

HOUSE BILL 139

A2

5lr1358

By: **Delegate Beitzel**

Introduced and read first time: January 28, 2015

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Garrett County – Alcoholic Beverages – Sunday Sales**

3 FOR the purpose of repealing a provision of law making Sunday sales by holders of certain
4 alcoholic beverages licenses in Garrett County contingent on the consumer placing
5 an order for a meal at a certain time or the consumer being otherwise entitled to a
6 meal on the premises as part of a prearranged event; and generally relating to
7 Sunday sales of alcoholic beverages in Garrett County.

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 11–512
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2014 Supplement)

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

15 **Article 2B – Alcoholic Beverages**

16 11–512.

17 (a) This section applies only in Garrett County.

18 (b) (1) Notwithstanding any other provisions of this subtitle and except on
19 Sundays and New Year’s Day, holders of any class of on– or off–sale licenses issued under
20 this article may sell the alcoholic beverages authorized under their respective license from
21 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages between the hours
22 of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) or (d)
23 of this section, at any time on Sunday after 2 a.m.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) The provisions of this subsection apply to a holder of a Class E
2 steamboat license issued by the State Comptroller's Office for use on all State waters
3 located within the county.

4 (3) However, this section is subject to the provisions of § 11-402(m) of this
5 title regarding sales on New Year's Eve or New Year's Day regardless of the day of the week
6 on which December 31 and January 1 fall.

7 (c) (1) The provisions of this subsection apply in:

8 (i) Election districts 11 and 15, in which the voters approved
9 Sunday sales in the referendum authorized by law in November 1996; and

10 (ii) Any other election district or precinct of an election district in
11 which the voters in a referendum authorized by law approve Sunday sales as specified in
12 this subsection.

13 (2) This subsection only applies to on-premises sales by:

14 (i) A holder of a Class C service club license; and

15 (ii) [Subject to paragraph (4) of this subsection a] A holder of a Class
16 B license, special 2-day Class C license, special 6-day Class C license, or special 12-day
17 Class C license; or

18 (iii) A holder of a Class D license operating an establishment that:

19 1. Is in a permanent building;

20 2. Has a seating capacity at tables, not including seats at
21 bars or counters, for at least 20 persons;

22 3. Is equipped with a full-service commercial kitchen
23 capable of preparing and serving full-course meals for at least 20 persons at one seating;
24 and

25 4. Is approved by the county Board of License
26 Commissioners, Department of Public Utilities, Health Department, and Planning and
27 Land Development Office.

28 (3) Sunday sales may begin, where permitted, at 1 p.m. and continue until
29 10 p.m.

30 (4) [(i) This paragraph does not apply to a holder of a Class C service
31 club license.

1 (ii) Sunday sales may be made only when the consumer places an
2 order for a meal simultaneously or prior to placing an order for an alcoholic beverage or the
3 consumer is otherwise entitled to a meal on the premises as part of a prearranged event,
4 such as a banquet, where the alcoholic beverage is served. Bar or counter sales may be
5 made as long as the consumer complies with the requirement of this paragraph.

6 (5) In addition to the usual license fee, the holder of a Class C service club
7 license, Class B license, or Class D license who wants to provide Sunday sales and who is
8 otherwise eligible to provide Sunday sales under this subsection shall pay an additional
9 \$250 for the privilege of Sunday sales.

10 [(6)](5) At the time the Class C service club license, Class B license, or
11 Class D license is issued, the Board shall charge a \$250 issuing fee.

12 (d) (1) The provisions of this subsection apply in an election district or a
13 precinct of an election district in which the voters in a referendum authorized by law
14 approve Sunday sales as specified in this subsection.

15 (2) (i) Subject to subparagraph (ii) of this paragraph, this subsection
16 applies only to off-premises sales by:

- 17 1. A holder of a Class A license;
- 18 2. A holder of a Class B license;
- 19 3. A holder of a special 2-day Class C license, special 6-day
20 Class C license, or special 12-day Class C license; and
- 21 4. A holder of a Class D license.

22 (ii) A holder of a license listed in subparagraph (i) of this paragraph
23 may sell alcoholic beverages for consumption off the licensed premises on a Sunday if the
24 license holder is authorized to sell alcoholic beverages for consumption off the licensed
25 premises for the underlying license.

26 (3) Sunday sales may begin, where authorized, at 1 p.m. and continue until
27 10 p.m.

28 (4) (i) This paragraph does not apply to a holder of a special Class C
29 license.

30 (ii) In addition to the usual license fee, the holder of a Class A
31 license, Class B license, or Class D license who wants to provide Sunday sales and who is
32 otherwise eligible to provide Sunday sales under this subsection shall pay an additional
33 \$250 for the privilege of Sunday sales.

1 (iii) At the time the Class A license, Class B license, or Class D license
2 is issued, the Board shall charge a \$250 issuing fee.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2015.