

# HOUSE BILL 543

A2

11r0495

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

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

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Special Culinary School License**

3 **MC 14–11**

4 FOR the purpose of establishing in Montgomery County a special culinary school  
5 license; authorizing the Board of License Commissioners, by unanimous vote, to  
6 issue the license for use on the premises of certain culinary educational  
7 institutions; setting a certain annual fee; authorizing a license holder to allow  
8 the consumption of certain alcoholic beverages by certain individuals in  
9 connection with certain courses; specifying that an individual may consume  
10 alcoholic beverages under the license only on the licensed premises; specifying  
11 the hours during which the license holder may conduct certain activities under  
12 the license; requiring that a license holder provide food during the hours  
13 alcoholic beverages are served; prohibiting a license holder from holding any  
14 other alcoholic beverages license; authorizing the Board of License  
15 Commissioners to issue up to a certain number of licenses to a single culinary  
16 school; providing that certain restrictions on the sale of alcoholic beverages in  
17 the vicinity of certain schools, places of worship, or youth centers do not apply to  
18 a special culinary school license; defining a certain term; and generally relating  
19 to a special culinary school license in Montgomery County.

20 BY adding to

21 Article 2B – Alcoholic Beverages

22 Section 8–216.3 and 9–102(q)

23 Annotated Code of Maryland

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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 (2005 Replacement Volume and 2010 Supplement)

2 BY repealing and reenacting, without amendments,  
3 Article 2B – Alcoholic Beverages  
4 Section 9–102(a)  
5 Annotated Code of Maryland  
6 (2005 Replacement Volume and 2010 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article 2B – Alcoholic Beverages  
9 Section 9–216(a)  
10 Annotated Code of Maryland  
11 (2005 Replacement Volume and 2010 Supplement)

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

14 **Article 2B – Alcoholic Beverages**

15 **8–216.3.**

16 (A) IN THIS SECTION, “BOARD” MEANS THE MONTGOMERY COUNTY  
17 BOARD OF LICENSE COMMISSIONERS.

18 (B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

19 (C) THERE IS A SPECIAL CULINARY SCHOOL LICENSE.

20 (D) THE BOARD, BY UNANIMOUS VOTE, MAY ISSUE THE LICENSE FOR  
21 USE ON THE PREMISES OF A PRIVATE CULINARY EDUCATIONAL INSTITUTION  
22 THAT:

23 (1) IS ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING  
24 ASSOCIATION;

25 (2) IS APPROVED BY THE MARYLAND HIGHER EDUCATION  
26 COMMISSION; AND

27 (3) HOLDS A PRIVATE EDUCATIONAL INSTITUTION LICENSE  
28 ISSUED BY MONTGOMERY COUNTY.

29 (E) THE ANNUAL LICENSE FEE IS \$400.

30 (F) (1) THE LICENSE AUTHORIZES THE HOLDER TO:

1           **(I) IN CONNECTION WITH A WINE TASTING COURSE**  
2 **OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF WINE BY**  
3 **INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND REGISTERED IN THE WINE**  
4 **TASTING COURSE; AND**

5           **(II) IN CONNECTION WITH A CULINARY OR CONFECTIONARY**  
6 **COURSE OFFERED BY THE LICENSE HOLDER, ALLOW THE CONSUMPTION OF**  
7 **BEER AND WINE BY INDIVIDUALS WHO ARE AT LEAST 21 YEARS OLD AND**  
8 **REGISTERED IN THE CULINARY OR CONFECTIONARY COURSE.**

9           **(2) AN INDIVIDUAL MAY CONSUME BEER OR WINE COVERED BY A**  
10 **SPECIAL CULINARY SCHOOL LICENSE ONLY ON THE LICENSED PREMISES.**

11           **(3) A LICENSE HOLDER MAY CONDUCT THE ACTIVITIES**  
12 **SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION DURING THE FOLLOWING**  
13 **HOURS:**

14           **(I) ON MONDAY THROUGH ~~FRIDAY~~ THURSDAY, FROM 9**  
15 **A.M. TO 1 A.M. THE FOLLOWING DAY; ~~AND~~**

16           **(II) ON FRIDAY AND SATURDAY, FROM 9 A.M. TO 2 A.M. THE**  
17 **FOLLOWING DAY; AND**

18           **(III) ON SUNDAY, FROM 10 A.M. TO 1 A.M. THE FOLLOWING**  
19 **DAY.**

20           **(4) A LICENSE HOLDER SHALL PROVIDE FOOD DURING THE**  
21 **HOURS ALCOHOLIC BEVERAGES ARE SERVED.**

22           **(G) A LICENSE HOLDER MAY NOT SIMULTANEOUSLY HOLD ANY OTHER**  
23 **LICENSE ISSUED UNDER THIS ARTICLE.**

24 9-102.

25           (a) No more than one license provided by this article, except by way of  
26 renewal or as otherwise provided in this section, shall be issued in any county or  
27 Baltimore City, to any person, or for the use of any partnership, corporation,  
28 unincorporated association, or limited liability company, in Baltimore City or any  
29 county of the State, and no more than one license shall be issued for the same  
30 premises except as provided in §§ 2-201 through 2-208, 2-301, and 6-701 of this  
31 article, and nothing herein shall be construed to apply to § 6-201(r)(4), (15), (17), and  
32 (18), § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), § 8-217(e), § 8-508, § 8-902,  
33 § 9-217(b-1), or § 12-202 of this article.

1           **(Q) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE**  
2 **MONTGOMERY COUNTY BOARD OF LICENSE COMMISSIONERS MAY ISSUE UP TO**  
3 **THREE SPECIAL CULINARY SCHOOL LICENSES TO A SINGLE CULINARY SCHOOL**  
4 **FOR SEPARATE LOCATIONS.**

5 9-216.

6           (a) (1) The Montgomery County Board of License Commissioners may not  
7 issue any license to sell alcoholic beverages within 750 feet of any secondary or  
8 elementary school, church or other place of worship, or youth center sponsored or  
9 conducted by any governmental agency.

10           (2) Measurement of the required distance shall be made from the  
11 nearest point of the building of the proposed establishment for which the license is  
12 requested to the nearest point of the building of the school, church or other place of  
13 worship, or youth center.

14           (3) The Board of License Commissioners may within its discretion and  
15 by unanimous action of the Board approve the application for any license to sell  
16 alcoholic beverages more than 300 feet from any elementary or secondary school,  
17 church or other place of worship, or youth center sponsored or conducted by any  
18 governmental agency provided that the land upon which the building is situated in  
19 which the licensee would operate is classified in a commercial or industrial zone under  
20 the applicable zoning ordinance and is adjacent or contiguous to other land which is  
21 similarly classified under said zoning ordinance.

22           (4) Nothing in this section shall apply to or affect or prohibit, in any  
23 manner, the renewal, transfer, or reissuance of a prior license of any license of any  
24 establishment where subsequent to the original granting of the license a school,  
25 church or other place of worship, or youth center was erected within 750 feet of the  
26 establishment.

27           (5) For the purposes of this section, reissuance shall be limited to a  
28 new license for the establishment issued within 1 year from the date of expiration or  
29 revocation of a prior license provided the revocation did not result from acts of the  
30 owner of the establishment.

31           **(6) THIS SUBSECTION DOES NOT APPLY TO A SPECIAL CULINARY**  
32 **SCHOOL LICENSE ISSUED UNDER § 8-216.3 OF THIS ARTICLE.**

33           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 June 1, 2011.