



# Maryland State Licensed Beverage Association

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## ALCOHOL RELATED LEGISLATION THAT PASSED IN 2019

	<u>Page</u>
<u>Statewide</u>	2 - 9
<u>Allegany County</u>	10
<u>Anne Arundel County</u>	10
City of Annapolis - No New Legislation	
<u>Baltimore City</u>	10 - 11
Baltimore County – No New Legislation	
Calvert County – No New Legislation	
Caroline County – No New Legislation	
<u>Carroll County</u>	11 - 12
Cecil County – No New Legislation	
<u>Charles County</u>	12
<u>Dorchester County</u>	12
<u>Frederick County</u>	12 - 14
<u>Garrett County</u>	14
<u>Harford County</u>	14
<u>Howard County</u>	14 - 15
<u>Kent County</u>	15
<u>Montgomery County</u>	15 - 16
<u>Prince George’s County</u>	16 - 17
<u>Queen Anne’s County</u>	17
<u>Saint Mary’s County</u>	17
<u>Somerset County</u>	17 - 18
<u>Talbot County</u>	18
<u>Washington County</u>	18
<u>Wicomico County</u>	18
Worcester County – No New Legislation	

**STATEWIDE ALCOHOL RELATED LEGISLATION THAT PASSED IN 2019**

**Excerpts from: THE 90 DAY REPORT, A Review of the 2019 Legislative Session**

By: Department of Legislative Services, MARYLAND GENERAL ASSEMBLY

<http://dls.maryland.gov/pubs/prod/RecurRpt/2019rs-90-day-report.pdf>

**Alcoholic Beverages – Statewide Bills**

**Alcohol Consumption and Open Container Violations – Enforcement** (90 Day Report, Part H-35)

In general, an individual may not consume an alcoholic beverage in public nor possess an alcoholic beverage in an open container in public. [House Bill 88](#) (*passed*) establishes that consuming or possessing an alcoholic beverage in this manner is a code violation and a civil offense rather than a criminal misdemeanor. Under the bill, a violator receives a civil citation rather than being subject to arrest. The bill also establishes a task force to study the classification and penalties associated with other crimes in the State. \*Effective dates 6/1/2019

**Expanded Polystyrene Ban** (90 Day Report, Part K-9)

Expanded polystyrene foam is an inexpensive and readily available material often used in food product packaging. However, the material may have a significant impact on the health of humans and marine life because it never fully degrades, and, when littered, bioaccumulates in the environment. Across the country, jurisdictions have introduced legislation to ban or partially ban the use of expanded polystyrene foam, including Montgomery and Prince George’s counties in Maryland; Washington, DC; Portland, Oregon; New York, New York; and Los Angeles County and the City of San Francisco in California. However, there are no statewide bans in the United States.

Beginning July 1, 2020, [Senate Bill 285/House Bill 109](#) (*both passed*) prohibit (1) a person from selling or offering for sale in the State an “expanded polystyrene food service product” and (2) a “food service business,” which includes specified businesses, institutional cafeterias, or schools from selling or providing food or beverages in an expanded polystyrene food service product. The Maryland Department of the Environment (MDE) must conduct specified public education and outreach campaigns and may adopt regulations to implement the bills. MDE may grant to a food service business or school a waiver from the bills’ prohibition for up to one year if MDE determines that compliance would present an undue hardship or a practical difficulty that is not generally applicable to other food service businesses or schools in similar circumstances. A “unit of county government” must enforce the bills’ prohibitions and may impose a monetary penalty for violations under specified conditions. \*Effective date 7/1/2019

**Minimum Wage** (90 Day Report, Part H-28 – H-29)

The Maryland Wage and Hour Law is the State complement to the federal Fair Labor Standards Act, which specifies minimum wage and overtime requirements for employers and employees in the State.

[Senate Bill 280/House Bill 166](#) (*Chs. 10 and 11*) increase the State minimum wage rate for employers with 15 or more employees in six increments until the full phase-in of \$15.00 per hour on January 1, 2025. For employers with 14 or fewer employees, the wage rate reaches full phase-in after eight increments on July 1, 2026. The Board of Public Works (BPW), however, may temporarily suspend one scheduled increase in the State minimum wage for one year between October 1, 2020, and October 1, 2024, if it determines that the seasonally adjusted total employment is negative as compared with the previous six-month period. If total adjusted employment is negative, BPW may also consider the recent

performance of State revenues in making its determination. The Acts specify that, unless the federal minimum wage is set at a higher rate, the State minimum wage for employers with 15 or more employees is as follows:

- \$11.00 per hour as of January 1, 2020;
- \$11.75 per hour as of January 1, 2021;
- \$12.50 per hour as of January 1, 2022;
- \$13.25 per hour as of January 1, 2023;
- \$14.00 per hour as of January 1, 2024; and
- \$15.00 per hour as of January 1, 2025.

The State minimum wage for an employer that employs 14 or fewer employees) is as follows:

- \$11.00 per hour as of January 1, 2020;
- \$11.60 per hour as of January 1, 2021;
- \$12.20 per hour as of January 1, 2022;
- \$12.80 per hour as of January 1, 2023;
- \$13.40 per hour as of January 1, 2024;
- \$14.00 per hour as of January 1, 2025;
- \$14.60 per hour as of January 1, 2026; and
- \$15.00 per hour as of July 1, 2026.

An employer may no longer pay a training wage of 85% of the State minimum wage rate to employees under the age of 20 for the first six months of employment, or to employees who work for seasonal amusement, recreational, or swimming pool establishments. Instead, an employer may pay 85% of the State minimum wage rate to employees under the age of 18.

The Acts further require the Governor's proposed budget to include rate increases for several types of health care providers over the funding provided in the prior year's legislative appropriation. If the board temporarily suspends the next scheduled minimum wage increase, the provider reimbursement rate increases do not go into effect the following fiscal year. For fiscal 2021 through 2026, the Governor's proposed budget for the Developmental Disabilities Administration must include an annual 4.0% rate increase for community service providers over the funding provided in the prior year's legislative appropriation. Likewise, the Governor's proposed budget for fiscal 2021 through 2026 must include a 4.0% rate increase over the funding provided in the prior year's legislative appropriation for provider reimbursement in Medicaid and the Maryland Children's Health Program for the following services: nursing home services, medical day care services, private duty nursing services, personal care services, home- and community-based services, and services provided through the Community First Choice program. The Governor's proposed budget for behavioral health reimbursement (including for Medicaid recipients) for fiscal 2021 through 2026 must include an annual specified rate increase (in the range of 3.0% to 4.0%, depending on the year) for community service providers over the funding provided in the prior year's legislative appropriation. State expenditures (55% general funds, 45% federal funds) increase by \$178.8 million in fiscal 2021, increasing to \$712.2 million in fiscal 2024 due to the cumulative impact of rate increases for health care providers. Federal revenues also increase for the federal share of Medicaid expenditures.

