

# HOUSE BILL 248

A2

4lr0839

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By: **Charles County Delegation**

Introduced and read first time: January 17, 2014

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 7, 2014

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

1 AN ACT concerning

2 **Charles County – Alcoholic Beverages – Beer, Wine and Liquor Licenses**

3 FOR the purpose of establishing a Class B–R (restaurant) on–sale beer, wine and  
4 liquor license, a Class B–RB (restaurant/bar) on–sale beer, wine and liquor  
5 license, a Class B–T (tavern) on–sale beer, wine and liquor license, a Class B–N  
6 (nightclub) on–sale beer, wine and liquor license, and a Class B–H (hotel)  
7 on–sale beer, wine and liquor license in Charles County; authorizing the  
8 Charles County Board of License Commissioners to issue certain licenses;  
9 establishing certain conditions for the issuance of certain licenses; prohibiting a  
10 certain license holder from establishing an area that is a bar and providing live  
11 entertainment; establishing certain annual license fees; requiring certain  
12 license holders to pay certain additional annual fees, if they provide live  
13 entertainment or outdoor table service; authorizing the Board of License  
14 Commissioners to adopt certain regulations; making certain clarifying and  
15 stylistic changes; and generally relating to Class B beer, wine and liquor  
16 licenses in Charles County.

17 BY repealing and reenacting, with amendments,  
18 Article 2B – Alcoholic Beverages  
19 Section 6–201(j)  
20 Annotated Code of Maryland  
21 (2011 Replacement Volume and 2013 Supplement)

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

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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.



**Article 2B – Alcoholic Beverages**

6–201.

(j) (1) This subsection applies only in Charles County.

**(2) (I) THERE IS A CLASS B–R (RESTAURANT) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

**1. IS PRIMARILY ENGAGED IN THE SALE OF FOOD AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES; AND**

**2. CONTAINS A DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING MEALS.**

**(III) A LICENSE HOLDER MAY NOT:**

**1. ESTABLISH AN AREA ON THE PREMISES OF THE RESTAURANT THAT IS A BAR; OR**

**2. PROVIDE LIVE ENTERTAINMENT.**

**[(2)] (IV) The annual license fee is \$360.**

**(V) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

**[(3) This license shall provide for the consumption of beer, wine and liquor on the premises only.]**

**(3) (I) THERE IS A CLASS B–RB (RESTAURANT/BAR) ON–SALE BEER, WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE COMMISSIONERS.**

**(II) THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A RESTAURANT THAT:**

1                   1.    IS PRIMARILY ENGAGED IN THE SALE OF FOOD  
2   AND NONALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES;

3                   2.    CONTAINS A DINING ROOM WITH FACILITIES FOR  
4   PREPARING AND SERVING MEALS; AND

5                   3.    CONTAINS AN AREA COMMONLY KNOWN AS A BAR,  
6   WITH STOOLS TO ACCOMMODATE PATRONS WITH OR WITHOUT SERVICE OF  
7   FOOD.

8                   (III) THE ANNUAL LICENSE FEE IS \$460.

9                   (IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE  
10   HOLDER SHALL ANNUALLY PAY:

11                   1.    \$200, IF THE LICENSE HOLDER PROVIDES LIVE  
12   ENTERTAINMENT; AND

13                   2.    \$200, IF THE LICENSE HOLDER PROVIDES  
14   OUTDOOR TABLE SERVICE.

15                   (4) (I)   THERE IS A CLASS B-T (TAVERN) ON-SALE BEER, WINE  
16   AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LIQUOR LICENSE  
17   COMMISSIONERS.

18                   (II) THE LICENSE AUTHORIZES THE SALE AND  
19   CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A  
20   RESTAURANT OR BAR THAT:

21                   1.    IS PRIMARILY ENGAGED IN SELLING AND SERVING  
22   ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND

23                   2.    HAS A SEATING CAPACITY OF LESS THAN 100  
24   PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.

25                   (III) THE ANNUAL LICENSE FEE IS \$460.

