

**HB0883/843199/1**

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 883  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Transfer and Auction of Licenses**” and substitute “**Class B–D Beer, Wine, and Liquor License**”; strike beginning with “providing” in line 3 down through “beverages” in line 14 and substitute “establishing a Class B–D beer, wine, and liquor license in Allegany County; authorizing the Board of License Commissioners for Allegany County to issue a Class B–D license for use by a certain restaurant; authorizing a license holder to sell beer, wine, and liquor for on–premises consumption; requiring a license holder to submit a certain report on request from the Board; authorizing the Board to take certain enforcement actions under certain circumstances; requiring a license holder to demonstrate certain compliance as a prerequisite for license renewal; authorizing a license holder to sell beer, wine, and liquor during certain hours and days; establishing the annual license fee; limiting the number of Class B–D licenses that may be issued in a single year; and generally relating to alcoholic beverages”; in line 17, strike “9–101(a) and (b) and”; in line 20, strike “repealing and reenacting, with amendments,” and substitute “adding to”; in line 22, strike “9–1602” and substitute “9–902.1 and 9–1607”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 9–2004

Annotated Code of Maryland

(2016 Volume and 2020 Supplement)”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 6, inclusive.

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On pages 2 and 3, strike in their entirety the lines beginning with line 9 on page 2 through line 17 on page 3, inclusive, and substitute:

**“9-902.1.**

**(A) THERE IS A CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

**(B) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A RESTAURANT THAT:**

**(1) IS LOCATED IN A PERMANENT BUILDING WITH AMPLE SPACE AND ACCOMMODATIONS;**

**(2) COMMONLY OFFERS HOT AND COLD MEALS THAT ARE PREPARED, SOLD, AND SERVED TO THE PUBLIC DURING REGULAR BUSINESS HOURS;**

**(3) MAINTAINS A MENU THAT ADVERTISES A VARIETY OF FOOD THAT THE ESTABLISHMENT SERVES;**

**(4) SERVES FOOD AT ALL TIMES WHENEVER ALCOHOLIC BEVERAGES ARE BEING SERVED OR CONSUMED; AND**

**(5) HAS, ON AN ANNUAL BASIS, GROSS SALES OF FOOD AND NONALCOHOLIC BEVERAGES THAT EXCEED ITS GROSS SALES OF ALCOHOLIC BEVERAGES.**

**(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION.**

(D) (1) (i) ONCE EVERY LICENSING CYCLE, THE LICENSE HOLDER SHALL COMPLY WITH A REQUEST FROM THE BOARD TO SUBMIT A FOOD ALCOHOL RATIO REPORT COVERING 2 PRECEDING QUARTERS THAT THE BOARD SELECTS TO DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(5) OF THIS SECTION.

(ii) TO ENFORCE THIS PARAGRAPH, THE BOARD MAY:

1. REQUEST A LICENSE HOLDER TO PROVIDE SUPPORTING DATA OR ADDITIONAL INFORMATION;

2. IMPOSE A FINE ON A LICENSE HOLDER; OR

3. SUSPEND A LICENSE.

(2) A LICENSE HOLDER OR THE LICENSE HOLDER'S ACCOUNTANT SHALL COMPLETE, SIGN, AND PROVIDE FOR THE NOTARIZATION OF THE FOOD ALCOHOL RATIO REPORT.

(3) WHEN SUBMITTING A FOOD ALCOHOL RATIO REPORT, THE LICENSE HOLDER SHALL INCLUDE A CURRENT MENU, INFORMATION ON HOURS OF OPERATION, AND SALES AMOUNTS AND PERCENTAGES FOR FOOD, NONALCOHOLIC BEVERAGES, AND ALCOHOLIC BEVERAGES FOR THE TIME PERIOD REQUESTED.

(E) AS A PREREQUISITE FOR THE RENEWAL OF THE LICENSE, THE LICENSE HOLDER SHALL DEMONSTRATE COMPLIANCE WITH THE ANNUAL GROSS SALES REQUIREMENT UNDER SUBSECTION (B)(5) OF THIS SECTION.

