

SENATE BILL 309

A2

9lr1560
CF HB 374

By: **Senators Beidle, Elfreth, Reilly, and Rosapepe**

Introduced and read first time: January 30, 2019

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2019

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Racetrack ~~License~~ and Racetrack**
3 **Concessionaire Licenses**

4 FOR the purpose of expanding the privileges of a racetrack license in Anne Arundel County;
5 specifying certain attributes of a licensed racing establishment; specifying the
6 location where beer, wine, and liquor may be sold under the license; specifying that
7 the playing of music and dancing may occur on the licensed premises; ~~authorizing~~
8 ~~the Board of License Commissioners to issue a concessionaire license;~~ allowing the
9 carrying and consuming of beer, wine, and liquor anywhere on the licensed premises;
10 altering the fee for a racetrack license; authorizing the Board of License
11 Commissioners to issue a racetrack concessionaire license to a certain person;
12 authorizing a holder of a racetrack concessionaire license to also hold a certain other
13 license; specifying the location where alcoholic beverages may be sold under the
14 racetrack concessionaire license; specifying that the playing of music and dancing
15 may occur on the licensed premises of the concessionaire; allowing alcoholic
16 beverages purchased under a racetrack concessionaire license to be taken into and
17 consumed on the licensed premises of the racing establishment; establishing the
18 annual license fee; specifying the days and hours of sale; stating that ~~the~~ a certain
19 license holder need not obtain a certain Sunday license; ~~authorizing a license holder~~
20 ~~to also hold a certain other license;~~ prohibiting a racetrack license or a racetrack
21 concessionaire license from being counted as a certain license for certain purposes;
22 making conforming changes; and generally relating to alcoholic beverages licenses
23 in Anne Arundel County.

24 BY repealing and reenacting, without amendments,

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 11–102
3 Annotated Code of Maryland
4 (2016 Volume and 2018 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Alcoholic Beverages
7 Section 11–401 and 11–1007
8 Annotated Code of Maryland
9 (2016 Volume and 2018 Supplement)

10 BY adding to
11 Article – Alcoholic Beverages
12 Section 11–1007.1
13 Annotated Code of Maryland
14 (2016 Volume and 2018 Supplement)

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

17 **Article – Alcoholic Beverages**

18 11–102.

19 This title applies only in Anne Arundel County.

20 11–401.

21 (a) The following sections of Title 2, Subtitle 2 (“Manufacturer’s Licenses”) of
22 Division I of this article apply in the county without exception or variation:

- 23 (1) § 2–201 (“Issuance by Comptroller”);
24 (2) § 2–202 (“Class 1 distillery license”);
25 (3) § 2–203 (“Class 9 limited distillery license”);
26 (4) § 2–204 (“Class 2 rectifying license”);
27 (5) § 2–205 (“Class 3 winery license”);
28 (6) § 2–206 (“Class 4 limited winery license”);
29 (7) [§ 2–207 (“Class 5 brewery license”);
30 (8)] § 2–208 (“Class 6 pub–brewery license”);

1 [(9) § 2-209 (“Class 7 micro-brewery license”);]

2 [(10) (8) § 2-210 (“Class 8 farm brewery license”);

3 [(11) (9) § 2-211 (“Residency requirement”);

4 [(12) (10) § 2-212 (“Additional licenses”);

5 [(13) (11) § 2-213 (“Additional fees”);

6 [(14) (12) § 2-214 (“Sale or delivery restricted”);

7 [(15) (13) § 2-216 (“Interaction between manufacturing entities and
8 retailers”);

9 [(16) (14) § 2-217 (“Distribution of alcoholic beverages — Prohibited
10 practices”); and

11 [(17) (15) § 2-218 (“Restrictive agreements between producers and
12 retailers — Prohibited”).

13 [(b) Section 2-215 (“Beer sale on credit to retail dealer prohibited”) of Division I of
14 this article applies in the county, subject to § 11-403 of this subtitle.]

15 **(B) THE FOLLOWING SECTIONS OF TITLE 2, SUBTITLE 2**
16 **(“MANUFACTURER’S LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE**
17 **COUNTY:**

18 **(1) § 2-207 (“CLASS 5 BREWERY LICENSE”), SUBJECT TO ~~§ 11-1007~~ §**
19 **11-1007.1 OF THIS TITLE;**

20 **(2) § 2-209 (“CLASS 7 MICRO-BREWERY LICENSE”), SUBJECT TO §**
21 **~~11-1007~~ § 11-1007.1 OF THIS TITLE; AND**

22 **(3) § 2-215 (“BEER SALE ON CREDIT TO RETAIL DEALER**
23 **PROHIBITED”), SUBJECT TO § 11-403 OF THIS SUBTITLE.**

24 11-1007.

25 (a) There is a racetrack license.

26 (b) (1) The Board may issue the license to the owner of a [regularly] licensed
27 racing establishment **THAT HOLDS ~~PUBLIC~~ RACE MEETINGS AT WHICH PARI-MUTUEL**
28 **BETTING IS ALLOWED.**

1 (2) There are no residential or voting qualifications for a license applicant.