26                   (IV) IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE  
27   HOLDER SHALL ANNUALLY PAY:

28                   1.    \$200, IF THE LICENSE HOLDER PROVIDES LIVE  
29   ENTERTAINMENT; AND

1                                   **2.     \$200, IF THE LICENSE HOLDER PROVIDES**  
2 **OUTDOOR TABLE SERVICE.**

3                   **(5) (I)    THERE IS A CLASS B-N (NIGHTCLUB) ON-SALE BEER,**  
4 **WINE AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE**  
5 **COMMISSIONERS.**

6                                   **(II)   THE LICENSE AUTHORIZES THE SALE AND**  
7 **CONSUMPTION OF BEER, WINE AND LIQUOR ON THE PREMISES OF A NIGHTCLUB**  
8 **FACILITY THAT:**

9                                   **1.     IS PRIMARILY ENGAGED IN SELLING AND SERVING**  
10 **ALCOHOLIC BEVERAGES, ON A DRINK-BY-DRINK BASIS; AND**

11                                   **2.     HAS A SEATING CAPACITY OF MORE THAN 100**  
12 **PEOPLE, AS DETERMINED BY THE STATE FIRE MARSHAL.**

13                                   **(III)  THE ANNUAL LICENSE FEE IS \$610.**

14                                   **(IV)  IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE**  
15 **HOLDER SHALL ANNUALLY PAY \$200 IF THE LICENSE HOLDER PROVIDES LIVE**  
16 **ENTERTAINMENT.**

17                   **(6) (I)    THERE IS A CLASS B-H (HOTEL) ON-SALE BEER, WINE**  
18 **AND LIQUOR LICENSE, TO BE ISSUED BY THE BOARD OF LICENSE**  
19 **COMMISSIONERS.**

20                                   **(II)   THE LICENSE AUTHORIZES THE ON PREMISES SALE AND**  
21 **CONSUMPTION OF BEER, WINE AND LIQUOR IN A HOTEL COMMON AREA, FOR A**  
22 **PREMISES PRIMARILY ENGAGED IN THE DAY-TO-DAY RENTAL OF HOTEL**  
23 **ROOMS.**

24                                   **(III)  THE ANNUAL LICENSE FEE IS \$360.**

25                                   **(IV)  IN ADDITION TO THE ANNUAL LICENSE FEE, A LICENSE**  
26 **HOLDER SHALL ANNUALLY PAY:**

27                                   **1.     \$200, IF THE LICENSE HOLDER PROVIDES LIVE**  
28 **ENTERTAINMENT; AND**

29                                   **2.     \$200, IF THE LICENSE HOLDER PROVIDES**  
30 **OUTDOOR TABLE SERVICE.**

1            ~~[(4)]~~ **(7)**     (i)     There is [in addition to the classes provided for,] a  
2 [special Class B license known as a Class BLX] **CLASS B-BLX (LUXURY**  
3 **RESTAURANT) ON-SALE BEER, WINE AND LIQUOR LICENSE**, which is issued **BY**  
4 **THE BOARD OF LICENSE COMMISSIONERS** only to luxury-type restaurants.

5                            (ii)     The Class [BLX] **B-BLX** license shall be applied for in the  
6 same manner as are other classes of licenses.

7                            (iii)    The ANNUAL license fee is \$2,400.

8                            (iv)    A luxury-type restaurant shall be defined by the Board of  
9 License Commissioners.

10                           (v)     To qualify for a Class [BLX] **B-BLX** license a restaurant  
11 shall have:

12    1.     A minimum capital investment of \$550,000 for the  
13 dining room facilities and kitchen equipment, not including the cost of land, buildings,  
14 or leases; and

15    2.     A seating capacity of at least 150 persons.

16                            (vi)    Notwithstanding any other provision of this article, an  
17 individual, corporation, limited liability company, partnership, limited partnership,  
18 joint venture, association, or other person or combination of persons may not have a  
19 direct or indirect interest in any combination in more than 6 Class B-BLX licenses.

