

SENATE BILL 798

A2

5lr2718
CF HB 655

By: **Wicomico County Senators**

Introduced and read first time: January 28, 2025

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 16, 2025

CHAPTER _____

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages – Temporary To-Go Event Permit and**
3 **Class C Per Diem Municipal To-Go Beer, Wine, and Liquor License**

4 FOR the purpose of establishing a temporary to-go event permit in Wicomico County;
5 authorizing the Board of License Commissioners for Wicomico County to issue a
6 temporary to-go event permit to a holder of a Class B beer, wine, and liquor license
7 under certain circumstances; establishing a Class C per diem municipal to-go beer,
8 wine, and liquor license in the county; authorizing the Board to issue a Class C per
9 diem municipal to-go beer, wine, and liquor license to a municipality in the county;
10 requiring the Board to adopt certain regulations; and generally relating to alcoholic
11 beverages in Wicomico County.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages and Cannabis
14 Section 32-102 and 32-902(a), (b), (c), (g), and (h)
15 Annotated Code of Maryland
16 (2024 Replacement Volume)

17 BY adding to
18 Article – Alcoholic Beverages and Cannabis
19 Section 32-902(i), 32-1104, and 32-1314
20 Annotated Code of Maryland
21 (2024 Replacement Volume)

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.



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

Article – Alcoholic Beverages and Cannabis

32–102.

This title applies only in Wicomico County.

32–902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license for use by:

(1) a hotel that has:

(i) at least 25 rooms;

(ii) a lobby with registration, mail desk, and seating facilities; and

(iii) a dining room that serves full–course meals at least twice daily;

or

(2) (i) a restaurant that:

1. has a proper and adequate dining room with facilities for preparing and serving regular meals;

2. not counting seating at a bar or counter, has table seating for at least 40 individuals; and

3. has average daily receipts from the sale of food, not counting foodstuff contained in a mixed drink, that each month exceed the average daily receipts from the sale of alcoholic beverages.

(ii) The seating requirement in item (i)1 of this item does not apply to a Class B beer, wine, and liquor license holder who held the license on July 1, 1978.

(c) The license authorizes the license holder to sell beer, wine, and liquor at a hotel or restaurant at retail at the place described in the license, for on–premises consumption.

(g) (1) The Board may issue a wine permit to a holder of the license for use by a restaurant that:

1 (i) at least 5 days per week, offers for sale and describes in a printed
2 menu:

- 3 1. breakfast and lunch;
- 4 2. breakfast and dinner; or
- 5 3. lunch and dinner; and

6 (ii) has an area used for the preparation and consumption of food
7 and beverages that is at least 80% of the area of the premises.

8 (2) Off-sale alcoholic beverages receipts shall be included in the calculation
9 of average daily receipts from the sale of alcoholic beverages under § 32-901(c)(2)(i)3 of this
10 subtitle.

11 (3) The wine permit authorizes the license holder to sell, at retail, at the
12 place described in the license:

- 13 (i) beer, wine, and liquor for on-premises consumption; and
- 14 (ii) wine for off-premises consumption.

15 (4) The term of the wine permit is the same as the term of the Class B
16 license.

17 (5) If the premises is open for business as a restaurant, the hours and days
18 of sale for the wine permit are:

- 19 (i) 10 a.m. to midnight, Monday through Saturday; and
- 20 (ii) 12:30 p.m. to midnight on Sunday.

21 (6) Wine sold under the wine permit may not have an alcohol content
22 greater than 15.5%.

23 (7) An applicant for the wine permit shall complete the form that the Board
24 provides.

25 (8) Advertising, posting of notice, and public hearing requirements for the
26 wine permit are the same as those for Class B licenses.

27 (9) The Board may adopt regulations to carry out this subsection, including
28 a limit on the number of wine permits to be granted.

29 (10) The annual permit fee is \$1,500.

(h) The holder of a Class B beer, wine, and liquor restaurant license that has been issued a Class 9 limited distillery license may sell products manufactured under the distillery license at the place described in the Class B license in a manner consistent with the underlying Class B license for on- and off-premises consumption.

