

HOUSE BILL 816

A2

EMERGENCY BILL

3lr2235
CF SB 629

By: Allegany County Delegation

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2013

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – Allegany County – Video Lottery Facility Sales and**
3 **Consumption**

4 FOR the purpose of creating in Allegany County a Class BWL–VLF (video lottery
5 facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire)
6 beer, wine and liquor license; specifying that the Board of License
7 Commissioners may issue a video lottery facility license for a video lottery
8 facility that contains one or more food services facilities, bars, or lounges;
9 specifying that a video lottery facility license may be issued to an individual or
10 entity that meets certain requirements; providing that an applicant for the
11 license need not meet a location, voting, or residency requirement; providing
12 that the video lottery facility license authorizes the licensee to sell beer, wine,
13 and liquor by the drink and by the bottle on the premises of the video lottery
14 facility, for consumption anywhere in the facility or on grounds controlled by the
15 licensee as defined in the video lottery facility license; authorizing the Board to
16 issue a concessionaire license to one or more concessionaires operating in a
17 video lottery facility; authorizing a concessionaire license holder to sell beer,
18 wine, and liquor on the premises of the concessionaire for consumption
19 anywhere in the video lottery facility or on grounds controlled by the video
20 lottery facility licensee as defined in the video lottery facility license; specifying
21 certain fees; specifying that an off–sale privilege is not conferred by a video
22 lottery facility license or a concessionaire license; authorizing that beer, wine,
23 and liquor purchased under a video lottery facility license or a concessionaire
24 license may be taken anywhere in a video lottery facility or on grounds
25 controlled by the video lottery facility licensee; specifying that a video lottery

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 facility license and a concessionaire license authorize the playing of music and
2 dancing; specifying certain days and hours of sale for the video lottery facility
3 and concessionaire licenses; specifying that video lottery facility and
4 concessionaire licenses and licensees are subject to all laws and regulations
5 applicable to the sale of alcoholic beverages not inconsistent with this Act;
6 providing for the application to certain persons of certain penalties and
7 sanctions for violations occurring on certain premises; authorizing a person to
8 consume alcoholic beverages on the licensed premises of a video lottery facility
9 during certain hours of operation of the facility; specifying that the hours for the
10 sale of alcoholic beverages under a video lottery facility license or concessionaire
11 license are the same as the hours of operation for a video lottery facility;
12 defining certain terms; making this Act an emergency measure; and generally
13 relating to alcoholic beverages and video lottery facilities in Allegany County.

14 BY repealing and reenacting, without amendments,
15 Article 2B – Alcoholic Beverages
16 Section 6–201(a) and (b)(1) and (2), 11–304(a), and 11–501(a)
17 Annotated Code of Maryland
18 (2011 Replacement Volume and 2012 Supplement)

19 BY adding to
20 Article 2B – Alcoholic Beverages
21 Section 6–201(b–1) and 11–501(d)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2012 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article 2B – Alcoholic Beverages
26 Section 11–304(b)
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2012 Supplement)

29 BY repealing and reenacting, without amendments,
30 Article – State Government
31 Section 9–1A–23(a)
32 Annotated Code of Maryland
33 (2009 Replacement Volume and 2012 Supplement)

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

36 **Article 2B – Alcoholic Beverages**

37 6–201.

38 (a) (1) A Class B beer, wine and liquor license shall be issued by the
39 license issuing authority of the county in which the place of business is located, and

1 the license authorizes its holder to keep for sale and sell all alcoholic beverages at
2 retail at any hotel or restaurant at the place described, for consumption on the
3 premises or elsewhere, or as provided in this section.

4 (2) The annual fee for this license is payable to the local collecting
5 agent before any license is issued, for distribution as provided in this article.

