

# SENATE BILL 69

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(PRE-FILED)

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CF HB 1293

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By: **Senator Hayes**

Requested: November 1, 2019

Introduced and read first time: January 8, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2020

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

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Class A, A-2, and A-7 Licenses –**  
3 **Surveillance System**

4 FOR the purpose of providing that an application for a certain license renewal is not  
5 complete without a certain affidavit; extending in Baltimore City the time during  
6 which the Board of License Commissioners may issue a Class A-7 license; repealing  
7 the right to exchange certain licenses within a certain area; altering the hours of  
8 operation for a holder of a Class A-7 license; requiring the holder of a Class A license,  
9 Class A-2 license, or Class A-7 license to install and operate a digital surveillance  
10 system on the licensed premises in accordance with regulations adopted by the  
11 Board; requiring the digital surveillance system to be equipped with certain cameras;  
12 requiring certain cameras to be placed in a certain way; requiring the video recorded  
13 from the surveillance system to be retained for a certain number of days; requiring  
14 the Board to adopt, in consultation with the Baltimore Police Department,  
15 regulations relating to digital surveillance on or before a certain date; requiring the  
16 Board to adopt certain regulations in accordance with certain requirements;  
17 providing for the application of this Act; and generally relating to alcoholic beverages  
18 licenses in Baltimore City.

19 BY repealing and reenacting, without amendments,  
20 Article – Alcoholic Beverages  
21 Section 12-102  
22 Annotated Code of Maryland  
23 (2016 Volume and 2019 Supplement)

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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.



1 BY repealing and reenacting, with amendments,  
 2 Article – Alcoholic Beverages  
 3 Section 12–902.1 and 12–1407  
 4 Annotated Code of Maryland  
 5 (2016 Volume and 2019 Supplement)

6 BY adding to  
 7 Article – Alcoholic Beverages  
 8 Section 12–1804.2  
 9 Annotated Code of Maryland  
 10 (2016 Volume and 2019 Supplement)

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

13 **Article – Alcoholic Beverages**

14 12–102.

15 This title applies only in Baltimore City.

16 12–902.1.

17 (a) **THIS SECTION DOES NOT APPLY IN THE 43RD LEGISLATIVE DISTRICT.**

18 **(B)** There is a Class A–7 beer, wine, and liquor license.

19 ~~(C)~~ **(C)** The license authorizes the license holder to sell beer, wine, and liquor at retail  
 20 at the place described in the license, for off–premises consumption.

21 ~~(D)~~ **(D)** (1) Subject to [paragraphs] **PARAGRAPH** (2) [through (4)] of this  
 22 subsection, a license holder who holds a valid Class B–D–7 beer, wine, and liquor license  
 23 issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class  
 24 A–7 license if the license holder first obtains approval by resolution of the Baltimore City  
 25 Council.

26 (2) The Board may not issue a Class A–7 license **ON OR** after July 1, [2020]  
 27 **2022.**

28 [(3) In the 46th legislative district, a Class B–D–7 license may be exchanged  
 29 for a Class A–7 license.

30 (4) In the 46th legislative district, the transferee of a Class B–D–7 license  
 31 that is successfully transferred from the 3600 block of Fleet Street to the 5600 block of

1 Eastern Avenue may apply to the Board to exchange the license for a Class A-7 license for  
2 use at the Eastern Avenue location on or before July 1, 2021.]

3 ~~(d)~~ **(E)** A holder of a Class A-7 license may sell beer, wine, and liquor on Monday  
4 through Sunday from [9 a.m. to 10 p.m.] **10 A.M. TO MIDNIGHT.**

5 ~~(E) A HOLDER OF A CLASS A-7 LICENSE SHALL OPERATE A DIGITAL~~  
6 ~~SURVEILLANCE SYSTEM ON THE LICENSED PREMISES IN ACCORDANCE WITH~~  
7 ~~REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (H) OF THIS SECTION.~~