The Acts also require the Commissioner of Labor and Industry to adopt regulations regarding the development of wage statements for tipped employees. \*Effective date 6/1/2019

**Electronic Credentials** (90 day Report, Part G-5)

[House Bill 180](#) (*passed*) authorizes MVA to issue an “electronic credential” to an individual in addition to (and not instead of) a driver’s license or an identification card if MVA has already issued either physical credential to the individual. Under the bill, MVA may enter into agreements with a Maryland State agency, another state agency, or the United States to facilitate the issuance, use, and verification of electronic credentials issued by MVA (or another state). In addition, MVA may charge a fee for (1) the issuance of an electronic credential and (2) the use of an electronic verification system. Finally, the bill authorizes an alcoholic beverages license holder (or an employee) to accept the electronic credential as proof of an individual’s age. \*Effective date 10/1/2019

**Identification of an Applicant’s Sex** (90 Day Report, Part G-5)

The Maryland Vehicle Law does not explicitly require an applicant for a driver’s license, identification card, or moped operator’s permit to select a specific sex in the application. Motor Vehicle Administration (MVA) applications for those documents, however, require an applicant to choose between one of two options, male or female. [Senate Bill 196/House Bill 421](#) (*both passed*) require that an application for a driver’s license, identification card, or moped operator’s permit allow an applicant to identify as (1) female; (2) male; or (3) unspecified or other. If an applicant identifies as unspecified or other in the application, MVA must ensure that the driver’s license, identification card, or moped operator’s permit displays an “X” in the appropriate location. The bills prohibit MVA from (1) requiring an applicant to provide proof of the applicant’s sex or (2) denying an application because the sex selected by the applicant does not match the sex displayed on another document associated with the applicant.

\*Effective date 10/1/2019

**Distilleries and Liquor - On-site Consumption Permits** (90 Day Report, Part H-35)

A Class 1 distillery license authorizes the establishment and operation of a plant for distilling any amount of brandy, rum, whiskey, alcohol, and neutral spirits at the location described in the license. A Class 1 distillery license also authorizes the license holder to conduct guided tours; serve samples; and sell up to 2.25 liters of products manufactured on the licensed premises, for consumption off the licensed premises, and related merchandise, to persons of legal drinking age who participate in a guided tour of the licensed premises. [House Bill 549](#) (*passed*) authorizes a local alcoholic beverages licensing board to issue an on-site consumption permit to the holder of a Class 1 distillery license. The permit authorizes the sale of mixed drinks made from liquor produced by the distillery and other non-alcoholic ingredients for on-premises consumption. A distillery may only use up to 7,750 gallons of its own liquor for this purpose each year. \*Effective date 7/1/2019

**Distilleries and Liquor - Off-site Permits** (90 Day Report, Part H-35)

Chapter 418 of 2016 authorized the Comptroller to grant a distillery off-site permit to a Class 1 distillery licensee or a Class 9 limited distillery licensee. [House Bill 551](#) (*passed*) increases the number of farmers’ markets and other events that a distillery or limited distillery may participate in using a distillery off-site permit. Specifically, the bill repeals the 5-event limit on the number of farmers’ markets for which the permit may be used, and authorizes the permit to be used to participate in up to 32, rather than 6, other events each year. \*Effective 6/1/2019

### **Festival and Retail Off-site Permits** (90 Day Report, Part H-35)

[House Bill 666](#) (*passed*) generally combines the nonprofit beer festival permit, nonprofit wine festival permit, and nonprofit liquor festival permit into a single nonprofit beer, wine, and liquor festival permit. The nonprofit festival permit authorizes the nonprofit organization to conduct a festival, to provide samples (in specified quantities), and sell alcoholic beverages to consumers. The bill also converts the farmers' market permit into a "retail off-site permit" and expands its associated privileges. The retail off-site permit authorizes the permit holder to sell beer, wine, and liquor produced by State-licensed manufacturers at a farmers' market and provide samples and offer and sell beer, wine, and liquor for on- and off-premises consumption at a nonprofit beer, wine, and liquor festival. \*Effective 7/1/2019

### **Credit Card Servicers** (90 Day Report, Part I-2)

It is important for any small business that deals with a credit card processor to understand fully its servicing agreement with the processor and all the terms of that agreement. [Senate Bill 694](#)/[House Bill 777](#) (*both passed*) define the agreement as a "merchant processing agreement." The bills require each credit card processor to send a copy of its merchant processing agreement to each business with which it has such an agreement and specify particular information that the merchant processing agreement must contain. A violation of the bills is subject to enforcement by the Commissioner of Financial Regulation. \*Effective date 10/1/2019

### **Expansion of Brewery License Privileges** (90 Day Report, Part H-33 – H-34)

In January 2017, the alcoholic beverage distributor Diageo announced plans to open a Guinness brewery in Baltimore County. At that time, the law regulating on-premises sales and sampling for Class 5 breweries limited the sale and sampling to 500 barrels of beer each year. Chapter 813 of 2017 made three significant changes to the manner in which Class 5 breweries were regulated in the State.

First, Chapter 813 increased the volume of its own beer that a Class 5 brewery may sell each year for on-premises consumption from 500 barrels to 2,000 barrels or, under certain circumstances, to 3,000 barrels. Second, Chapter 813 expressly authorized contract-brewed beer and allowed the contract-brewed beer produced at another location to be sold and sampled at the brewery in limited quantities. Third, Chapter 813 made changes to the hours during which a brewery may sell and serve beer for on-premises consumption.

