

HOUSE BILL 1320

A2

6lr3436
CF SB 877

By: **Delegate B. Wilson**

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 9, 2016

CHAPTER _____

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License**

3 FOR the purpose of establishing a Class CT (cinema/theater) (on–sale) beer, wine, and
4 liquor license in Washington County; authorizing the Board of License
5 Commissioners for Washington County to issue the license for use in a cinema or
6 theater that meets certain requirements; authorizing the license holder to sell and
7 serve beer, wine, and liquor for on–premises consumption under certain
8 circumstances; authorizing a license holder to serve beer, wine, and liquor without
9 serving food; requiring a certain individual to dispose of or destroy empty bottles;
10 requiring a license holder to obtain a certain crowd control training certificate and
11 have a certain certified crowd control manager present at the licensed premises at
12 certain times; requiring the license holder to have a certain individual who has
13 received certification from a certain alcohol awareness program to be present at the
14 licensed premises under certain circumstances; specifying the hours and days for
15 sale of beer, wine, and liquor; specifying a certain annual license fee; providing for
16 the termination of this Act; and generally relating to the sale of alcoholic beverages
17 in Washington County.

18 BY repealing and reenacting, without amendments,

19 Article – Alcoholic Beverages

20 Section 4–505, 31–101(a) and (b), 31–102, 31–207, 31–1901, and 31–1903

21 Annotated Code of Maryland

22 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

23 BY adding to

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 Article – Alcoholic Beverages
2 Section 31–1001.1
3 Annotated Code of Maryland
4 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

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

7 **Article – Alcoholic Beverages**

8 4–505.

9 (a) In this section, “alcohol awareness program” means a program that:

10 (1) includes instruction on how alcohol affects an individual’s behavior and
11 body;

12 (2) provides education on the dangers of drinking and driving; and

13 (3) defines effective methods to:

14 (i) determine whether a customer is under the legal drinking age;

15 (ii) serve customers to minimize the chance of intoxication; and

16 (iii) stop service before a customer becomes intoxicated.

17 (b) (1) This section applies to:

18 (i) a licensed premises that sells alcoholic beverages to a customer
19 from a bar or service bar on the premises;

20 (ii) a premises licensed to sell alcoholic beverages for off–premises
21 consumption; and

22 (iii) an unlicensed establishment in a jurisdiction that requires a
23 worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol
24 awareness training.

25 (2) This section does not apply to:

26 (i) a temporary license;

27 (ii) a Class E (on–sale) water vessel license;

28 (iii) a Class F (on–sale) railroad license; or

1 (iv) a Class G (on-sale) airplane license.

2 (c) The Comptroller:

3 (1) shall approve, certify, and issue an alcohol awareness program permit
4 to each alcohol awareness program that complies with this section; and

5 (2) may require recertification of the approved alcohol awareness program
6 to ensure compliance with changes in the program.

7 (d) Before an individual may teach an alcohol awareness program, the individual
8 shall obtain an alcohol awareness instructor's permit.

9 (e) A holder of any retail alcoholic beverages license or an employee designated
10 by the holder shall complete training in an approved alcohol awareness program.

11 (f) (1) (i) For each completion of a certified alcohol awareness program, the
12 alcohol awareness program provider shall issue a certificate of completion that is valid for
13 4 years from the date of issuance.

14 (ii) The holder or employee shall complete retraining in an approved
15 alcohol awareness program for each successive 4-year period.

16 (iii) On request, a valid certificate shall be presented to the proper
17 authority.

18 (2) Within 5 days after a license holder, an owner of an unlicensed
19 establishment, or an employee of a license holder or owner of an unlicensed establishment
20 is sent a certificate of completion, the alcohol awareness program provider shall inform the
21 appropriate local licensing board of:

22 (i) the individual's name, address, and certification date; and

23 (ii) the name and address of the licensed establishment or
24 unlicensed establishment.

25 (g) The Comptroller may decertify the alcohol awareness program of an alcohol
26 awareness program provider who violates subsection (c), (d), or (f) of this section.

27 (h) (1) Each local licensing board shall enforce this section.

28 (2) A license holder who violates subsection (e) of this section is subject to:

29 (i) for the first offense, a \$100 fine; and

30 (ii) for each subsequent offense, a fine not to exceed \$500 or a
31 suspension or revocation of the license or both.

1 (i) (1) This section does not create or enlarge a civil cause of action or criminal
2 proceeding against a license holder.

