

SENATE BILL 643

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CF HB 786

By: **Senator Edwards**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages Act of 2020**

3 FOR the purpose of altering, in Garrett County, the days on which the holder of a
4 manufacturer’s license may sell or deliver alcoholic beverages; authorizing the Board
5 of License Commissioners for Garrett County to issue an on–premises consumption
6 permit to the holder of a Class 1 distillery license; providing that the permit
7 authorizes a certain license holder to sell certain mixed drinks in accordance with
8 certain requirements; providing that the permit exempts a certain license holder
9 from certain limitations on the amount of alcohol the license holder may serve;
10 establishing certain permit fees; requiring the Board to charge certain issuing fees
11 in a certain manner; authorizing the Board to issue certain deluxe restaurant
12 licenses to the holders of certain licenses issued by other local licensing boards;
13 altering the amount of required seating in a restaurant for a Class BDR beer, wine,
14 and liquor license; authorizing the Board to issue a refillable container permit for
15 wine in the county under certain circumstances; making conforming changes; and
16 generally relating to alcoholic beverages in Garrett County.

17 BY renumbering

18 Article – Alcoholic Beverages
19 Section 21–1104.1
20 to be Section 21–1104.2
21 Annotated Code of Maryland
22 (2016 Volume and 2019 Supplement)

23 BY repealing and reenacting, without amendments,

24 Article – Alcoholic Beverages
25 Section 2–202(c)(5), 4–1105, 21–102, 21–804(a), and 21–903(a)
26 Annotated Code of Maryland
27 (2016 Volume and 2019 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Alcoholic Beverages
2 Section 21–402, 21–403, 21–804(b), 21–903(b) and(c), and 21–1101
3 Annotated Code of Maryland
4 (2016 Volume and 2019 Supplement)

5 BY adding to
6 Article – Alcoholic Beverages
7 Section 21–1104.1
8 Annotated Code of Maryland
9 (2016 Volume and 2019 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That Section(s) 21–1104.1 of Article – Alcoholic Beverages of the Annotated Code of
12 Maryland be renumbered to be Section(s) 21–1104.2.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
14 as follows:

15 **Article – Alcoholic Beverages**

16 2–202.

17 (c) A license holder may:

18 (5) (i) conduct guided tours of the licensed premises;

19 (ii) at no cost or for a fee, serve to an individual who has attained the
20 legal drinking age and participated in a guided tour of the licensed premises, not more than
21 2 ounces of products, with each product sample consisting of not more than one–half ounce
22 from a single product manufactured by the license holder;

23 (iii) serve samples blended with other products manufactured by the
24 license holder or nonalcoholic ingredients; and

25 (iv) sell not more than 2.25 liters of products manufactured on the
26 licensed premises, for off–premises consumption, and related merchandise to an individual
27 who has attained the legal drinking age and participated in a guided tour of the licensed
28 premises; and

29 4–1105.

30 (a) There is a refillable container permit.

31 (b) A refillable container permit authorizes the permit holder to:

32 (1) sell wine for off–premises consumption in a refillable container that
33 meets the standards set out in subsection (d) of this section; and

1 (2) sell and refill a refillable container that meets the standards set out in
2 subsection (d) of this section.

3 (c) (1) The term of a refillable container permit is the same as that of the
4 underlying license.

5 (2) The hours of sale for a refillable container permit are the same as those
6 for the underlying license.

7 (3) An applicant who holds an underlying license without an off-sale
8 privilege shall meet the same advertising, posting of notice, and public hearing
9 requirements as those for the underlying license.

10 (d) (1) To be used as a refillable container for wine under the authority of a
11 refillable container permit, a container shall:

12 (i) have a capacity of not less than 17 ounces and not more than 34
13 ounces;

14 (ii) be sealable;

15 (iii) be branded with an identifying mark of the seller of the
16 container;

17 (iv) bear the federal health warning statement required for
18 containers of alcoholic beverages under 27 C.F.R. 16.21;

19 (v) display instructions for cleaning the container; and

20 (vi) bear a label stating that cleaning the container is the
21 responsibility of the consumer.

22 (2) The Comptroller may adopt standards regarding containers that
23 qualify for use as refillable containers for wine, including containers originating from
24 outside the State.

25 (3) The holder of a refillable container permit may refill a refillable
26 container originating from inside or outside the State that meets the standards adopted by
27 the Comptroller under paragraph (2) of this subsection.

28 21-102.

29 This title applies only in Garrett County.

30 21-402.

1 A holder of a manufacturer's license may sell or deliver alcoholic beverages to a
2 holder of a retail license **ON MONDAY THROUGH SATURDAY** from 6 a.m. to midnight [on
3 every day except Sunday or an election day].

4 21-403.

5 (a) This section applies to a Class 1 distillery license in the county.