[Senate Bill 801](#)/[House Bill 1010](#) (*both passed*) further enhance the privileges associated with a Class 5 brewery license, a Class 7 micro-brewery license, and a Class 8 farm brewery license. Among other things, the bills increase to 5,000 barrels the amount of beer that Class 5 and Class 7 breweries may sell each year for on-premises consumption, allow Class 5 breweries to brew and bottle malt beverages at the locations described on their individual storage permits, authorize Class 7 breweries to brew up to 45,000 barrels of malt beverages each calendar year, and authorize certain Class 5, Class 7, and Class 8 breweries to self-distribute up to 5,000 barrels of their own beer through the use of a Class 7 limited beer wholesaler's license. The bills also set the hours of sale for Class 8 farm breweries at 10 a.m. to 10 p.m. Finally, the bills require Class 5 breweries, Class 6 pub-breweries, Class 7 micro-breweries, and Class 8 farm breweries to report beer production and sales data each year to the Comptroller that must then be included in an annual report to the General Assembly. \*Effective 7/1/2019

### **Alcohol and Tobacco Commission** - (90 Day Report, Part B-12)

[House Bill 1052](#) (*Ch. 12*) establishes the **Alcohol and Tobacco Commission** and transfers to the

commission the staff, powers, and duties of the Field Enforcement Division of the Comptroller’s Office for the regulation of alcoholic beverages and tobacco. Generally, tax information may not be disclosed by an officer, employee, former officer, or former employee of the State or any political subdivision of the State; however, tax information may be disclosed to specified individuals and entities. The Act authorizes disclosure of tax information to the commission. For a further discussion of [House Bill 1052](#), see the subpart “Alcoholic Beverages (Statewide)” within Part H – Business and Economic Issues of this *90 Day Report*. \*Effective date 6/1/2020

**Alcohol and Tobacco Commission** - (90 Day Report, Part C-1)

[House Bill 1052](#) (Ch. 12) establishes the Alcohol and Tobacco Commission. The commission is granted various powers and duties, including (1) educating the public on topics related to using and consuming tobacco products and alcoholic beverages; (2) ensuring that all alcoholic beverages sold in the State with an alcohol content exceeding 4.5% by volume bear a large and conspicuous label stating the percentage of alcohol content; (3) conducting certain studies; and (4) developing best practices for various topics related to alcoholic beverages regulation. The Act also transfers the Field Enforcement Division and the personnel of the division from the Comptroller’s Office to the commission. [House Bill 1052](#) was vetoed by the Governor, but the General Assembly overrode the veto and the bill became Chapter 12 of the Acts of 2019. \*Effective date 6/1/2020

**Alcohol and Tobacco Commission** (90 Day Report, Part H-6)

[House Bill 1052](#) (Ch. 12) establishes the Alcohol and Tobacco Commission (ATC) and transfers staff, powers, and duties related to regulation of alcoholic beverages and tobacco from the Field Enforcement Division in the Comptroller’s Office to ATC. The Act takes effect June 1, 2020, and expresses legislative intent that the transfer take effect on or before July 1, 2020. For a more detailed discussion of the issues surrounding the establishment, powers, and duties of ATC, see the subpart “Alcoholic Beverages (Statewide)” in this part of this *90 Day Report*. \*Effective date 6/1/2020

**Alcohol and Tobacco Commission** - (90 Day Report, Part H-32 – H-33)

In Maryland, alcoholic beverages manufacturers and wholesalers are regulated by the Comptroller’s Office (State level), while alcoholic beverages retailers are regulated by local boards of license commissioners. The Comptroller’s Office considers applications and issues and oversees licenses through two offices: the Revenue Administration Division (RAD) and the Field Enforcement Division (FED). RAD is responsible for receiving and processing the tax returns and payments from alcoholic beverages manufacturers, and FED is responsible for enforcing statewide alcoholic beverages laws through inspection and oversight.

Chapter 25 of 2018 established the Task Force to Study State Alcohol Regulation, Enforcement, Safety, and Public Health. The task force was required to examine whether the State agency assigned the tasks of regulating the State alcoholic beverages industry and enforcing associated laws (the Comptroller’s Office) is the most appropriate agency to ensure the safety and welfare of Maryland residents, or whether those tasks should be assigned to another State agency or to one created specifically to carry out those tasks. In its final report, the task force made 23 recommendations, including establishing a new separate agency in charge of regulating and enforcing alcohol, tobacco, and motor fuel laws in the State.

[House Bill 1052](#) (Ch. 12) implements the task force’s recommendations, in part, by establishing the Alcohol and Tobacco Commission (ATC) and transferring FED staff, powers, and duties related to

alcoholic beverages and tobacco from the Comptroller's Office to ATC. The Governor vetoed the legislation, but the General Assembly overrode the veto during the 2019 session.

ATC consists of five members appointed by the Governor with the advice and consent of the Senate. The presiding officer of either house of the General Assembly may recommend a list of individuals for appointment to the Governor. In addition to performing FED's existing duties related to alcoholic beverages and tobacco enforcement, the Act establishes new responsibilities for ATC, including educating the public about specified topics related to the use of tobacco products and the consumption of alcoholic beverages.

The Act requires ATC to develop best practices for a number of activities, including the dedication of a minimum effective portion of the budget of a local licensing board to administrative enforcement activities, the carrying out of compliance checks for alcoholic beverages licenses, the development of guidelines for the minimum capacity of inspections by local licensing board inspectors, and the development of a public health impact statement for each change to the State alcoholic beverages laws.

ATC is also charged with completing a feasibility study by December 31, 2021, for maintaining a statewide database of individuals trained in an alcohol awareness program. \*Effective date 6/1/2020

#### **Beer Distribution and Franchise Agreements (90 Day Report, Part H-34)**

Established in 1974, the Beer Franchise Fair Dealing Act regulates the agreements, franchises, and relationships between beer manufacturers and their distributors (wholesalers). Among other things, the Act prohibits a brewery from terminating a contract with a distributor without good cause. Additionally, if a brewery wishes to terminate or refuse to renew a franchise agreement with one of its distributors, the brewery must provide the distributor with notice at least 180 days before terminating or refusing to renew the contract. If deficiency is claimed as the reason for the termination or nonrenewal, the distributor has 180 days after the notice is received to rectify the deficiency. If the distributor rectifies the deficiency within this time period, the brewery may not terminate or refuse to renew the contract with the distributor.

