

# HOUSE BILL 965

A2

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By: **Delegates Mosby, Smith, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension**

3 FOR the purpose of authorizing the Baltimore City Board of License Commissioners to  
4 immediately suspend an alcoholic beverages license if it has reasonable cause to  
5 believe that the license holder has failed to take reasonable measures to prevent  
6 certain acts of violence on certain property; making certain conforming changes; and  
7 generally relating to grounds for the suspension of alcoholic beverages licenses in  
8 Baltimore City.

9 BY repealing and reenacting, without amendments,  
10 Article – Alcoholic Beverages  
11 Section 4–604 and 12–102  
12 Annotated Code of Maryland  
13 (2016 Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Alcoholic Beverages  
16 Section 12–2101  
17 Annotated Code of Maryland  
18 (2016 Volume and 2018 Supplement)

19 BY adding to  
20 Article – Alcoholic Beverages  
21 Section 12–2105  
22 Annotated Code of Maryland  
23 (2016 Volume and 2018 Supplement)

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

26 **Article – Alcoholic Beverages**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 4-604.

2 (a) A local licensing board may revoke or suspend a license:

3 (1) for any reason to promote the peace or safety of the community in which  
4 the premises are located; or

5 (2) for offenses as provided in this article.

6 (b) A local licensing board shall revoke or suspend a license for:

7 (1) conviction of the license holder for violation of this article or a provision  
8 of the Tax – General Article that relates to the alcoholic beverage tax;

9 (2) willful failure or refusal of the license holder to comply with:

10 (i) this article or provisions of the Tax – General Article that relate  
11 to the alcoholic beverage tax; or

12 (ii) a regulation that may be adopted under this article or under  
13 provisions of the Tax – General Article that relate to the alcoholic beverage tax;

14 (3) making a material false statement in an application for a license;

15 (4) two or more convictions within 2 years of an agent or employee of a  
16 license holder for on-premises violations of this article or provisions of the Tax – General  
17 Article that relate to the alcoholic beverage tax;

18 (5) on-premises possession by a retail dealer of an alcoholic beverage on  
19 which the tax imposed by § 5-102 of the Tax – General Article has not been paid;

20 (6) violation of § 2-216 or § 2-315 of this article;

21 (7) willful failure of a license holder to:

22 (i) keep the records required under this article or under provisions  
23 of the Tax – General Article that relate to the alcoholic beverage tax; or

24 (ii) allow inspection of the records by an authorized person;

25 (8) on-premises possession of an alcoholic beverage that a license holder is  
26 not licensed to sell;

27 (9) revocation or suspension of a permit issued to a license holder by the  
28 federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal  
29 law relating to alcoholic beverages;

1 (10) failure to furnish bond as required by this article within 15 days after  
2 notice from the Comptroller; or

3 (11) violation of § 4–605 of this subtitle.

4 12–102.

5 This title applies only in Baltimore City.

6 12–2101.

7 (a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of  
8 Local Licenses”) of Division I of this article apply in the City without exception or variation:

9 (1) § 4–602 (“Power of local licensing board”); AND

10 (2) § 4–603 (“Revocation and suspension procedures”); and

11 (3) § 4–604 (“Grounds for revocation or suspension”).

12 (b) Section 4–605 (“Nudity and sexual displays”) of Division I of this article does  
13 not apply in the City and is superseded by § 12–2102 of this subtitle.

14 (c) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6**  
15 **(“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS**  
16 **ARTICLE APPLY IN THE CITY:**

17 **(1) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**  
18 **SUBJECT TO § 12–2105 OF THIS SUBTITLE; AND**

19 **(2) § 4–606 (“Effects of revocation”)** [of Division I of this article applies in  
20 the City], subject to § 12–2104 of this subtitle.

21 **12–2105.**

22 **IN ADDITION TO THE GROUNDS FOR SUSPENSION IN § 4–604 OF DIVISION I OF**  
23 **THIS ARTICLE, THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF IT HAS**  
24 **REASONABLE CAUSE TO BELIEVE THAT THE LICENSE HOLDER HAS FAILED TO TAKE**  
25 **REASONABLE MEASURES TO PREVENT AN ACT OF VIOLENCE THAT MAY RESULT IN**  
26 **DEATH OR SERIOUS BODILY INJURY, OR A RECURRENCE OF AN ACT OF VIOLENCE**  
27 **THAT RESULTED IN DEATH OR SERIOUS BODILY INJURY, FROM OCCURRING ON:**

28 **(1) THE LICENSED PREMISES;**

1                   **(2) ANY PREMISES IMMEDIATELY ADJACENT TO THE LICENSED**  
2 **PREMISES THAT ARE OWNED OR LEASED BY THE LICENSE HOLDER; OR**

3                   **(3) ANY PUBLIC PROPERTY IMMEDIATELY ADJACENT TO THE**  
4 **LICENSED PREMISES.**

5                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
6 1, 2019.