

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 82

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "Act;" insert "altering the definition of a certain term; defining a certain term;"; in line 20, after "Section" insert "1-102(a)(22), (26), and (27),"; and in the same line, after "(e)" insert a comma.

AMENDMENT NO. 2

On page 1, after line 25, insert:

"1-102.

(a) (22) (i) 1. "Restaurant" means an establishment:

A. Which accommodates the public;

B. Which is equipped with a dining room with facilities for preparing and serving regular meals; and

C. In which the average daily receipts from the sale of foods exceed the average daily receipts from the sale of alcoholic beverages.

2. However the board of license commissioners in any county [or in Baltimore City] by regulation may prescribe a different standard as to what constitutes a restaurant.

3. FOR A RESTAURANT IN BALTIMORE CITY, THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD MUST BE AT LEAST 40% OF THE TOTAL DAILY RECEIPTS OF THE ESTABLISHMENT.

(Over)

(ii) In Baltimore City, the term "food" as used in the definition of "restaurant", whether the definition is established by State law or by regulations adopted by the Board of License Commissioners, may not include any ingredient or garnish used with or mixed with an alcoholic beverage that is prepared and served for consumption on the licensed premises.

(iii) In Harford County a "restaurant" as used in § 5-201 of this article means a business establishment for the accommodation of the public, fully equipped with a proper and adequate dining room, tables, chairs and sufficient facilities for preparing and serving regular meals, as may be approved by the Liquor Control Board. The Board and Department of Health shall approve its sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware and adequate toilets. At all times there must be sufficient food on the premises for the regular serving of meals, with a proper sign or signs in front of the establishment designating "restaurant" or food and beverages sold, and not advertising any other business. In this establishment the average gross monthly receipts from the sale of foods cooked or prepared and served on the premises where the license is exercised, and other foods, commodities and items defined by the Liquor Control Board, shall exceed 50 percent of the average monthly receipts from the sale of beer and wine, except that a restaurant serving food and beverages whose gross monthly receipts from the sale of food averages \$1,500 or more may not be required to sell food and food commodities in excess of 50 percent of the average monthly receipts from the sale of beer and wine.

(iv) The requirements of this section relating to average daily receipts are not applicable to any licenses issued in Cecil County.

(26) IN BALTIMORE CITY, "TOTAL DAILY RECEIPTS" DOES NOT INCLUDE SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, OR OTHER RECEIPTS NOT RESULTING FROM THE SALE OF FOOD OR BEVERAGES.

(27) "Wholesaler" means a person who purchases or imports any alcoholic beverage for sale to wholesale or retail dealers only, and includes a county liquor control board and a county wholesale dispensary.

[(27)] (28) "Wine" means any fermented beverage, including light wines, and wines the alcoholic content of which has been fortified by the addition of alcohol, spirits or other ingredients."

AMENDMENT NO. 3

On page 3, strike beginning with “THE” in line 8 down through “LICENSE” in line 10 and substitute “AN APPLICATION FOR A NEW LICENSE OR A TRANSFER FROM WITHIN THE AREAS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IF THE NEW LICENSE OR TRANSFER”; in line 11, after “HOTEL;” insert:

“(II) AN ESTABLISHMENT LOCATED IN A PLANNED UNIT DEVELOPMENT IF THE APPLICATION FOR THE PLANNED UNIT DEVELOPMENT WAS FILED OR APPROVED BEFORE DECEMBER 31, 1995;

(III) AN ESTABLISHMENT LOCATED IN AN AREA GOVERNED BY THE INNER HARBOR EAST URBAN RENEWAL PLAN;”;

in line 12, strike “(II)” and substitute “(IV)”; in line 13, strike “ACCOMMODATES” and substitute “HAS A SEATING CAPACITY OF”; and in line 16, strike “60%” and substitute “51%”.

AMENDMENT NO. 4

On page 4, in line 10, after “IF THE” insert “SEATING”; in line 12, strike “A CERTIFIED” and substitute “AN”; in line 13, after “ACCOUNTING” insert “, IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES,”; and in line 18, after “SALES” insert “, NOT INCLUDING SALES OF NOVELTY ITEMS, INCOME FROM VENDING MACHINES, OR OTHER SALES NOT DIRECTLY RELATED TO FOOD OR BEVERAGES”.