[Senate Bill 704/House Bill 1080](#) (*both passed*) shorten the franchise agreement termination process for a brewery that produces 20,000 or fewer barrels of beer per year. Such a brewery must wait 45 days, rather than 180 days, after notifying a distributor of its intent to terminate or refuse to renew a beer franchise agreement before terminating the agreement. Additionally, such a brewery is authorized to terminate or refuse to continue or renew a franchise agreement without good cause and is no longer required to give its distributor an opportunity to correct a deficiency if that is the reason the agreement is being terminated. However, the bills require the brewery to compensate the distributor for the fair market value of the terminated franchise and establish an arbitration process if the brewery and the distributor cannot otherwise reach a compensation agreement. \*Effective date 1/1/2020

#### **Tobacco Minimum Age for Purchase and Sale (90 Day Report, Part H-5)**

[House Bill 1169](#) (*passed*) makes a number of changes to the regulation of tobacco products in the State. The bill generally raises, from 18 to 21, the minimum age for an individual to purchase or be sold tobacco products. Active duty military members who are at least 18 years old and present valid military identification are not subject to the minimum age requirement. An individual who is under the age of 21 and is acting solely as the agent of an employer that distributes tobacco products or tobacco paraphernalia for commercial purposes is not subject to the distribution limitations in the bill.

In addition, the bill renames and alters “electronic nicotine delivery systems” (ENDS) to be “electronic smoking devices” (ESDs) and alters the definition of “tobacco product” to include ESDs. Under the bill, an “ESD” means a device that can be used to deliver aerosolized or vaporized nicotine to an individual inhaling from the device. “ESD” includes an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vape pen, vaping liquid, and any component, part, or accessory of such a device, regardless of whether the component is sold separately, including any substance intended to be aerosolized or vaporized during the use of the devices.

The bill repeals a provision of criminal law that prohibits a minor from using or possessing a tobacco product, cigarette rolling paper, or an ENDS or from using a false form of identification to obtain a tobacco product, cigarette rolling paper, or an ENDS. The bill specifies that it is a defense that the defendant examined the purchaser’s or recipient’s government-issued identification that positively identified the purchaser or recipient as either at least age 21 or as at least age 18 and an active duty member of the military.

The bill also alters one provision of law relating to vending machine sales and several provisions of law relating to retailers. For vending machine sales, a person is prohibited from selling, dispensing, or offering to sell or dispense a tobacco product through a vending machine unless the vending machine is located in an establishment that individuals younger than age 21 are prohibited by law from entering at any time. For retailers, first, the bill authorizes the Maryland Department of Health (MDH) to conduct unannounced inspections of a licensed cigarette, other tobacco product (OTP), or ESD retailer to ensure the licensee’s compliance with the criminal prohibition against the distribution or sale of tobacco products to underage individuals. MDH may use an individual younger than age 21 to assist in conducting the inspections. Second, the bill requires a cigarette, OTP, or ESD retailer to post a sign in a location that is clearly visible to the consumer that states, in letters that are at least one half-inch high, “No person under the age of 21 may be sold tobacco products without military identification.” Third, the bill specifies that if a person acting on behalf of a retailer violates specified prohibitions against the sale or distribution of tobacco products or ESDs, the retailer must pay the civil penalty. \*Effective date 10/1/2019

#### **Tobacco Minimum Age for Purchase and Sale** (90 Day Report, Part J-11)

[House Bill 1169](#) (*passed*), among other provisions, raises the minimum age, from 18 to 21, for an individual to purchase or be sold tobacco products. The bill exempts active duty military members who are at least age 18 and present valid military identification from the bill’s minimum age requirement. For a further discussion of this bill, see subparts “Criminal Law” within Part H – Business and Economic Issues of this *90 Day Report*. \*Effective date 10/1/2019

#### **Mead Classified as Beer** - (90 Day Report, Part B-14)

[Senate Bill 596](#) (*passed*) **expands the definition of beer to include mead**. The bill imposes the same alcoholic beverage tax rate to mead that is imposed on beer, which is \$0.09 per gallon. Mead is defined as a fermented alcoholic beverage consisting primarily of honey and water. For a further discussion of this bill, see the subpart “Alcoholic Beverages (Statewide)” within Part H – Business and Economic Issues of this *90 Day Report*. \*Effective date 7/1/2019

#### **Mead Classified as Beer** (90 Day Report, Part H-34)

Mead is a fermented alcoholic beverage made primarily of honey and water. Production of mead dates to 9,000 years ago. Mead is categorized as a honey wine for federal excise tax purposes. As a result, mead

has historically been considered a wine in Maryland for regulatory purposes, even though State law is silent on the issue, and has been taxed accordingly. [Senate Bill 596](#) (*passed*) reclassifies mead by expanding the definition of “beer” to include mead and applies the same alcoholic beverages tax rate to mead that is imposed on beer. \*Effective date 7/1/2019

**LOCAL ALCOHOL RELATED LEGISLATION THAT PASSED IN 2019**

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**Alcoholic Beverages - Local Bills**

**Allegany County** (90 Day Report, Part H-36)

**Alcoholic Beverages Licenses:** [Senate Bill 667](#)/[House Bill 866](#) (*both passed*) authorize the Board of License Commissioners to issue a Class D (on-sale) beer and wine arts and entertainment district license to a for-profit festival promoter for use at an entertainment event held in an arts and entertainment district in the county. In addition, the bills authorize the board to issue a Class L beer, wine, and liquor license to the holder of a manufacturer's license. The Class L license authorizes the holder to sell or provide samples of beer, wine, and liquor produced by the holder or by another manufacturer's licensee for on-premises consumption during the hours of sale applicable to the underlying manufacturer's license.

\*Effective date 7/1/2019

**Anne Arundel County** (90 Day Report, Part H-36)

**Racetrack and Racetrack Concessionaire License:** [Senate Bill 309](#)/[House Bill 374](#) (*both passed*) expand the hours of operation and privileges of a racetrack alcoholic beverages license. The license holder may sell alcoholic beverages Monday through Sunday from 6 a.m. to 2 a.m. the following day. The bills allow the playing of music and dancing on the licensed premises. The bills also establish a racetrack concessionaire license for qualifying concessionaires to sell beer, wine, and liquor on the licensed premises of the concessionaire and the racing establishment. \*Effective date 7/1/2019

**Alcohol Awareness Program:** [House Bill 459](#) (*passed*) requires an alcoholic beverages license holder or an employee in a supervisory capacity of the license holder to be both certified by an approved alcohol awareness program and be present on the licensed premises at all times when alcoholic beverages may be sold. For a first offense, a license holder who violates these requirements is subject to a \$100 fine. For each subsequent offense, the license holder is subject to a fine of up to \$500, or a suspension or revocation of the license, or both. \*Effective date 10/1/2019