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**(F) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE HOURS AND DAYS SET OUT FOR A CLASS B-D BEER, WINE, AND LIQUOR LICENSE UNDER § 9-2004 OF THIS TITLE.**

**(G) THE ANNUAL LICENSE FEE IS \$700.**

**9-1607.**

**NOT MORE THAN TWO CLASS B-D LICENSES MAY BE ISSUED IN A SINGLE YEAR.**

**9-2004.**

**(a) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class A beer, wine, and liquor license may sell beer, wine, and liquor for off-premises consumption:**

**(i) on Monday through Saturday from 7 a.m. to 2 a.m. the following day; and**

**(ii) on Sunday from 11 a.m. to 2 a.m. the following day if the holder:**

- 1. pays an additional fee of \$250; or**
- 2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.**

**(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class A beer, wine, and liquor license.**

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(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for off-premises consumption on not more than two Sundays in a year from 11 a.m. to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

(b) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class B beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250;

2. is issued the license for use in a restaurant in a permanent building with ample space and accommodations where meals are usually prepared, sold, or served to the public when the restaurant is regularly open for business; or

3. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class B beer, wine, and liquor license, including a Class B beer, wine, and liquor license issued for use in a restaurant or banquet room in a hotel or motel.

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(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.

**(C) (1) EXCEPT AS PROVIDED IN § 9-2005 OF THIS SUBTITLE FOR DECEMBER 31 AND JANUARY 1, A HOLDER OF A CLASS B-D BEER, WINE, AND LIQUOR LICENSE MAY SELL BEER, WINE, AND LIQUOR:**

**(I) ON MONDAY THROUGH SATURDAY, FOR ON-PREMISES CONSUMPTION, FROM 7 A.M. TO 2 A.M. THE FOLLOWING DAY; AND**

**(II) ON SUNDAY:**

**1. FROM 11 A.M. TO 2 A.M. THE FOLLOWING DAY IF THE HOLDER PAYS AN ADDITIONAL FEE OF \$250; OR**

**2. IN ACCORDANCE WITH A 2-DAY SUNDAY SALES PERMIT ISSUED UNDER PARAGRAPH (2) OF THIS SUBSECTION.**

**(2) (I) THE BOARD MAY ISSUE A 2-DAY SUNDAY SALES PERMIT TO A HOLDER OF A CLASS B-D BEER, WINE, AND LIQUOR LICENSE.**

**(II) A 2-DAY SUNDAY SALES PERMIT AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ON**

NOT MORE THAN TWO SUNDAYS IN A YEAR FROM 11 A.M. SUNDAY TO 2 A.M. THE FOLLOWING DAY.

(III) THE PERMIT FEE IS \$50 FOR EACH TIME THE PERMIT IS USED.

[(c)] (D) (1) Except as provided in § 9-2005 of this subtitle for December 31 and January 1, a holder of a Class C beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on-premises and off-premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, for on-premises and off-premises consumption, from 11 a.m. to 2 a.m. the following day if the holder:

1. pays an additional fee of \$250; or

2. is issued a 2-day Sunday sales permit in accordance with paragraph (2) of this subsection.

(2) (i) The Board may issue a 2-day Sunday sales permit to a holder of a Class C beer, wine, and liquor license.

(ii) An applicant for a 2-day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2-day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on-premises and off-premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

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(iv) The permit fee is \$50 for each time the permit is used.

**[(d)] (E)** (1) Except as provided in § 9–2005 of this subtitle for December 31 and January 1, a holder of a Class D beer, wine, and liquor license may sell beer, wine, and liquor:

(i) on Monday through Saturday, for on–premises and off–premises consumption, from 7 a.m. to 2 a.m. the following day;

(ii) on Sunday, from 11 a.m. to 2 a.m. the following day if the holder pays an additional fee of \$250; or

(iii) in accordance with a 2–day Sunday sales permit issued under paragraph (2) of this subsection.

(2) (i) The Board may issue a 2–day Sunday sales permit to a holder of a Class D beer, wine, and liquor license.

(ii) An applicant for a 2–day Sunday sales permit need not have kitchen facilities on the licensed premises.

(iii) A 2–day Sunday sales permit authorizes the holder to sell beer, wine, and liquor for on–premises and off–premises consumption on not more than two Sundays in a year from 11 a.m. Sunday to 2 a.m. the following day.

(iv) The permit fee is \$50 for each time the permit is used.”.