(I) (1) THE BOARD MAY ISSUE A TEMPORARY TO-GO EVENT PERMIT UNDER § 32-1104 OF THIS TITLE TO A HOLDER OF A LICENSE UNDER THIS SECTION IF THE LICENSED ESTABLISHMENT IS LOCATED WITHIN OR IMMEDIATELY ADJACENT TO A SPECIAL EVENT AREA IDENTIFIED IN A CLASS C PER DIEM MUNICIPAL TO-GO BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER § 32-1314 OF THIS TITLE.

(2) THE TEMPORARY TO-GO EVENT PERMIT AUTHORIZES THE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR IN APPROVED TO-GO CUPS THAT MAY BE CARRIED OUTSIDE THE LICENSED ESTABLISHMENT AND INTO THE DESIGNATED SPECIAL EVENT AREA.

32-1104.

(A) THERE IS A TEMPORARY TO-GO EVENT PERMIT.

(B) THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B BEER, WINE, AND LIQUOR LICENSE IF THE LICENSED ESTABLISHMENT IS LOCATED WITHIN OR IMMEDIATELY ADJACENT TO A SPECIAL EVENT AREA IDENTIFIED IN AND FOR USE IN CONJUNCTION WITH A CLASS C PER DIEM MUNICIPAL TO-GO BEER, WINE, AND LIQUOR LICENSE.

(C) THE PERMIT AUTHORIZES THE HOLDER TO SELL AT RETAIL BEER, WINE, AND LIQUOR IN APPROVED TO-GO CUPS THAT MAY BE CARRIED OUTSIDE THE LICENSED ESTABLISHMENT OF THE CLASS B LICENSE AND INTO THE DESIGNATED SPECIAL EVENT AREA.

(D) THE PERMIT HOLDER SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LAWS AND REGULATIONS.

(E) THE TERM OF THE PERMIT IS THE SAME AS THE TERM OF THE ASSOCIATED CLASS C PER DIEM MUNICIPAL TO-GO BEER, WINE, AND LIQUOR LICENSE.

(F) THE BOARD SHALL ADOPT REGULATIONS RELATED TO THE ISSUANCE OF AND REQUIREMENTS FOR THE PERMIT, INCLUDING REGULATIONS RELATED TO:

(1) THE DESIGNATION OF A SPECIAL EVENT AREA;

(2) THE HOURS OF SALE;

1 **(3) AGE VERIFICATION REQUIREMENTS;**

2 **(4) THE USE OF SPECIFIED TO-GO CUPS; AND**

3 **(5) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**
4 **REQUIREMENTS FOR THE TEMPORARY TO-GO EVENT PERMIT.**

5 **(G) THE FEE FOR THE PERMIT IS \$20 PER DAY.**

6 **32-1314.**

7 **(A) THERE IS A CLASS C PER DIEM MUNICIPAL TO-GO BEER, WINE, AND**
8 **LIQUOR LICENSE.**

9 **(B) THE LICENSE ENTITLES THE LICENSE HOLDER TO ALLOW BEER, WINE,**
10 **AND LIQUOR SOLD BY A HOLDER OF A TEMPORARY TO-GO EVENT PERMIT UNDER §**
11 **32-1104 OF THIS TITLE TO ENTER A DESIGNATED SPECIAL EVENT AREA DESCRIBED**
12 **IN THE LICENSE FOR A PERIOD NOT EXCEEDING 7 CONSECUTIVE DAYS.**

13 **(C) THE BOARD MAY ISSUE THE LICENSE TO A MUNICIPALITY IN THE**
14 **COUNTY.**

15 **(D) THE BOARD SHALL ADOPT REGULATIONS RELATED TO THE ISSUANCE**
16 **OF AND REQUIREMENTS FOR A LICENSE UNDER THIS SECTION, INCLUDING**
17 **REGULATIONS RELATED TO:**

18 **(1) THE DESIGNATION OF A SPECIAL EVENT AREA;**

19 **(2) THE HOURS OF SALE;**

20 **(3) AGE VERIFICATION REQUIREMENTS;**

21 **(4) THE USE OF SPECIFIED TO-GO CUPS;**

22 **(5) ADVERTISING, POSTING OF NOTICE, AND PUBLIC HEARING**
23 **REQUIREMENTS FOR THE LICENSE AND ANY ASSOCIATED TEMPORARY TO-GO EVENT**
24 **PERMIT; AND**

25 **(6) PUBLIC SAFETY AND EVENT SECURITY REQUIREMENTS.**

26 **(E) THE FEE FOR THE LICENSE IS \$45 PER DAY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
2 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.