

Chapter 347

(House Bill 543)

AN ACT concerning

Montgomery County – Alcoholic Beverages – Special Culinary School License

MC 14-11

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

BY adding to

Article 2B – Alcoholic Beverages
Section 8-216.3 and 9-102(q)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 9-102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9-216(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2010 Supplement)

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

Article 2B – Alcoholic Beverages

8–216.3.

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

(B) THIS SECTION APPLIES ONLY IN MONTGOMERY COUNTY.

(C) THERE IS A SPECIAL CULINARY SCHOOL LICENSE.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9-102.

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

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

9-216.

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

(2) Measurement of the required distance shall be made from the nearest point of the building of the proposed establishment for which the license is

requested to the nearest point of the building of the school, church or other place of worship, or youth center.

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

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

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

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

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

Approved by the Governor, May 10, 2011.