6 (3) (i) Except in Montgomery County or in the case of a contrary
7 provision in this subtitle, this license shall be issued, on approval of the application by
8 the board of license commissioners in any county in which a license may be issued for
9 the sale of beer, wine, and liquor, to the owner of any hotel which meets the following
10 minimum provisions:

11 1. The hotel building shall be originally constructed for
12 hotel purposes; be at least three stories in height; and contain at least one passenger
13 elevator;

14 2. The hotel shall contain no less than 100 rooms for the
15 accommodation of the public;

16 3. The hotel shall contain a dining room with facilities
17 for preparing and serving regular meals for at least 125 persons at one seating; and

18 4. The capital investment in the hotel facility may not be
19 less than \$500,000.

20 (ii) The annual fee for this license is \$2,000.

21 (b) (1) The provisions of this subsection apply only in Allegany County.

22 (2) (i) The Board of License Commissioners may issue Class B
23 beer, wine and liquor (on-sale) licenses.

24 (ii) This license shall be issued for the exclusive use:

25 1. On the premises of a restaurant that is located within
26 a hotel or motel establishment; or

27 2. If used in conjunction with a Class 7 micro-brewery
28 license, on the premises of a restaurant only.

29 (iii) In addition to other county requirements provided for in this
30 article:

31 1. The hotel or motel shall be an establishment having
32 at least 100 bedrooms for public accommodation; and

1 (2) (I) THERE IS A CLASS BWL-VLF (VIDEO LOTTERY
2 FACILITY) BEER, WINE AND LIQUOR LICENSE.

3 (II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE
4 FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE
5 FACILITIES, BARS, OR LOUNGES.

6 (III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN
7 INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A
8 LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

9 (IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE MAY
10 NOT BE REQUIRED TO MEET ANY LOCATION, VOTING, OR RESIDENCY
11 REQUIREMENT.

12 (V) A CLASS BWL-VLF LICENSE AUTHORIZES THE
13 LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE
14 BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR
15 CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS
16 CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF
17 LICENSE.

18 (3) (I) THERE IS A CLASS BWL-VLC (VIDEO LOTTERY
19 CONCESSIONAIRE) BEER, WINE AND LIQUOR LICENSE.

20 (II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE
21 TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY
22 FACILITY.

23 (III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
24 ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL
25 BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR
26 CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS
27 CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS
28 BWL-VLF LICENSE.

29 (4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS
30 \$15,000.

31 (II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS
32 \$5,000.

1 **(III) THE ANNUAL LICENSE FEE SHALL BE PAID TO THE**
2 **BOARD ON OR BEFORE MAY 1 OF EACH YEAR.**

3 **(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A**
4 **CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.**

5 **(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS**
6 **BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN**
7 **ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY**
8 **THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF**
9 **LICENSE.**

10 **(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC**
11 **LICENSE AUTHORIZE:**

12 **(I) THE PLAYING OF MUSIC AND DANCING; AND**

13 **(II) THE SALE AND PROVISION OF BEER, WINE, AND LIQUOR**
14 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY**
15 **THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE**
16 **VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

17 **(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND**
18 **LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE**
19 **SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.**

20 **(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A**
21 **VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A**
22 **CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE**
23 **BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

24 11-304.

25 (a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume
26 any alcoholic beverages on any premises open to the general public, any place of public
27 entertainment, or any place at which setups or other component parts of mixed
28 alcoholic drinks are sold under any license issued under the provisions of the Business
29 Regulation Article, and an owner, operator or manager of the premises or places may
30 not knowingly permit such consumption.

31 (2) Except as provided in this section, any person found consuming
32 any alcoholic beverage on any premises open to the general public, and any owner,
33 operator or manager of those premises or places who knowingly permits consumption
34 between the hours provided by this section is guilty of a misdemeanor and, upon
35 conviction, shall be fined not more than \$50 and not less than \$5.

1 (i) In Anne Arundel County the fine may not be more than
2 \$250.

3 (ii) In Worcester County the fine may not be more than \$1,000.

4 (b) (1) (I) This subsection applies only in Allegany County.