**Interest in Multiple Licenses:** [House Bill 770](#) (*passed*) authorizes the Board of License Commissioners to issue more than one Class B, Class H, or Class BLX license to an individual already holding an interest in a license of a similar class. The interest may be held, controlled by direct or indirect ownership, stock ownership, interlocking directors or interlocking stock ownership, or any other direct or indirect manner. However, the other license type and interest must not be for a franchise operation or chain store operation. \*Effective date 7/1/2019

**Baltimore City** (90 Day Report, Part H-36 – H-37)

**Alcoholic Beverages Licenses:** [Senate Bill 584](#)/[House Bill 637](#) (*both passed*) authorize the Board of License Commissioners to issue (1) up to two Inner Harbor Park licenses for use by a nonprofit organization, as specified; (2) a Class B beer, wine, and liquor license for use by a restaurant in the 1400 block of Warner Street, as specified; and (3) one Class B-HM (hotel-motel) beer, wine, and liquor license to a hotel in the 1200 block of East Fort Avenue. \*Effective date 7/1/2019

In addition, the bills (1) authorize a specified transferee of a Class B-D-7 license to apply to the board to exchange the license for a Class A-7 license in the 46th legislative district by July 1, 2021; (2) alter provisions pertaining to the public market license; (3) alter the boundaries of the Old Goucher Revitalization District and authorize a Class B-D-7 license to be transferred within the revitalization district, as specified; and (4) authorize specified interactions until June 30, 2022, between a Class 1 distillery and a retail dealer in Port Covington.

***License Renewals and Adult Entertainment:*** [House Bill 959](#) (*passed*) authorizes the Board of License Commissioners to consider, when determining whether to renew an alcoholic beverages license or whether to attach any conditions on a renewed license, the performance of the license holder during the four-year period preceding the renewal application date. In addition, the bill prohibits the board from authorizing, and a specified license holder who offers adult entertainment from allowing, an individual younger than age 21 to enter the licensed establishment unless the individual is an employee, an agent, or a contractor of the establishment or is an active duty member of the Armed Forces of the United States.  
\*Effective date 7/1/2019

***Prohibited License Transfers:*** [House Bill 960](#) (*passed*) prohibits the Board of License Commissioners from allowing the transfer of an alcoholic beverages license until the resolution of any (1) pending criminal charge filed against the transferor that directly relates to the operation of the licensed premises or (2) disciplinary matter before the board concerning the transferor. The bill excludes such a prohibition from existing procedures to determine when a license expires. The bill specifies that the pendency of a criminal charge against a transferor that directly relates to the operation of the licensed premises or a disciplinary matter before the board concerning the transferor may be used as a reason to request the extension of the life of the license due to hardship. The board may grant an extension that prolongs the life of the license beyond 360 days if a transfer of the license is prohibited due to a pending criminal charge against the transferor or a disciplinary matter before the board concerning the transferor.  
\*Effective date 10/1/2019

***Related Event Promoter's Permit:*** Baltimore City will be the host city of the CIAA Men's and Women's Basketball Tournament for a three-year period beginning in 2021. [Senate Bill 792](#) (*passed*) authorizes the Board of License Commissioners to issue a related event promoter's permit that authorizes an individual, for-profit organization, or nonprofit organization and a participating license holder to conduct a social event related to and around the same time and location as the basketball tournament. \*Effective date 7/1/2019

**Carroll County** (90 Day Report, Part H-37 – H-38)

***Catering Licenses:*** Under current law, a holder of a Class BC BWL license must provide food for consumption at a catered event held off premises. Under [Senate Bill 297/](#)[House Bill 572](#) (*both passed*), either the license holder or the sponsor of the catered event may meet the requirement to provide food.  
\*Effective date 7/1/2019

***Required Information on an Application:*** Generally, a “petition of support” is signed by at least 10 property-owning residents who are registered voters of the precinct in which the business is to be located. The petition states (1) the length of time each of the residents has been acquainted with the applicant; (2) that they have reviewed the application and believe the statements within the application are true and the

applicant is suitable to obtain the license; and (3) that they are familiar with the location of the business and believe that the location is suitable for such a business.

**Senate Bill 298/House Bill 576** (both passed) alter the “petition of support” of an alcoholic beverages license application by removing the requirement that the petition signers both know of the proposed business location and believe the business location is a suitable location for such a business. \*Effective date 7/1/2019

***Class D Beer and Class D Beer and Wine Licenses:*** Under current law, a Class D beer license and a Class D beer and wine license automatically allow the sale of beer or beer and wine for both on- and off-premises consumption. Under **Senate Bill 927** (passed), the sale of beer for off-premises consumption under a Class D beer license is allowed only at the discretion of the Board of License Commissioners. Similarly, under **Senate Bill 256/House Bill 613** (both passed), the sale of beer and wine for off-premises consumption under a Class D beer and wine license is allowed only at the discretion of the board. \*Effective date 7/1/2019

**Charles County** (90 Day Report, Part H-38)

***View of Licensed Premises:*** **House Bill 388** (passed) alters the requirement that an alcoholic beverages license holder or the holder’s agent or employee only sell alcohol in a room with at least one plain glass window or door that allows an individual standing on the outside to observe the interior. The bill authorizes the licensed establishment to install a protective covering over an exterior door or window of the licensed premises if the covering is (1) used only when the premises is not occupied; (2) designed to protect the premises from unlawful intrusion or destruction; and (3) secured only from the exterior of the premises. Any protective covering must not prevent an inspection and search of the licensed premises. \*Effective date 7/1/2019

***Resort Complex License:*** **House Bill 389** (passed) establishes a resort complex alcoholic beverages license and authorizes the Board of License Commissioners to issue the license to resort complexes meeting specified criteria. \*Effective date 7/1/2019

***Golf Course Privilege:*** **House Bill 438** (passed) repeals the Class GC (golf course) alcoholic beverages license and replaces it with a Class GC privilege that may be attached to one of several types of retail alcoholic beverages license. The GC privilege expands the licensed premises to include the golf course. Holders of the Class GC privilege are authorized to sell alcoholic beverages on the golf course. \*Effective date 7/1/2019

**Dorchester County** (90 Day Report, Part H-38)

***Class A Licenses:*** **Senate Bill 111/House Bill 311** (both passed) authorize the Board of License Commissioners to issue Class A beer, wine, and liquor licenses to holders of Class B and Class D licenses. The bills also authorize the board to limit the number of Class A beer, wine, and liquor licenses that it issues. \*Effective date 7/1/2019