3 (2) Evidence of a violation of this section:

4 (i) may only be used as evidence before the local licensing board in
5 an action brought before the local licensing board for a violation of this section; and

6 (ii) may not be introduced in a civil or criminal proceeding.

7 31-101.

8 (a) In this title:

9 (1) the definitions in § 1-101 of this article apply without exception or
10 variation; and

11 (2) the following words have the meanings indicated.

12 (b) "Board" means the Board of License Commissioners for Washington County.

13 31-102.

14 This title applies only in Washington County.

15 31-207.

16 The Board may adopt regulations to carry out this article.

17 **31-1001.1.**

18 **(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON-SALE) BEER, WINE, AND**
19 **LIQUOR LICENSE.**

20 **(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CINEMA OR THEATER**
21 **THAT:**

22 **(1) IS IN A BUILDING THAT IS DESIGNED OR USED PRIMARILY FOR THE**
23 **EXHIBITION OF MOTION PICTURES TO THE PUBLIC; AND**

24 **(2) HAS A CAPACITY TO HOLD AT LEAST 100 PERMANENTLY**
25 **INSTALLED SEATS.**

1 (C) (1) ~~THE~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
2 LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL OR SERVE BEER, WINE, AND
3 LIQUOR FOR ON-PREMISES CONSUMPTION:

4 (I) BY THE DRINK, BOTTLE, AND CAN;

5 (II) 1. IN A DESIGNATED AREA OF THE LOBBY, FOR 45
6 MINUTES BEFORE A MOVIE STARTS; AND

7 2. IN A VIP ROOM THAT HOLDS SPECIAL EVENTS, FOR
8 THE 45 MINUTES BEFORE A MOVIE STARTS AND DURING THE SHOWING OF THE
9 MOVIE; AND

10 (III) TO AN INDIVIDUAL WHO HAS A TICKET TO A MOVIE AND
11 PROPER IDENTIFICATION.

12 (2) A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE
13 LICENSE ONLY ON THURSDAYS.

14 ~~(2)~~ (3) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR
15 WITHOUT SERVING FOOD.

16 ~~(3)~~ (4) AN INDIVIDUAL SERVING BEER, WINE, AND LIQUOR SHALL
17 DISPOSE OF OR DESTROY ALL EMPTY BOTTLES AND CANS.

18 (D) (1) A LICENSE HOLDER SHALL:

19 (I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM
20 A PROGRAM THAT IS CERTIFIED BY THE BOARD; AND

21 (II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE
22 CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY
23 250 INDIVIDUALS PRESENT.

24 (2) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A LICENSE
25 HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED
26 ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES
27 WHEN ALCOHOL IS BEING SERVED.

28 ~~(3) THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR:~~

29 ~~(I) MONDAY THROUGH SUNDAY; AND~~

~~(H) DURING THE TIMES SPECIFIED UNDER SUBSECTION (C)(1)
OF THIS SECTION.~~

(E) THE ANNUAL LICENSE FEE IS \$1,000.

31-1901.

(a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County without exception or variation:

(1) § 4-502 (“Storage of alcoholic beverages”);

(2) § 4-503 (“Solicitations and sales outside of licensed premises”);

(3) § 4-506 (“Evidence of purchaser’s age”);

(4) § 4-507 (“Retail delivery of alcoholic beverages”); and

(5) § 4-508 (“Display of license”).

(b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License Holders”) of Division I of this article apply in the County:

(1) § 4-504 (“Employment of underage individuals”), subject to § 31-1902 of this subtitle; and

(2) § 4-505 (“Alcohol awareness program”), subject to § 31-1903 of this subtitle.

31-1903.

(a) (1) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall:

(i) be certified by an approved alcohol awareness program; and

(ii) except as provided in paragraph (2) of this subsection, be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(2) The license holder or individual specified in paragraph (1) of this subsection may be absent from the licensed premises for a personal or business reason or an emergency if the absence lasts for not more than 2 hours.

(3) The Board shall require the license holder to keep a log book on the licensed premises that documents each temporary absence, the length of time of the absence, and the reason for the absence, in the form that the Board requires.

1 (b) A license holder who violates this section is subject to:

2 (1) for a first offense, a \$100 fine; and

3 (2) for each subsequent offense, a fine not exceeding \$500 or a suspension
4 or revocation of the license or both.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2016. It shall remain effective for a period of 15 months and, at the end of October 1,
7 2017, with no further action required by the General Assembly, this Act shall be abrogated
8 and of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.