5 (II) IN SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH
6 AND PARAGRAPH (2) OF THIS SUBSECTION, "PREMISES" MEANS:

7 1. A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE
8 STUDIO, OR DISCO;

9 2. A PLACE OF PUBLIC ENTERTAINMENT;

10 3. A PLACE OPEN TO THE GENERAL PUBLIC; OR

11 4. A PLACE THAT IS LICENSED BY THE STATE OR
12 THE COUNTY.

13 [(2)] (III) The prohibitions of [this subsection] SUBPARAGRAPHS (IV)
14 AND (V) OF THIS PARAGRAPH AND PARAGRAPH (2) OF THIS SUBSECTION apply
15 after 1 a.m. on Sunday or between the hours of 1 a.m. and 7 a.m. on other days.

16 [(3) (i)] (IV) A person may not consume any alcoholic beverages on
17 any:

18 1. Premises open to the general public;

19 2. Place operated as a club;

20 3. Place of public entertainment; or

21 4. Place at which setups or other component parts of
22 mixed alcoholic drinks are sold under any license issued under the provisions of this
23 article.

24 [(ii)] (V) An owner, operator, or manager of the premises may
25 not permit that consumption.

26 [(4) (i)] (2) (I) A person may not possess or consume any
27 alcoholic beverage on any premises which is not licensed under this article but which
28 is open to the general public and is operated as a club, a place of public entertainment,
29 or a place where setups or other component parts of mixed alcoholic drinks are sold.

1 (ii) An owner, operator, or manager of the premises may not
2 permit that consumption or possession.

3 (3) (I) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
4 SUBSECTION, A PERSON MAY CONSUME ALCOHOLIC BEVERAGES ON THE
5 LICENSED PREMISES OF A VIDEO LOTTERY FACILITY ONLY DURING THE HOURS
6 OF OPERATION ESTABLISHED UNDER § 9-1A-23(A) OF THE STATE
7 GOVERNMENT ARTICLE.

8 (II) A VIDEO LOTTERY FACILITY LICENSEE OR A
9 CONCESSIONAIRE LICENSEE OR AN EMPLOYEE OF A VIDEO LOTTERY FACILITY
10 LICENSEE OR A CONCESSIONAIRE LICENSEE MAY NOT KNOWINGLY ALLOW A
11 PERSON TO CONSUME ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES OF
12 A VIDEO LOTTERY FACILITY EXCEPT DURING THE HOURS OF OPERATION
13 ESTABLISHED UNDER § 9-1A-23(A) OF THE STATE GOVERNMENT ARTICLE.

14 [(5)] (4) Any person who violates the provisions of this subsection is
15 guilty of a misdemeanor and may be fined not less than \$50 nor more than \$500 for
16 each offense.

17 11-501.

18 (a) In Allegany County, any person having a license under this article may
19 not sell intoxicating beverages between the hours of 2 a.m. and 7:00 o'clock a.m. except
20 as provided in subsection (b) of this section, it shall be unlawful after 2:00 a.m. Sunday
21 to sell intoxicating beverages until 7:00 o'clock a.m. Monday. However, Sunday sales
22 when New Year's Eve or New Year's Day falls on Sunday shall be governed by §
23 11-402(b) of this article.

24 (D) IN ALLEGANY COUNTY, NOTWITHSTANDING ANY OTHER
25 PROVISIONS OF THIS SECTION, THE HOURS FOR THE SALE OF ALCOHOLIC
26 BEVERAGES UNDER AN ENTERTAINMENT FACILITY LICENSE OR AN
27 ENTERTAINMENT CONCESSIONAIRE LICENSE ARE THE SAME AS THE HOURS OF
28 OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §
29 9-1A-23(A) OF THE STATE GOVERNMENT ARTICLE.

30 Article - State Government

31 9-1A-23.

32 (a) A video lottery facility may operate 24 hours a day.

33 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
34 ~~July 1, 2013.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
2 measure, is necessary for the immediate preservation of the public health or safety,
3 has been passed by a yea and nay vote supported by three-fifths of all the members
4 elected to each of the two Houses of the General Assembly, and shall take effect from
5 the date it is enacted.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.