8 ~~(F) THE DIGITAL SURVEILLANCE SYSTEM SHALL BE EQUIPPED WITH~~  
9 ~~HIGH DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24 HOUR VIDEO~~  
10 ~~MONITORING PLACED INSIDE AND OUTSIDE THE LICENSED ESTABLISHMENT.~~

11 ~~(G) (1) THE CAMERAS MUST BE PLACED IN SUCH A WAY THAT:~~

12 ~~(I) THE EXTERIOR OF EACH ENTRYWAY INTO THE LICENSED~~  
13 ~~ESTABLISHMENT IS MONITORED;~~

14 ~~(II) THE INTERIOR OF EACH ENTRYWAY INTO THE LICENSED~~  
15 ~~ESTABLISHMENT IS MONITORED; AND~~

16 ~~(III) THE CASH REGISTER OR TILL IS MONITORED.~~

17 ~~(2) THE VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM SHALL~~  
18 ~~BE RETAINED FOR NOT LESS THAN 7 DAYS.~~

19 ~~(H) THE BOARD SHALL ADOPT REGULATIONS ON OR BEFORE AUGUST 15,~~  
20 ~~2020, RELATING TO DIGITAL SURVEILLANCE IN CONSULTATION WITH THE~~  
21 ~~BALTIMORE POLICE DEPARTMENT.~~

22 [(e)] ~~(F)~~ The annual license fee is \$1,500.

23 12-1407.

24 (a) (1) The Board or the Board's designee shall examine each application for  
25 the issuance or transfer of a license within 45 days of receipt of the application to determine  
26 whether the application is complete.

27 (2) Except as provided in paragraph (3) of this subsection, an application  
28 for the issuance, transfer, or renewal is not complete unless the applicant has:

29 (i) obtained zoning approval or verification of zoning if the  
30 application is for renewal;

1           (ii) submitted all documents required in the application; [and]

2           (iii) paid all fines and fees that are due; AND

3                   **(IV) FOR THE RENEWAL OF A CLASS A BEER, WINE, AND LIQUOR**  
 4 **LICENSE, A CLASS A-2 BEER, WINE, AND LIQUOR LICENSE, OR A CLASS A-7 BEER,**  
 5 **WINE, AND LIQUOR LICENSE, SUBMITTED AN AFFIDAVIT AS REQUIRED BY §**  
 6 **12-1804.2 OF THIS TITLE.**

7           (3) An application for the issuance, transfer, or renewal of a Class B-D-7  
 8 license that may be issued under § 12-1603(c)(8) of this title in the Old Goucher  
 9 Revitalization District under § 12-1603(e) of this title is complete without an applicant  
 10 obtaining zoning approval or verification of zoning.

11           (b) (1) A license hearing may not be scheduled unless the Board determines  
 12 that the application is complete.

13           (2) A complete application with all submitted documents shall be posted  
 14 online at least 14 days before the hearing date.

15           (3) The postponement of a hearing shall be posted online not less than 72  
 16 hours before the hearing date.

17           (c) (1) To incorporate a change in the application document after the Board or  
 18 the Board's designee has determined the application to be complete, the applicant shall  
 19 submit the change to the Board not later than 15 days before the scheduled hearing.

20           (2) After the hearing on the application, an applicant may change the  
 21 application only at a new hearing.

22           (d) The Board shall impose a fine that it determines for failure to comply with the  
 23 requirements under this section.

24 **12-1804.2.**

25           **(A) THIS SECTION APPLIES ONLY TO A HOLDER OF:**

26                   **(1) A CLASS A BEER, WINE, AND LIQUOR LICENSE;**

27                   **(2) A CLASS A-2 BEER, WINE, AND LIQUOR LICENSE; AND**

28                   **(3) A CLASS A-7 BEER, WINE, AND LIQUOR LICENSE.**

29           **(B) (1) A LICENSE HOLDER SHALL MAINTAIN AND OPERATE A DIGITAL**  
 30 **SURVEILLANCE SYSTEM ON THE LICENSED PREMISES IN ACCORDANCE WITH THIS**

1 SECTION AND REGULATIONS ADOPTED BY THE BOARD UNDER SUBSECTION (C) OF  
2 THIS SECTION.

3 (2) THE DIGITAL SURVEILLANCE SYSTEM SHALL BE EQUIPPED WITH  
4 HIGH-DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24-HOUR VIDEO  
5 MONITORING WITHOUT AUDIO RECORDING CAPACITY PLACED INSIDE AND OUTSIDE  
6 THE LICENSED PREMISES.