**Frederick County** (90 Day Report, Part H-39 – H-40))

***Promoter’s Permit:*** **Senate Bill 275/House Bill 287** (both passed) repeal the requirement that a for-profit organization may obtain a promoter’s permit only for an event conducted in conjunction with a nonprofit organization that holds a specified per diem alcoholic beverages license. The bills also lower to \$50 the

fee for the permit in instances where a promoter expects that fewer than 500 individuals will attend an event. \*Effective date 7/1/2109

**Sunday Sales:** [Senate Bill 274/House Bill 288](#) (*both passed*) repeal provisions that prohibit the holder of a Class C beer; a Class C beer and wine; or a Class C beer, wine, and liquor license from selling alcoholic beverages from a bar or counter on Sunday. \*Effective date 7/1/2019

**Cinema/Theater License:** [Senate Bill 273/House Bill 289](#) (*both passed*) authorize the Board of License Commissioners to issue a Class CT (cinema/theater) (on-sale) beer, wine, and liquor license for use in a for-profit cinema or theater that has at least one screening room or performance hall. The license authorizes the license holder to sell, in a designated area of the lobby, for 45 minutes before the start of a movie or performance, beer, wine, and liquor by the can, bottle, or drink for consumption anywhere on the licensed premises. A license holder may sell alcoholic beverages only to a ticket holder with proper identification and must offer food other than candy and popcorn. \*Effective date 7/1/2019

**Volunteer Fire Company or Volunteer Ambulance Company License:** [Senate Bill 204/House Bill 293](#) (*both passed*) authorize the Board of License Commissioners to issue a Class C (volunteer fire company or volunteer ambulance company) beer, wine, and liquor license to a volunteer fire company or volunteer ambulance company. The license authorizes the licensee to sell beer, wine, and liquor for on-premises consumption during a fundraising event. \*Effective date 7/1/2019

**Multiple Licenses Allowed:** Generally, and with specified exceptions, the number of alcoholic beverages licenses that may be issued to an individual license holder in the State is limited to 1. [Senate Bill 276/House Bill 312](#) (*both passed*) authorize the Board of License Commissioners to issue (1) up to 10 Class B beer, wine, and liquor hotel or motel licenses to a single license holder; (2) up to 10 Class B beer, wine, and liquor hotel or restaurant licenses to a single license holder; (3) up to 10 Class EC (entertainment center) licenses to a single license holder; and (4) up to 10 hotel lobby licenses to a single license holder. \*Effective date 7/1/2019

**License Application Notice:** [Senate Bill 224/House Bill 314](#) (*both passed*) repeal a requirement that signers of a petition of support for a local alcoholic beverages license are owners of real estate within 5,000 feet of the potential licensed establishment or, if an insufficient number of persons own real estate within the specified radius, within a radius of the potential licensed establishment that encompasses properties owned by at least 1,000 persons. The bills substitute a requirement that an applicant for a license post, at least 14 days before the application hearing and in a conspicuous place at the potential licensed establishment, a board-approved notice specifying (1) the class of license for which the applicant is applying and (2) the time, date, and location of the application hearing. \*Effective date 7/1/2019

**Theater Licenses – Seating Capacity:** [Senate Bill 952/House Bill 353](#) (*both passed*) repeal the requirement that a theater must seat no more than 200 individuals per performance to be eligible for a Class C (theater) beer and wine license. \*Effective date 7/1/2019

**Basket of Cheer Permit:** [Senate Bill 325/House Bill 447](#) (*both passed*) authorize the Board of License Commissioners to issue a basket of cheer permit, at no cost, to the holder of a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license. The permit authorizes the holder to provide, as a prize at a benefit performance, a “basket of cheer” of alcoholic beverages produced in

Maryland for off-premises consumption. A permit holder may raffle up to 10 baskets of cheer at each benefit performance. \*Effective date 7/1/2019

**Local Jurisdiction Provisions** (90 Day Report, Part H-40)

**House Bill 673** (*passed*) imposes restrictions on (1) solicitation, receipt, deposit, or use of contributions by members of certain boards and commissions in Frederick County, persons acting on the members' behalf, or campaign finance entities affiliated with the members and (2) expenditures by campaign finance entities affiliated with the members. \*Effective date 7/1/2019

**Garrett County** (90 Day Report, Part H-40)

***Miscellaneous Revisions:*** **Senate Bill 547/House Bill 723** (*both passed*) (1) reclassify a draft beer license to be a draft beer *permit*; (2) widen the exemption from the hearing requirement for issuance of a Class C multiple day license; (3) authorize a club licensed under a multiple event license to cater functions on its premises; (4) repeal a prohibition against the issuance of an alcoholic beverages license to an applicant who has not had an established business for at least one year; and (5) repeal a prohibition against the issuance of a Class A or Class D beer, beer and wine, or beer, wine, and liquor license to a person that holds an out-of-state alcoholic beverages license. \*Effective date 7/1/2019

**Harford County** (90 Day Report, Part H-40)

***Annual Financial Audit:*** **House Bill 803** (*passed*) requires the Board of License Commissioners to submit an annual audit report to the County Executive and the County Delegation. The audit is not subject to approval by either the county executive or the delegation. \*Effective date 7/1/2019

***Continuing Care Facility for the Aged:*** **House Bill 805** (*passed*) specifies that the Board of License Commissioners may issue a Class CCFA (continuing care facility for the aged) BWL license to the *officers* of a continuing care facility for the aged, rather than “for the use of” such a facility. \*Effective date 7/1/2019

***Filing Period for Renewal Applications:*** **House Bill 1149** (*passed*) alters the filing period for renewal applications for an alcoholic beverages license holder. The license holder must now file a renewal application between February 1 and April 1, inclusive. \*Effective date 7/1/2019

***Seasonal Closing:*** **Senate Bill 960** (*passed*) increases, from six months to nine months, the maximum length of time the Board of License Commissioners may authorize the closing of seasonally operated licensed premises. \*Effective date 7/1/2019

