

# HOUSE BILL 146

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4r0490  
CF 4r1748

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By: **Montgomery County Delegation**

Introduced and read first time: January 13, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

AN ACT concerning

### **Montgomery County – Alcoholic Beverages – Special BWL Community Performing Arts Facility License**

#### **MC 7–14**

FOR the purpose of establishing a Special BWL Community Performing Arts Facility alcoholic beverages license in Montgomery County; authorizing the Montgomery County Board of License Commissioners to issue a Special BWL Community Performing Arts Facility license to apply to a certain performing arts facility; authorizing the Board to issue the license to certain entities to host certain activities; authorizing the Board to impose certain conditions on the issuance or renewal of the license; prohibiting the Board from approving the transfer of the license to another location; authorizing holders of certain catering licenses to bring alcohol and food onto certain licensed premises under the terms of a certain contract; providing that certain violations of alcoholic beverages law apply to a certain caterer under certain circumstances; requiring a holder of the license to ensure that food is provided during a certain time; prohibiting the Board from issuing more than a certain number of licenses under this Act to a certain entity; establishing a certain license fee; defining a certain term; and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 6–201(q)(1)

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

BY adding to

Article 2B – Alcoholic Beverages

Section 6–201(q)(5)

Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2011 Replacement Volume and 2013 Supplement)

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

**Article 2B – Alcoholic Beverages**

6–201.

- (q) (1) (i) This subsection applies only in Montgomery County.
- (ii) 1. In this subsection the following words have the meanings indicated.
2. “Board” means the Board of License Commissioners.
3. “Dining area” means the area occupied by patrons for the consumption of food and includes a cocktail area where food need not be served if there is no separate outdoor entrance to the cocktail area.

**(5) (I) IN THIS PARAGRAPH, “COMMUNITY PERFORMING ARTS FACILITY” MEANS A FACILITY THAT IS USED FOR SHOWS, LIVE PERFORMANCES, THEATER PRODUCTIONS, ART CLASSES, EXHIBITS, VISUAL ART SHOWS, WEDDINGS, BANQUETS, AND COMMUNITY-RELATED ACTIVITIES.**

**(II) THERE IS A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**(III) THE BOARD MAY ISSUE A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE TO APPLY ONLY TO A PERFORMING ARTS FACILITY THAT HAS A MINIMUM CAPACITY OF 200 PERSONS AND A MAXIMUM CAPACITY OF 1,499 PERSONS.**

**(IV) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY COMPANY, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES THE PERFORMING ARTS FACILITY.**

**(V) 1. THE LICENSE AUTHORIZES THE HOLDER TO SELL BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE LICENSED PREMISES FOR CONSUMPTION ON THE LICENSED PREMISES.**

**2. A HOLDER OF THE LICENSE MAY EXERCISE THE PRIVILEGES UNDER THE LICENSE FROM 10 A.M. ON ANY DAY UNTIL 2 A.M. THE FOLLOWING DAY.**

**(VI) THE BOARD MAY IMPOSE CONDITIONS ON THE ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE COMMUNITY PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.**

**(VII) THE BOARD MAY NOT APPROVE THE TRANSFER OF THE LICENSE TO ANOTHER LOCATION.**

**(VIII) 1. A HOLDER OF A CLASS B-BWLHR LICENSE WITH CATERING AUTHORITY, A MONTGOMERY COUNTY CATERING LICENSE (CAT), OR A STATEWIDE CATERER LICENSE (SCAT) MAY BRING ALCOHOL AND FOOD ON THE LICENSED PREMISES UNDER THE TERMS OF A CONTRACT WITH A HOLDER OF A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY LICENSE.**

**2. A VIOLATION OF THIS ARTICLE THAT OCCURS WHEN A CATERER BRINGS ALCOHOL ON LICENSED PREMISES AS PROVIDED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS THE RESPONSIBILITY OF THE CATERER AND IS NOT THE RESPONSIBILITY OF THE HOLDER OF THE LICENSE.**

**(IX) A HOLDER OF THE LICENSE SHALL ENSURE THAT FOOD IS PROVIDED DURING THE HOURS ALCOHOLIC BEVERAGES ARE SOLD, SERVED, POSSESSED, OR CONSUMED.**

**(X) THE BOARD MAY ISSUE NO MORE THAN THREE LICENSES TO A NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY COMPANY, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES PERFORMING ARTS FACILITIES IN SEPARATE LOCATIONS.**

**(XI) THE ANNUAL LICENSE FEE IS \$750.**

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