissioner] **BOARD** may both suspend an alcoholic beverages
33 license and impose the fine on a licensee for these violations.

1 **(3) THE BOARD MAY REDUCE A SUSPENSION BY ALLOWING THE**
2 **LICENSEE TO PAY A FINE OF NOT MORE THAN \$1,000 FOR EACH WEEK THE**
3 **SUSPENSION IS REDUCED.**

4 **(4)** All moneys collected under this subsection shall be deposited into the
5 general funds of Frederick County.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.