7 (3) THE CAMERAS MUST BE PLACED IN SUCH A WAY THAT:

8 (I) THE EXTERIOR OF EACH ENTRYWAY INTO THE LICENSED  
9 PREMISES IS MONITORED;

10 (II) THE INTERIOR OF EACH ENTRYWAY INTO THE LICENSED  
11 PREMISES IS MONITORED; AND

12 (III) THE CASH REGISTER OR TILL IS MONITORED.

13 (4) THE VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM SHALL  
14 BE RETAINED FOR NOT LESS THAN 14 DAYS.

15 (5) A LICENSE HOLDER MUST POST APPROPRIATE SIGNAGE  
16 NOTIFYING INDIVIDUALS ON THE PREMISES THEY ARE BEING RECORDED.

17 (C) (1) ON OR BEFORE DECEMBER 31, 2020, THE BOARD SHALL ADOPT  
18 REGULATIONS RELATING TO DIGITAL SURVEILLANCE IN CONSULTATION WITH THE  
19 BALTIMORE POLICE DEPARTMENT.

20 (2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH  
21 (1) OF THIS SUBSECTION SHALL:

22 (I) REQUIRE THAT LICENSED ESTABLISHMENTS RETAIN VIDEO  
23 RECORDINGS FROM THE SURVEILLANCE SYSTEM FOR NOT LESS THAN 14 DAYS BUT  
24 NOT MORE THAN 30 DAYS;

25 (II) REQUIRE THAT A NOTICE BE PLACED IN A CONSPICUOUS  
26 LOCATION ON THE INTERIOR AND EXTERIOR OF THE PREMISES LOCATION  
27 NOTIFYING THE PUBLIC THAT THE LICENSED ESTABLISHMENT IS SUBJECT TO  
28 24-HOUR VIDEO SURVEILLANCE MONITORING;

29 (III) INCLUDE DETAILS REGARDING THE SPECIFICATIONS FOR  
30 WHAT TYPES OF VIDEO SURVEILLANCE SYSTEMS ARE ACCEPTABLE;

1                   **(IV) REQUIRE THAT THE BALTIMORE POLICE DEPARTMENT**  
2 **MAY REQUEST VIDEO FOOTAGE ONLY IN CONNECTION WITH A CRIMINAL**  
3 **INVESTIGATION AND THAT VIDEO FOOTAGE OBTAINED IN VIOLATION OF THIS**  
4 **SECTION IS INADMISSIBLE IN A CRIMINAL PROCEEDING;**

5                   **(V) INCLUDE DETAILS ON HOW AND WHEN THE BOARD WILL**  
6 **VERIFY THAT AN ACCEPTABLE VIDEO SURVEILLANCE SYSTEM HAS BEEN INSTALLED**  
7 **AS WELL AS PENALTIES FOR FAILURE TO COMPLY WITH THIS SECTION; AND**

8                   **(VI) PROVIDE FOR THE ISSUANCE OF TEMPORARY WAIVERS TO**  
9 **LICENSE HOLDERS WHO PURCHASED AND INSTALLED NONCOMPLIANT**  
10 **SURVEILLANCE SYSTEMS PRIOR TO OCTOBER 1, 2020.**

11                   **(D) BEGINNING JANUARY 1, 2021, A LICENSE HOLDER APPLYING FOR A**  
12 **LICENSE RENEWAL SHALL FILE WITH THE LICENSE RENEWAL APPLICATION AN**  
13 **AFFIDAVIT VERIFYING COMPLIANCE WITH SUBSECTION (B) OF THIS SECTION.**

14                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
15 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.