

SENATE BILL 49

A2

4lr0829

(PRE-FILED)

By: **Senator Hershey**

Requested: November 6, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Kent County – Alcoholic Beverages Act of 2014**

3 FOR the purpose of authorizing the Board of License Commissioners for Kent County
4 to issue a beer or wine tasting (BWT) license to the holder of certain alcoholic
5 beverages licenses; providing that a BWT license authorizes, for tasting
6 purposes only, the on-premises consumption of certain wine or beer; limiting
7 the amount of beer or wine that the holder of a BWT license may allow to be
8 consumed by a single individual in a single day; prohibiting a BWT license
9 holder from conducting a wine tasting and a beer tasting in a single day;
10 providing for an annual license fee; specifying that the selection of wine or beer
11 offered at a tasting is not limited to wine or beer produced in the State;
12 authorizing a holder of a BWT license to offer for sale certain beer under certain
13 circumstances; permitting summonses in Kent County to be served by the
14 inspector employed by the Board of License Commissioners; providing that
15 certain penalties imposed for violation of the alcoholic beverages laws do not
16 limit, but are in addition to, other penalties for the same violation and are
17 independent of any related court action based on the same violation; authorizing
18 a certain alcoholic beverages inspector to issue a citation in the County;
19 requiring the inspector to complete a training program in the use of arrest
20 authority and pertinent police procedures; prohibiting an inspector in the
21 County from carrying a firearm in the performance of the inspector's duties; and
22 generally relating to alcoholic beverages in Kent County.

23 BY renumbering

24 Article 2B – Alcoholic Beverages

25 Section 8-408.2

26 to be Section 8-408.3

27 Annotated Code of Maryland

28 (2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article 2B – Alcoholic Beverages
3 Section 8–408.2
4 Annotated Code of Maryland
5 (2011 Replacement Volume and 2013 Supplement)

6 BY repealing and reenacting, with amendments,
7 Article 2B – Alcoholic Beverages
8 Section 16–410(b) and 16–507(p)
9 Annotated Code of Maryland
10 (2011 Replacement Volume and 2013 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article – Criminal Law
13 Section 10–119(b)
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That Section(s) 8–408.2 of Article 2B – Alcoholic Beverages of the
18 Annotated Code of Maryland be renumbered to be Section(s) 8–408.3.

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

21 **Article 2B – Alcoholic Beverages**

22 **8–408.2.**

23 **(A) THIS SECTION APPLIES ONLY IN KENT COUNTY.**

24 **(B) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A BEER OR**
25 **WINE TASTING (BWT) LICENSE TO THE HOLDER OF A CLASS A BEER AND WINE**
26 **LICENSE OR A CLASS A BEER, WINE AND LIQUOR LICENSE.**

27 **(C) A BWT LICENSE AUTHORIZES, FOR TASTING PURPOSES ONLY, THE**
28 **ON–PREMISES CONSUMPTION OF:**

29 **(1) WINE THAT CONTAINS NOT MORE THAN 22% ALCOHOL BY**
30 **VOLUME; OR**

31 **(2) BEER BREWED BY A HOLDER OF A MICRO–BREWERY LICENSE**
32 **ISSUED UNDER § 2–208 OF THIS ARTICLE OR AN EQUIVALENT**
33 **OUT–OF–STATE LICENSE.**

1 **(D) A HOLDER OF A BWT LICENSE MAY ALLOW CONSUMPTION BY A**
2 **SINGLE INDIVIDUAL IN A SINGLE DAY OF:**

3 **(1) NOT MORE THAN 2 OUNCES OF A GIVEN BRAND AND NOT**
4 **MORE THAN 4 OUNCES FROM ALL BRANDS OF WINE; OR**

5 **(2) NOT MORE THAN 2 OUNCES OF BEER FROM ANY GIVEN BRAND**
6 **AND NOT MORE THAN 6 OUNCES FROM ALL BRANDS OF BEER.**

7 **(E) A BWT LICENSE HOLDER MAY NOT CONDUCT A WINE TASTING AND**
8 **A BEER TASTING ON THE SAME DAY.**

9 **(F) THE ANNUAL BWT LICENSE FEE IS \$200.**

10 **(G) THE SELECTION OF WINE OR BEER OFFERED AT A TASTING IS NOT**
11 **LIMITED TO WINE OR BEER PRODUCED IN THE STATE.**

12 **(H) THE HOLDER OF A BWT LICENSE MAY OFFER FOR SALE BEER**
13 **PERMITTED FOR TASTING IF:**

14 **(1) THE BEER IS SOLD IN REFILLABLE CONTAINERS THAT ARE**
15 **SEALED BY THE HOLDER OF THE BWT LICENSE; AND**

16 **(2) UNSOLD BEER IS RETURNED TO THE PROVIDER.**

17 16-410.

18 (b) (1) For the purpose of all hearings and inquiries which the board is
19 authorized to hold and make, the board may issue summonses for witnesses, and
20 administer to them oaths or affirmations.

21 (2) (i) All summonses shall be served by the sheriff, except that:

22 1. In the City of Annapolis, summonses may also be
23 served by the Annapolis Police Department;

24 2. In Anne Arundel County, summonses may also be
25 served by inspectors employed by the Board and by the Anne Arundel County Police
26 Department;

27 3. In Baltimore City, summonses may also be served by
28 inspectors employed by the Board of Liquor License Commissioners for Baltimore City;

29 4. In Cecil County, summonses may also be served by
30 inspectors employed by the Cecil County Board of License Commissioners;

1 (iii) subject to paragraphs (2) and (3) of this subsection, in Anne
2 Arundel County, Frederick County, Harford County, **KENT COUNTY**, Montgomery
3 County, Prince George's County, and Talbot County, and only in the inspector's
4 jurisdiction, an alcoholic beverages inspector who investigates license violations under
5 Article 2B of the Code.

6 (2) In Anne Arundel County, Frederick County, Harford County,
7 **KENT COUNTY**, Montgomery County, Prince George's County, and Talbot County, the
8 inspector shall successfully complete an appropriate program of training in the proper
9 use of arrest authority and pertinent police procedures as required by the board of
10 license commissioners.

11 (3) In Anne Arundel County, Harford County, **KENT COUNTY**,
12 Montgomery County, Prince George's County, and Talbot County, the inspector may
13 not carry a firearm in the performance of the inspector's duties.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 July 1, 2014.