

HOUSE BILL 905

A2

3lr2226
CF SB 821

By: **Delegate Hinebaugh**

Introduced and read first time: February 9, 2023

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Garrett County Alcoholic Beverages Act of 2023**

3 FOR the purpose of altering a certain condition under which the Board of License
4 Commissioners of Garrett County may issue a certain alcoholic beverages license to
5 a hotel or motel; authorizing a gift basket permit holder to purchase certain alcoholic
6 beverages from a wholesaler; authorizing a holder of a Class C multiple day beer
7 license, beer and wine license, or beer, wine, and liquor license to hold another license
8 that is issued by the Board; authorizing a holder of a multiple event license to hold
9 another license that is issued by the Board; altering the hours of sale for alcoholic
10 beverages on Sunday for certain licenses; establishing the framework for the
11 expiration of alcoholic beverages licenses in the county; and generally relating to
12 alcoholic beverages in Garrett County.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 21–102, 21–902(a), and 21–1001.3(a) and (b)
16 Annotated Code of Maryland
17 (2016 Volume and 2022 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages
20 Section 21–902(c), 21–1001.3(f), 21–1309, 21–1310, 21–2006, and 21–2201
21 Annotated Code of Maryland
22 (2016 Volume and 2022 Supplement)

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.



BY adding to
Article – Alcoholic Beverages
Section 21–2202
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

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

Article – Alcoholic Beverages

21–102.

This title applies only in Garrett County.

21–902.

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

(c) The Board may issue the license for use by a hotel or motel that:

(1) is an establishment to accommodate the public by providing customary
hotel or motel services;

(2) has at least **[25] 10** rooms; and

(3) has a lobby with a registration and mail desk and seating facilities.

21–1001.3.

(a) There is a gift basket permit.

(b) (1) The Board may issue the permit to a person:

(i) whose primary business is the sale and delivery of:

1. flowers; or

2. gift baskets of flowers, food, or other items; and

(ii) who does not hold any other alcoholic beverages license or permit
under this article.

(2) The Board may not issue the permit for use in conjunction with or on
the premises of a chain store, supermarket, or discount house.

(f) The alcoholic beverages contained in a gift basket shall be purchased from a
WHOLESALE OR A retail license holder.

21-1309.

(a) The Board may issue a Class C multiple day beer license, beer and wine
license, and beer, wine, and liquor license to a club for the following fees and license types:

(1) \$50 for a 2-day license;

(2) \$150 for a 6-day license; and

(3) \$300 for a 12-day license.

**(B) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE ISSUED BY THE
BOARD THAT IS OF A DIFFERENT CLASS OR NATURE.**

[(b)] (C) The Board is not required to hold a hearing before issuing a license
under this section if a license holder anticipates attendance of fewer than 500 individuals
at an event.

21-1310.

(a) The Board may issue a multiple event license to a club that qualifies for a
Class C multiple day license.

(b) The Board may not issue more than one multiple event license to a club in a
license year.

**(C) THE LICENSE HOLDER MAY HOLD ANOTHER LICENSE ISSUED BY THE
BOARD THAT IS OF A DIFFERENT CLASS OR NATURE.**

[(c)] (D) (1) The Board shall publish a notice for application for the license
one time at least 7 days before a license hearing.

(2) A license holder shall notify the Board in writing at least 7 days before
an event for which the license is to be used.

[(d)] (E) The club for which a multiple event license is issued shall ensure that
at least one server who is certified by an approved alcohol awareness program is on the
premises when alcoholic beverages are served.

[(e)] (F) The club for which a multiple event license is issued may cater functions
on their premises.

[(f)] (G) The fee for a Class C multiple event license is:

- 1 (1) \$125 for not more than 5 events per year;
- 2 (2) \$250 for not more than 12 events per year;
- 3 (3) \$375 for not more than 18 events per year; and
- 4 (4) \$500 for not more than 24 events per year.

5 21–2006.

6 (a) This section applies in:

- 7 (1) election districts 11 and 15; and
- 8 (2) any other election district or precinct of an election district in which the
- 9 voters in a referendum authorized by law approve Sunday sales as specified in this section.

10 (b) (1) This section applies only to off–premises sales by:

- 11 (i) a holder of a Class A license;
- 12 (ii) a holder of a Class B license, including a Class B&B license, Class
- 13 BDR license, and Resort license;
- 14 (iii) a holder of a multiple day or multiple event license; and
- 15 (iv) a holder of a Class D license.

16 (2) A holder of a license listed in paragraph (1) of this subsection may sell

17 alcoholic beverages for off–premises consumption on a Sunday if the license holder may sell

18 alcoholic beverages for off–premises consumption for the underlying license.

19 (c) (1) This subsection applies to on–premises sales by:

- 20 (i) a holder of a Class B license, including a Class B&B license, Class
- 21 BDR license, and Resort license;
- 22 (ii) a holder of a Class C license;
- 23 (iii) a holder of a multiple day or multiple event license; and
- 24 (iv) a holder of a Class D license.

25 (2) A holder of a license specified in paragraph (1) of this subsection may

26 sell alcoholic beverages for on–premises consumption on Sunday if the license holder is

1 authorized by the underlying license to sell alcoholic beverages for on-premises
2 consumption.

