

SENATE BILL 367

A2

11r1329
CF HB 506

By: **Chair, Anne Arundel County Senators**

Introduced and read first time: February 3, 2011

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2011

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Anne Arundel County – Entertainment Facility**

3 FOR the purpose of authorizing the Board of License Commissioners of Anne Arundel
4 County to issue a certain entertainment facility license to certain persons for
5 certain purposes; providing for the scope of the entertainment facility license;
6 authorizing the Board to issue a certain entertainment concessionaire license to
7 certain persons for certain purposes; providing for the scope of the
8 entertainment concessionaire license; providing that beer, wine, and liquor sold
9 under an entertainment facility license or an entertainment concessionaire
10 license may be taken into and consumed anywhere in the entertainment facility;
11 specifying that the licenses authorize the playing of music and dancing;
12 providing that certain provisions relating to a special Sunday license do not
13 apply to an entertainment facility license or an entertainment concessionaire
14 license; providing for the annual fees and payment date for the licenses;
15 providing for the application to certain persons of certain penalties and
16 sanctions for violations occurring on certain premises; defining certain terms;
17 and generally relating to alcoholic beverages and entertainment facilities in
18 Anne Arundel County.

19 BY repealing and reenacting, without amendments,
20 Article 2B – Alcoholic Beverages
21 Section 8–202(a)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2010 Supplement)

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 BY adding to
 2 Article 2B – Alcoholic Beverages
 3 Section 8–202(k)
 4 Annotated Code of Maryland
 5 (2005 Replacement Volume and 2010 Supplement)

6 BY repealing and reenacting, with amendments,
 7 Article 2B – Alcoholic Beverages
 8 Section 9–102(h)
 9 Annotated Code of Maryland
 10 (2005 Replacement Volume and 2010 Supplement)

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

13 **Article 2B – Alcoholic Beverages**

14 8–202.

15 (a) This section applies only in Anne Arundel County.

16 (K) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE
 17 THE MEANINGS INDICATED.

18 (II) “CONCESSIONAIRE” MEANS A LESSEE, SUBLESSEE, OR
 19 ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

20 1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND
 21 LIQUOR ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN AN
 22 ENTERTAINMENT FACILITY; AND

23 2. IS OPERATED AS A CONCESSION ADJACENT TO
 24 BUT INDEPENDENT OF THE ENTERTAINMENT FACILITY.

25 (III) “ENTERTAINMENT FACILITY” MEANS A FACILITY THAT
 26 HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT
 27 ARTICLE.

28 (2) (I) THERE IS AN ENTERTAINMENT FACILITY LICENSE.

29 (II) THE BOARD MAY ISSUE AN ENTERTAINMENT FACILITY
 30 LICENSE FOR AN ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE
 31 ~~RESTAURANTS~~ FOOD SERVICE FACILITIES, BARS, OR LOUNGES, ~~OR OTHER~~
 32 ~~ESTABLISHMENTS THAT ARE ASSOCIATED WITH AND SUPPORT~~ PART OF THE
 33 OPERATION OF THE ENTERTAINMENT FACILITY.

1 (III) THE ENTERTAINMENT FACILITY LICENSE ~~MAY~~ SHALL
2 BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS AN ENTERTAINMENT
3 FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE
4 GOVERNMENT ARTICLE.

5 (IV) AN APPLICANT FOR AN ENTERTAINMENT FACILITY
6 LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY
7 REQUIREMENTS.

8 (V) AN ENTERTAINMENT FACILITY LICENSE AUTHORIZES
9 THE HOLDER TO SELL BEER, WINE, AND LIQUOR ON ANY PREMISES OF THE
10 ENTERTAINMENT FACILITY THAT IS NOT COVERED BY AN ENTERTAINMENT
11 CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN THE
12 ENTERTAINMENT FACILITY.

13 (3) (I) THERE IS AN ENTERTAINMENT CONCESSIONAIRE
14 LICENSE.

15 (II) THE BOARD MAY ISSUE AN ENTERTAINMENT
16 CONCESSIONAIRE LICENSE TO A CONCESSIONAIRE ~~AT~~ OPERATING IN
17 CONJUNCTION WITH AN ENTERTAINMENT FACILITY.

18 (III) THE ENTERTAINMENT CONCESSIONAIRE LICENSE
19 AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES
20 OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE
21 ENTERTAINMENT FACILITY.

22 (4) (I) THE ANNUAL FEE FOR AN ENTERTAINMENT FACILITY
23 LICENSE IS ~~\$7,500~~ \$15,000.

24 (II) THE ANNUAL FEE FOR AN ENTERTAINMENT
25 CONCESSIONAIRE LICENSE IS \$5,000.

26 (III) THE ANNUAL LICENSE FEES SHALL BE PAID ON MAY 1
27 TO THE BOARD.

28 (5) (I) ~~BEER, WINE, AND LIQUOR THAT IS PURCHASED~~
29 ~~ANYWHERE IN AN ENTERTAINMENT FACILITY MAY BE TRANSPORTED AND~~
30 ~~CONSUMED ANYWHERE IN THE ENTERTAINMENT FACILITY~~ AN ENTERTAINMENT
31 FACILITY LICENSE AND A CONCESSIONAIRE LICENSE DO NOT PERMIT
32 OFF-SALES.

33 (II) BEER, WINE, AND LIQUOR PURCHASED UNDER AN
34 ENTERTAINMENT FACILITY LICENSE OR A CONCESSIONAIRE LICENSE MAY BE
35 TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY.

1 **(6) AN ENTERTAINMENT FACILITY LICENSE AND AN**
2 **ENTERTAINMENT CONCESSIONAIRE LICENSE AUTHORIZE THE PLAYING OF**
3 **MUSIC AND DANCING IN THEIR RESPECTIVE LICENSED PREMISES.**

4 **(7) SUBSECTION (D) OF THIS SECTION, RELATING TO SPECIAL**
5 **SUNDAY LICENSES, DOES NOT APPLY TO A LICENSE ISSUED UNDER THIS**
6 **SUBSECTION.**

7 **(8) AN ENTERTAINMENT FACILITY LICENSE OR AN**
8 **ENTERTAINMENT CONCESSIONAIRE LICENSE MAY NOT BE COUNTED AS A CLASS**
9 **B OR CLASS H LICENSE FOR PURPOSES OF § 9-102(H-1) OF THIS ARTICLE.**

10 **(9) THE LICENSES AND HOLDERS ARE SUBJECT TO ALL LAWS AND**
11 **REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES NOT**
12 **INCONSISTENT WITH THIS SUBSECTION.**

13 **(10) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A**
14 **VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF**
15 **THE HOLDER OF AN ENTERTAINMENT CONCESSIONAIRE LICENSE SHALL APPLY**
16 **TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE**
17 **FOR THE VIOLATION.**

18 9-102.

19 (h) The provisions of subsection (a) of this section do not apply in Anne
20 Arundel County to licenses issued under this article for premises operated as resort
21 complexes **OR ENTERTAINMENT FACILITIES, INCLUDING ENTERTAINMENT**
22 **CONCESSIONS.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.