2 [(c) The license authorizes the license holder to sell alcoholic beverages at one or
3 more locations on the premises of the racing park.

4 (d) The license holder may sell alcoholic beverages from 2 hours before the
5 running of an authorized race to 2 hours after the running of an authorized race.]

6 (C) THE RACETRACK LICENSE AUTHORIZES:

7 (1) THE SALE OF BEER, WINE, AND LIQUOR IN A LOCATION OF THE
8 LICENSED RACING ESTABLISHMENT NOT COVERED BY A RACETRACK
9 CONCESSIONAIRE LICENSE THAT IS ISSUED IN ACCORDANCE WITH ~~SUBSECTION (D)~~
10 ~~OF THIS SECTION~~ § 11-1007.1 OF THIS SUBTITLE; AND

11 (2) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED
12 PREMISES.

13 ~~(D) (1) THE BOARD MAY ISSUE A CONCESSIONAIRE LICENSE TO A~~
14 ~~CONCESSIONAIRE OPERATING IN CONJUNCTION WITH A LICENSED RACING~~
15 ~~ESTABLISHMENT.~~

16 ~~(2) A CONCESSIONAIRE LICENSE SHALL BE GOVERNED BY §~~
17 ~~11-1004(D) THROUGH (G) OF THIS SUBTITLE.~~

18 ~~(E) (D)~~ BEER, WINE, AND LIQUOR SOLD UNDER A RACETRACK LICENSE
19 MAY BE CARRIED AND CONSUMED ANYWHERE ON THE LICENSED PREMISES.

20 ~~(F) (E)~~ (1) THE LICENSE HOLDER MAY SELL ALCOHOLIC BEVERAGES
21 MONDAY THROUGH SUNDAY FROM 6 A.M. TO 2 A.M. THE FOLLOWING DAY.

22 (2) A HOLDER OF A RACETRACK LICENSE NEED NOT OBTAIN A
23 SUNDAY LICENSE TO SELL ALCOHOLIC BEVERAGES ON SUNDAY.

24 ~~(G) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY LICENSE~~
25 ~~OR A CLASS 7 MICRO BREWERY LICENSE.~~

26 ~~(H) (F)~~ A RACETRACK LICENSE MAY NOT BE COUNTED AS A CLASS B
27 LICENSE OR A CLASS H LICENSE UNDER § 11-1609 OF THIS TITLE.

28 [(e) ~~(H) (G)~~ The ANNUAL license fee is ~~\$60 per day of live or simulcast racing~~
29 \$25,000 to be paid to the Board on or before January 1 for the racing of the preceding year.

30 11-1007.1.

1 **(A) THERE IS A RACETRACK CONCESSIONAIRE LICENSE.**

2 **(B) (1) THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE**
3 **OPERATING IN CONJUNCTION WITH A LICENSED RACING ESTABLISHMENT.**

4 **(2) THE LICENSE HOLDER MAY ALSO HOLD A CLASS 5 BREWERY**
5 **LICENSE OR A CLASS 7 MICRO-BREWERY LICENSE.**

6 **(C) (1) THE LICENSE AUTHORIZES:**

7 **(I) SUBJECT TO ITEM (III) OF THIS PARAGRAPH, THE LICENSE**
8 **HOLDER TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE**
9 **CONCESSIONAIRE FOR CONSUMPTION ON:**

10 **1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;**

11 **AND**

12 **2. THE LICENSED PREMISES OF THE RACING**
13 **ESTABLISHMENT;**

14 **(II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED**
15 **PREMISES OF THE CONCESSIONAIRE; AND**

16 **(III) IF THE LICENSE HOLDER IS ALSO THE HOLDER OF A CLASS**
17 **5 BREWERY LICENSE, THE SALE OF ONLY BEER IN ACCORDANCE WITH § 2-207 OF**
18 **THIS ARTICLE ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ON:**

19 **1. THE LICENSED PREMISES OF THE CONCESSIONAIRE;**

20 **AND**

21 **2. THE LICENSED PREMISES OF THE RACING**
22 **ESTABLISHMENT.**

23 **(2) ALCOHOLIC BEVERAGES PURCHASED UNDER THE LICENSE MAY**
24 **BE TAKEN INTO AND CONSUMED ON THE LICENSED PREMISES OF THE RACING**
25 **ESTABLISHMENT.**

26 **(D) (1) THE HOURS AND DAYS FOR THE SALE AND CONSUMPTION OF**
27 **ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS AND**
28 **DAYS SET OUT FOR A RACETRACK LICENSE UNDER § 11-1007 OF THIS SUBTITLE.**

29 **(2) A HOLDER OF THE LICENSE NEED NOT OBTAIN A SUNDAY LICENSE**
30 **UNDER § 11-2004 OF THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON**
31 **SUNDAY.**

1 **(E) THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE**
2 **FOR PURPOSES OF § 11-1609 OF THIS TITLE.**

3 **(F) THE ANNUAL LICENSE FEE IS \$5,000.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.