6 (b) A license holder may open on Sundays to engage in the activities listed in §
7 2-202(c)(5) of this article only in an election district or a precinct in an election district
8 where the voters, in a referendum authorized by law, have approved Sunday sales at a
9 distillery.

10 **(C) THE BOARD MAY ISSUE AN ON-PREMISES CONSUMPTION PERMIT TO**
11 **THE HOLDER OF A CLASS 1 DISTILLERY LICENSE.**

12 **(D) (1) THE PERMIT AUTHORIZES THE LICENSE HOLDER TO SELL MIXED**
13 **DRINKS MADE FROM LIQUOR THAT THE LICENSE HOLDER PRODUCES THAT IS MIXED**
14 **WITH OTHER NONALCOHOLIC INGREDIENTS FOR ON-PREMISES CONSUMPTION AT**
15 **THE LOCATION OF THE CLASS 1 DISTILLERY.**

16 **(2) THE PERMIT EXEMPTS THE LICENSE HOLDER FROM THE LIMITS**
17 **ON AMOUNTS OF ALCOHOL SERVED UNDER § 2-202(C)(5)(II) OF THIS ARTICLE.**

18 **(E) (1) THE ANNUAL PERMIT FEE IS \$1,750.**

19 **(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**
20 **PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.**

21 21-804.

22 (a) There is a Class BDR (deluxe restaurant) beer and wine license.

23 (b) The license may be issued to a holder of:

24 **(1) a Class B beer license [or];**

25 **(2) a Class B beer and wine license; OR**

26 **(3) AN EQUIVALENT LICENSE THAT THE LOCAL LICENSING BOARD OF**
27 **A DIFFERENT JURISDICTION ISSUES ONLY FOR USE BY A RESTAURANT.**

28 21-903.

29 (a) There is a Class BDR (deluxe restaurant) beer, wine, and liquor license.

1 (b) The Board may issue the license to a holder of:

2 (1) a Class B beer and wine license;

3 (2) a Class B beer, wine, and liquor license; [or]

4 (3) a Class B Resort beer, wine, and liquor license; **OR**

5 **(4) AN EQUIVALENT LICENSE THAT THE LOCAL LICENSING BOARD OF**
6 **A DIFFERENT JURISDICTION ISSUES ONLY FOR USE BY A RESTAURANT.**

7 (c) (1) The Board may issue the license for use by a deluxe restaurant as
8 defined by the Board with:

9 (i) seating at tables, not including seats at bars or counters, for at
10 least **[85] 20** individuals; and

11 (ii) a capital investment of at least \$250,000 for the restaurant
12 facilities, not including the cost of land or buildings.

13 (2) If an applicant purchases or leases an existing building, the capital
14 investment attributable to the cost of the land and improvements shall be based on the
15 assessed value of the land and improvements in accordance with the records of the State
16 Department of Assessments and Taxation at the time of purchase or lease.

17 (3) The license authorizes the license holder to sell, at retail, at the place
18 described in the license:

19 (i) beer, wine, and liquor for on-premises consumption; and

20 (ii) beer for off-premises consumption.

21 21-1101.

22 (a) Section 4-1103 ("Removal of partially consumed bottle of wine from licensed
23 premises") of Division I of this article applies in the county without exception or variation.

24 (b) **[Section 4-1105 ("Refillable container permit — Wine") of Division I of this**
25 **article does not apply in the county.**

26 (c) The following sections of Title 4, Subtitle 11 ("Additional License Privileges")
27 of Division I of this article apply in the county:

28 (1) § 4-1102 ("Corkage — Consuming wine not purchased from license
29 holder on licensed premises"), in addition to § 21-1102 of this subtitle;

1 (2) § 4-1104 (“Refillable container permit — Draft beer”), subject to §
2 21-1104 of this subtitle; [and]

3 (3) **§ 4-1105 (“REFILLABLE CONTAINER PERMIT – WINE”), SUBJECT**
4 **TO § 21-1104.1 OF THIS SUBTITLE; AND**

5 (4) § 4-1106 (“Nonrefillable container permit — Draft beer”), subject to [§
6 21-1104.1] **§ 21-1104.2** of this subtitle.

7 **21-1104.1.**

8 **(A) THE BOARD MAY ISSUE A REFILLABLE CONTAINER PERMIT FOR WINE**
9 **TO A HOLDER OF A LICENSE THAT ENTITLES THE HOLDER TO SELL WINE FOR**
10 **OFF-PREMISES CONSUMPTION.**

11 **(B) (1) THE ANNUAL PERMIT FEE IS \$75.**

12 **(2) THE BOARD SHALL CHARGE A ONE-TIME ISSUING FEE FOR A NEW**
13 **PERMIT IN AN AMOUNT EQUAL TO THE ANNUAL PERMIT FEE.**

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2020.