

# HOUSE BILL 139

A2

5lr1358

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By: **Delegate Beitzel**

Introduced and read first time: January 28, 2015

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 3, 2015

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## CHAPTER \_\_\_\_\_

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; making a technical change; and  
7 generally relating to 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

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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.



1 this article may sell the alcoholic beverages authorized under their respective license from  
 2 6 a.m. to 2 a.m. the following day, but may not sell alcoholic beverages between the hours  
 3 of 2 a.m. and 6 a.m. on any day of the week or, unless authorized under subsection (c) or (d)  
 4 of this section, at any time on Sunday after 2 a.m.

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

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

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

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

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

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

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

19 (ii) ~~[Subject to paragraph (4) of this subsection a] A holder of a Class~~  
 20 ~~B license, special 2-day Class C license, special 6-day Class C license, or special 12-day~~  
 21 ~~Class C license; or **OR SPECIAL CLASS C LICENSE; AND**~~

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

23 1. Is in a permanent building;

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

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

29 4. Is approved by the county Board of License  
 30 Commissioners, Department of Public Utilities, Health Department, and Planning and  
 31 Land Development Office.

32 (3) Sunday sales may begin, where permitted, at 1 p.m. and continue until  
 33 10 p.m.

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

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

8                   (5)]    In addition to the usual license fee, the holder of a Class C service club  
9 license, Class B license, or Class D license who wants to provide Sunday sales and who is  
10 otherwise eligible to provide Sunday sales under this subsection shall pay an additional  
11 \$250 for the privilege of Sunday sales.

12                   [(6)] (5)    At the time the Class C service club license, Class B license, or  
13 Class D license is issued, the Board shall charge a \$250 issuing fee.

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

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

19                                   1.    A holder of a Class A license;

20                                   2.    A holder of a Class B license;

21                                   3.    A holder of a special ~~2-day Class C license, special 6-day~~  
22 ~~Class C license, or special 12-day Class C license~~; and

23                                   4.    A holder of a Class D license.

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

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

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

32                   (ii)    In addition to the usual license fee, the holder of a Class A  
33 license, Class B license, or Class D license who wants to provide Sunday sales and who is

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1 otherwise eligible to provide Sunday sales under this subsection shall pay an additional  
2 \$250 for the privilege of Sunday sales.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.