**Howard County** (90 Day Report, Part H-40 – H-41)

***Marketplace License:*** **House Bill 869** (*passed*) establishes a marketplace license. The license authorizes a holder to sell beer, wine, and liquor through vendors or agents from one or more outlets within the marketplace by the drink or by the bottle, for on-premises consumption. The license holder may also obtain container permits for off-premises consumption. The marketplace must have (1) a minimum capital investment, excluding the cost of land and buildings, of \$1 million for marketplace facilities; (2) a minimum seating capacity of 75 individuals; (3) average daily receipts from the sale of food of at least 51% of the total daily receipts of the marketplace; and (4) a minimum total capacity of 200 individuals and a maximum capacity of 500 individuals, as determined by the County Department of Fire and Rescue

Services. The bill also restricts the use of the license when ticketed public events are being held at certain property adjacent to the licensed premises. \*Effective date 7/1/2019

***Disposable Bags*** (90 Day Report, Part K-9 – K-10):

Due to concerns about disposable plastic carryout bags clogging waterways, harming wildlife, and consuming valuable landfill space, many jurisdictions across the country and State have adopted fees, bans, or other programs to discourage the use of disposable bags or to promote bag recycling. In Maryland, State law does not address carryout bags provided by retail establishments. However, local jurisdictions with general taxing powers (e.g., Baltimore City, Baltimore County, and Montgomery County) have the authority to levy a bag fee. [House Bill 1166](#) (*passed*) authorizes Howard County to impose, by law, a fee on a store for the use of disposable bags, defined as “a plastic bag provided by a store to a customer at the point of sale,” as part of a retail sale of products. The fee may not exceed five cents for each disposable bag used. Additionally, the county may only use fee revenue collected in accordance with the bill for (1) an environmental purpose, including the establishment of a program to provide reusable bags to individuals in the county, or (2) the implementation, administration, and enforcement of the fee. \*Effective 10/1/2019

**Kent County** (90 Day Report, Part H-41)

***Alcoholic Beverages Act of 2019:*** [Senate Bill 955](#) (*passed*) (1) authorizes holders of Class D beer, wine, and liquor licenses to sell for both on- and off-premises consumption throughout the week and (2) increases to 15 the maximum number of rooms for an establishment for which a Class B (country inn) beer, wine, and liquor license is issued. For a theater beer, wine, and liquor license, the bill (1) lowers to 100 the minimum required seating for a theater; (2) allows the theater to provide cinematic as well as live entertainment; and (3) authorizes the sale of beer, wine, and liquor whenever the theater is open to the public except from 2:00 a.m. to 6:00 a.m. \*Effective date 7/1/2019

**Montgomery County** (90 Day Report, Part H-41 – H-42)

***Sale of Chilled Beer and Chilled Wine:*** [House Bill 297](#) (*passed*) authorizes Department of Liquor Control dispensaries to sell chilled beer and chilled wine, dispensed from a keg, for off-premises consumption. Chilled beer may only be dispensed for the purpose of filling a refillable or nonrefillable container. Chilled wine may only be dispensed for the purpose of filling a refillable container. \*Effective date July 1, 2019

***Community Performing Arts Facility Special Event Permit:*** [House Bill 334](#) (*passed*) authorizes the Board of License Commissioners to issue a community performing arts facility special event permit to a holder of a community performing arts facility beer, wine, and liquor license. A permit holder must notify the board in writing at least 14 days in advance of a special event. \*Effective date 7/1/2019

***Fee Refunds:*** [House Bill 335](#) (*passed*) authorizes the Board of License Commissioners to refund the unearned portion of an alcoholic beverages license fee if the license is voluntarily surrendered at least six months before its expiration date. \*Effective date 7/1/2019

***Alcoholic Beverage Licenses (Damascus):*** [House Bill 345](#) (*passed*) repeals an obsolete reference and clarifies that the Board of License Commissioners may issue an unlimited number of Class H BW hotel and restaurant licenses in Damascus (12th election district). A Class H-BW license authorizes the holder

to sell beer and wine for on-premises consumption Monday through Sunday from 9 a.m. to 2 a.m. the following day. \*Effective date 7/1/2019

**Department of Liquor Control (Renaming):** [House Bill 616](#) (*passed*) renames the Montgomery County Department of Liquor Control to “Alcohol Beverage Services for Montgomery County” and renames the Liquor Control Fund as the “Alcohol Beverage Services Fund.” The Department of Liquor Control is separate from the Montgomery County Board of License Commissioners, which issues alcoholic beverages licenses. Generally, the Department of Liquor Control maintains a monopoly on the wholesale distribution of beer, wine, and liquor and the retail sale of liquor for off-premises consumption. The Department of Liquor Control-operated dispensary system acts as the primary second-tier wholesaler in the county. \*Effective date 7/1/2019

**Prince George’s County** (90 Day Report, Part H-42 – H-43)

**Class BLX License for Movie Theaters:** [Senate Bill 352/House Bill 185](#) (*both passed*) authorize the Prince George’s County Board of License Commissioners to issue a Class BLX license to a movie theater if (1) the owner or operator of the movie theater has invested at least \$5 million in renovating or remodeling the movie theater; (2) the average daily receipts from the sale of food, excluding receipts from the sale of candy or popcorn, exceed the average daily receipts from the sale of alcoholic beverages; and (3) any employee who serves alcoholic beverages is certified by an approved alcohol awareness program. However, the board may not issue a Class BLX license to a movie theater in the 26th legislative district. A holder of a Class BLX license issued for use in a movie theater may sell beer, wine, and liquor for on-premises consumption and, unlike a Class BLX restaurant licensee, only from noon to 12:30 a.m. the following day. A Class BLX movie theater licensee may serve only customers who have proof of admission to the movie theater. \*Effective date 7/1/2019

**Family Entertainment Permit:** [House Bill 186](#) (*passed*) (1) repeals exemptions from the entertainment permit requirement for holders of specified alcoholic beverages licenses that offer family entertainment and (2) establishes a family entertainment permit. The Board of License Commissioners may issue the permit to a Class B license holder whose business meets specified seating, daily receipt, menu, price, and entertainment-content criteria. The permit authorizes the holder to impose a cover charge and provide family entertainment no later than midnight. The board must determine the number of days per week the permit holder may exercise the privileges of the permit and the hours the permit may be in effect. Specified requirements, procedures, and penalties applicable to the entertainment permit also apply to the family entertainment permit. \*Effective date 7/1/2019