3 (3) Sunday sales authorized under this subsection are from [10] 6 a.m. to
4 midnight.

5 21-2201.

6 (A) [Title 4, Subtitle 7 (“Expiration of Local Licenses”)] **SECTION 4-702(A) (“ON**
7 **DEATH OF LICENSE HOLDER”)** of Division I of this article applies in the county without
8 exception or variation.

9 (B) **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 7 (“EXPIRATION OF**
10 **LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

11 (1) **§ 4-702(B) (“AFTER VACATION OF OR EVICTION FROM**
12 **PREMISES”);**

13 (2) **§ 4-703 (“PENDING OR APPROVED TRANSFERS OR CONTINUATION**
14 **OF BUSINESS”);**

15 (3) **§ 4-704 (“LICENSE FOR PREMISES ACQUIRED FOR PUBLIC USE”);**
16 **AND**

17 (4) **§ 4-705 (“POSTPONEMENT TO AVOID HARDSHIP”).**

18 21-2202.

19 (A) **A LICENSE EXPIRES 6 MONTHS AFTER THE LICENSE HOLDER HAS**
20 **CLOSED THE BUSINESS OR STOPPED ACTIVE ALCOHOLIC BEVERAGES BUSINESS**
21 **OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD UNLESS:**

22 (1) **AN APPLICATION FOR APPROVAL OF A TRANSFER TO ANOTHER**
23 **LOCATION OR ANOTHER PERSON UNDER SUBTITLE 17 OF THIS TITLE HAS BEEN**
24 **APPROVED OR IS PENDING;**

25 (2) **AN APPLICATION FOR A CERTIFICATE OF PERMISSION OR A**
26 **RENEWAL LICENSE FOR CONTINUATION OF BUSINESS UNDER SUBTITLE 23 OF THIS**
27 **TITLE HAS BEEN APPROVED OR IS PENDING; OR**

28 (3) **A WRITTEN REQUEST FOR A HARDSHIP EXTENSION UNDER**
29 **SUBSECTION (B) OF THIS SECTION IS FILED WITHIN THE 6-MONTH PERIOD.**

30 (B) **EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION:**

(1) THE LICENSE HOLDER OR ANOTHER APPROPRIATE INTERESTED PARTY MAY MAKE A WRITTEN REQUEST TO THE BOARD TO EXTEND THE LIFE OF THE LICENSE DUE TO HARDSHIP;

(2) SUBMISSION OF A REQUEST UNDER ITEM (1) OF THIS SUBSECTION SHALL AUTOMATICALLY EXTEND THE LIFE OF THE LICENSE FOR 1 YEAR AFTER THE DATE OF THE CLOSING OR STOPPING OF BUSINESS OPERATIONS; AND

(3) A HARDSHIP EXTENSION MAY NOT PROLONG THE LIFE OF AN INACTIVE LICENSE BEYOND THE TOTAL OF:

(I) 1 YEAR AFTER THE DATE OF CLOSING OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS AT THE PREMISES FOR WHICH THE LICENSE IS HELD; AND

(II) ANY TIME PERIOD DURING WHICH THE LICENSE IS SUSPENDED UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION.

(C) (1) THE PERIOD FOR WHICH A LICENSE MAY BE CONSIDERED UNEXPIRED:

(I) BEGINS AT THE EARLIER OF THE CLOSING OF THE BUSINESS OR STOPPING OF ALCOHOLIC BEVERAGES BUSINESS OPERATIONS; AND

(II) MAY BE SUSPENDED ONLY BY FILING AN APPLICATION OR REQUEST UNDER SUBSECTION (A) OF THIS SECTION.

(2) THE EXPIRATION PERIOD RESUMES ON THE LAST TO OCCUR OF THE FOLLOWING EVENTS:

(I) FINAL ACTION OF THE BOARD DENYING AN APPLICATION DESCRIBED IN SUBSECTION (A)(1) OR (2) OF THIS SECTION;

(II) FINAL JUDGMENT OF THE REVIEWING COURT IF JUDICIAL REVIEW OF THE BOARD'S ACTION ON AN APPLICATION OR REQUEST AUTHORIZED BY SUBSECTION (A)(1) OR (2) OF THIS SECTION HAS AFFIRMED THE BOARD'S ACTION; OR

(III) DISMISSAL OF A PETITION FOR JUDICIAL REVIEW OF THE BOARD'S ACTION.

1 **(3) IF AN APPLICATION OR REQUEST DESCRIBED IN SUBSECTION (A)**
2 **OR (B) OF THIS SECTION IS WITHDRAWN:**

3 **(I) THE PERIOD FOR AUTOMATIC EXPIRATION OF THE LICENSE**
4 **MAY NOT BE SUSPENDED ON THE BASIS OF THE WITHDRAWN APPLICATION OR**
5 **REQUEST; AND**

6 **(II) THE APPLICATION OR REQUEST SHALL BE CONSIDERED AS**
7 **IF IT HAD NOT BEEN FILED.**

8 **(D) IF A LICENSED PREMISES IS FORCED TO CLOSE BECAUSE OF A**
9 **CASUALTY LOSS, THE BOARD, WITHOUT CIRCUIT COURT APPROVAL, MAY EXTEND**
10 **THE LICENSE FOR NOT MORE THAN 2 YEARS AFTER THE CLOSING.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.