20                            (vii)   An indirect interest is presumed to exist between any  
21 combination of individuals, corporations, limited liability companies, partnerships,  
22 limited partnerships, joint ventures, associations, or other persons if any of the  
23 following conditions exist between them:

24    1.     A common parent company;

25    2.     A franchise agreement;

26    3.     A licensing agreement;

27    4.     A concession agreement;

28    5.     Dual membership in a chain of businesses commonly  
29 owned and operated;

1                   6.    A sharing of directors, stockholders, partners, or  
2 members, or a sharing of directors, stockholders, partners, or members of parents or  
3 subsidiaries;

4                   7.    Common direct or indirect sharing of profit from the  
5 sale of alcoholic beverages; or

6                   8.    A sharing of a common trade name, trademark, logo  
7 or theme, or mode of operation identifiable by the public.

8                   **[(5)] (8)**    (i)    1.    In this paragraph, “guest” means a person  
9 whose name and address appear on the registry that is maintained by the  
10 establishment and who is an occupant of a sleeping room in the establishment.

11                   2.    “Guest” does not include a person who is registered  
12 only for the purpose of obtaining alcoholic beverages.

13                   (ii)   There is a **[special]** Class B–B&B (bed and breakfast)  
14 on–sale beer, wine, and liquor license.

15                   (iii)   The Board may issue a Class B–B&B **(BED AND**  
16 **BREAKFAST) ON–SALE BEER, WINE, AND LIQUOR** license.

17                   (iv)   To qualify for a Class B–B&B license, the applicant’s  
18 establishment:

19                   1.    Shall have rooms, excluding the resident management  
20 quarters, that the public, for consideration, may use for sleeping accommodations for a  
21 specified period of time; and

22                   2.    May not have dining facilities that are open to the  
23 general public.

24                   (v)    A Class B–B&B **[licensee]** **LICENSE HOLDER** may sell beer,  
25 wine, and liquor only to guests for consumption on the licensed premises.

26                   (vi)   The annual license fees are:

27                   1.    \$25 for an establishment with one to five bedrooms; or

28                   2.    \$50 for an establishment with six or more bedrooms.

29                   (vii)   The hours and days for sale under the license shall be in  
30 accordance with § 11–509 of this article.

31                   (viii)   An applicant for a Class B–B&B license shall meet all other  
32 qualifications to hold an alcoholic beverages license in the county.

1 (ix) The Board may adopt additional regulations consistent with  
2 this paragraph.

3 (x) If the licensed premises ceases to be operated as a bed and  
4 breakfast establishment, the license is void.

5 **[(6) (9)** (i) There is a Class B–Stadium (baseball stadium)  
6 on–sale beer, wine and liquor license.

7 (ii) The Board of License Commissioners may issue a 7–day  
8 Class B–Stadium license to:

9 1. The owner of any professional team franchise,  
10 whether the franchise is a partnership, corporation, or limited liability company; or

11 2. A private concessionaire that is under contract with  
12 the County or a professional baseball team franchise.

13 (iii) A Class B–Stadium license authorizes the holder to sell  
14 beer, wine, and liquor on the premises of a baseball stadium owned or operated by the  
15 County to individuals present at baseball games or other events held at the stadium.

16 (iv) Except as provided in subparagraph (v) of this paragraph,  
17 beer, wine, and liquor shall be served in plastic, styrofoam, or paper containers on the  
18 stadium premises.

19 (v) Beer, wine, and liquor may be served in glass containers in  
20 an enclosed stadium dining area in which patrons are seated.

21 (vi) A patron:

22 1. May consume and carry beer and wine anywhere on  
23 the stadium premises; but

24 2. May consume liquor only in the enclosed stadium  
25 dining area or bar; and

26 3. May not carry liquor out of the enclosed stadium  
27 dining area or bar.

28 (vii) The annual fee for the Class B–Stadium license is \$2,200.

29 (viii) Except for a distributor of beer who is conducting business  
30 with a holder of a Class B–Stadium license for the purposes of this paragraph, the  
31 holder may not allow any individual to carry alcoholic beverages onto or from the  
32 licensed premises.

1 (ix) The Board of License Commissioners may adopt additional  
2 regulations consistent with this paragraph relating to:

- 3 1. The manner of dispensing alcoholic beverages;  
4 2. The number of outlets authorized to dispense  
5 alcoholic beverages; and  
6 3. The hours and days of sale of alcoholic beverages.

7 **(10) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
8 **REGULATIONS TO IMPLEMENT THIS SUBSECTION.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 July 1, 2014.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.