**Class BLX Licenses:** [House Bill 189](#) (*passed*) increases, from 10 to 15, the number of Class BLX licenses the Board of License Commissioners may issue to a single license holder. The bill extends specified existing requirements pertaining to the issuance of a fifth through tenth Class BLX license to the issuance of an eleventh or subsequent license. Namely, the board may issue a fifth or any subsequent license to a single license holder only on (1) consideration of the number of licensed establishments in the area surrounding the proposed licensed establishment and (2) determination that the proposed licensed establishment will enhance the recreational, business, and economic development of the area. \*Effective date 7/1/2019

**Class B-ECF/DS Beer, Wine, and Liquor License:** [House Bill 445](#) (*passed*) authorizes the Board of License Commissioners to issue a Class B-ECF/DS (educational conference facility/dining services)

license for use on the Prince George's Community College (PGCC) Main Campus and makes conforming changes to the Class B-ECF/DS license. The profits from the retail sale of alcoholic beverages authorized under a Class B-ECF/DS license issued for use on the PGCC Main Campus must be deposited in a designated auxiliary services fund of the PGCC Main Campus. \*Effective date 7/1/2109

**Workgroup on Alcohol Outlet Density Zones:** [House Bill 1157](#) (*passed*) establishes a Workgroup on Alcohol Outlet Density Zones to identify potential areas with a high concentration of off-sale retail licenses as alcohol outlet density zones. The workgroup must submit its recommendations to the House and Senate delegations for the county and the board of license commissioners on or before December 1, 2019. \*Effective date 7/1/2019

**Queen Anne's County** (90 Day Report, Part H-43)

**Alcohol Awareness Program:** [Senate Bill 427/House Bill 475](#) (*both passed*) require an alcoholic beverages license holder or an individual designated by the license holder who has completed training in an approved alcohol awareness program to be present on the licensed premises at all times when alcoholic beverages may be sold. The bills specify that a license holder who violates the bills' requirements is subject to a \$100 fine for a first offense. For each subsequent offense, the license holder is subject to a fine of up to \$500, or a suspension or revocation of the license, or both. \*Effective date 7/1/2019

**Beauty Salon and Barbershop License:** [Senate Bill 428/House Bill 476](#) (*both passed*) establish a beauty salon and barbershop beer and wine alcoholic beverages license. The bills authorize the Board of License Commissioners to issue the license to the holders of specified beauty salon or barbershop permits. A license holder may provide a specified amount of beer or wine by the glass for on-premises consumption only while performing activities generally relating to beauty salons or barbershops. The license may not be transferred to another location. The license holder may provide beer and wine during normal business hours but not after 9:00 p.m. A holder of the license is subject to specified existing alcohol awareness training requirements. \*Effective date 7/1/2019

**St. Mary's County** (90 Day Report, Part H-43)

**Sunday Sales at a Bar or Counter:** [House Bill 360](#) (*passed*) repeals the prohibition against a holder of a Class B beer and wine license, Class B beer, wine, and liquor license, or Class C beer, wine, and liquor license from selling alcoholic beverages at a bar or counter on Sunday. \*Effective date 7/1/2019

**Class C Per Diem Licenses:** [House Bill 982](#) (*passed*) authorizes the holder of a Class C per diem alcoholic beverages license to hold another license of a different class or nature. Generally, Class C per diem beer licenses may not be issued for longer than 10 days. Class C per diem beer and wine and Class C per diem beer, wine, and liquor licenses may each only be issued for 1 day. \*Effective date 7/1/2019

**Somerset County** (90 Day Report, Part H-43 – H-44)

**Board of License Commissioners – Salaries:** The Board of License Commissioners consists of three members, one chair and two regular members, and is staffed by an attorney and a clerk. [Senate Bill 337/House Bill 290](#) (*both passed*) raise the annual salary for members and employees of the board as specified. \*Effective date 7/1/2019

**Liquor Control Board Reserve Fund:** The Liquor Control Board maintains a reserve fund of \$150,000 to provide working capital for its county-run alcohol dispensaries and cover any losses sustained by the

board while operating the dispensaries. [Senate Bill 335/House Bill 291](#) (*both passed*) increase the maximum amount of the board reserve fund from \$150,000 to \$300,000. The bills also increase the maximum amount the board may distribute from the reserve fund to each dispensary in the county from \$50,000 to \$100,000. \*Effective date 7/1/2019

**Proximity to Places of Worship, Schools, Public Libraries, or Youth Centers:** [Senate Bill 338/House Bill 292](#) (*both passed*) shorten, from 300 feet to 200 feet, the minimum distance between a place of worship, school, public library, or youth center and an establishment for which the Board of License Commissioners may issue a license. \*Effective date 7/1/2019

**Talbot County** (90 Day Report, Part H-44)

**Election Days:** [Senate Bill 920/House Bill 1077](#) (*both passed*) repeal the prohibition on the sale or provision of alcoholic beverages within an election district on election days during the hours when the polls are open. \*Effective date 7/1/2019

**Substitute Member for Board of License Commissioners:** [Senate Bill 943/House Bill 1095](#) (*both passed*) require the Governor to appoint a substitute member to the Board of License Commissioners. The substitute member must serve when a regular member is absent, recused, or incapacitated for any reason, or if a vacancy occurs. The substitute member has all of the powers and duties of a regular member of the board and must serve until the regular member returns or the vacancy is filled. \*Effective date 7/1/2019

**Washington County** (90 Day Report, Part H-44)

**Sunday Hours of Sale:** [House Bill 701](#) (*passed*) extends the Sunday hours of sale for Class A beer, beer and light wine, and beer, wine, and liquor (off-sale) licenses. The Sunday hours of sale for Class A licensees are from 11 a.m. to midnight. \*Effective date 7/1/2019

**Wicomico County** (90 Day Report, Part H-44)

**Basket of Cheer Permit:** [Senate Bill 6/House Bill 198](#) (*both passed*) authorize the Board of License Commissioners to issue a basket of cheer permit to a qualifying nonprofit organization that holds a Class C per diem beer and wine license or a Class C per diem beer, wine, and liquor license. A permit holder is authorized to provide a basket of cheer, consisting of alcoholic beverages, as a prize at a benefit performance. \*Effective date 7/1/2019

**Bed and Breakfast License:** [Senate Bill 19/House Bill 197](#) (*both passed*) authorize the Board of License Commissioners to issue a Class B-BB (bed and breakfast) license to an establishment with at least 1 room but not more than 10 rooms with sleeping accommodations for the public and a kitchen facility. The license holder may sell beer and wine to guests under certain conditions. \*Effective date 7/1/2019

\*added effective date stated in final bill text