

## EMERGENCY BILL

A2

6lr2158

---

**By:** ~~Senator Hughes~~ Senators Hughes, Blount, Pica, Della, Kelley, Hoffman, and Sfikas

Introduced and read first time: February 2, 1996

Assigned to: Economic and Environmental Affairs

---

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 1996

---

## CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages**

3 **(Class A-2 Beer, Wine and Liquor Off-Sale Package Goods License)**

4 FOR the purpose of repealing the requirement, in Baltimore City, that ascertain  
 5 operation conducted by a holder of a Class A-2 beer, wine and liquor off-sale  
 6 package goods license be considered to be that of a tavern; specifying that the  
 7 Board of License Commissioners, rather than the Clerk of the Circuit Court, shall  
 8 issue a Class B-D-7 beer, wine and liquor license; altering the date after which a  
 9 substitute A-2 beer, wine and liquor license may not be granted; altering the period  
 10 of time during which the holder of an expiring B-D-7 beer, wine and liquor license  
 11 is required to file with the Board of License Commissioners a certain document  
 12 concerning renewal of the license; altering the effective dates of certain alcoholic  
 13 beverages licenses renewed or substituted under this Act; making this Act an  
 14 emergency measure; and generally relating to alcoholic beverages licenses in  
 15 Baltimore City.

16 BY repealing and reenacting, with amendments,  
 17 Article 2B - Alcoholic Beverages  
 18 Section 6-102 and ~~8-203.1(7)~~ 8-203.1  
 19 Annotated Code of Maryland  
 20 (1994 Replacement Volume and 1995 Supplement)

21 ~~BY repealing and reenacting, without amendments,~~  
 22 ~~Article 2B - Alcoholic Beverages~~  
 23 ~~Section 8-203.1(1)~~  
 24 ~~Annotated Code of Maryland~~  
 25 ~~(1994 Replacement Volume and 1995 Supplement)~~

2

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

3 **Article 2B - Alcoholic Beverages**

4 6-102.

5 (a) This section applies only in Baltimore City.

6 (b) The Board of License Commissioners may renew a Class B-D-7 beer,wine  
7 and liquor license that is expiring and reissue it as a Class A-2 beer,wine and liquor  
8 off-sale only package goods license as provided in § 8-203.1 of this article.

9 (c) A Class A-2 beer, wine and liquor off-sale package goods licenseauthorizes  
10 the holder to:

11 (1) Keep for sale and sell beer, wine, and liquor at retail; and

12 (2) Deliver alcoholic beverages in sealed packages or containers. The  
13 package or container may not be opened nor its contents be consumed on the premises  
14 where it is sold.

15 (d) The annual license fee is \$650.

16 (e) A Class A-2 beer, wine and liquor off-sale license substituted under this  
17 section may not be converted or substituted for any other class of alcoholic beverages  
18 license, including a reversion to a Class B-D-7 beer, wine and liquor license.

19 (f) A substitute license provided for under this section may not be granted after  
20 [May 1, 1993] MAY 1, 1996.

21 (g) The hours during which the privileges conferred by this 6-day license may be  
22 exercised are from 9 a.m. to 12 o'clock midnight Monday through Saturday.

23 [(h) Notwithstanding the provisions of § 9-103 of this article, for purposes of  
24 zoning in Baltimore City, the operation conducted by a holder of a Class A-2 beer, wine  
25 and liquor off-sale package goods license shall be considered to be that of a tavern.]

26 8-203.1.

27 (1) The Board of License Commissioners of Baltimore City may ~~authorize the~~  
28 ~~issuance of~~ ISSUE an additional license, to be known as a Class B-D-7 beer, wine and  
29 liquor license. The special license authorizes the licensee to keep forsale and sell all  
30 alcoholic beverages at retail at the place in the license described, for consumption on the  
31 premises and elsewhere, during the hours from 6 o'clock a.m. to 2 o'clock a.m. on the day  
32 following, seven days per week.

33 (2) All present restaurant licensees having a valid Class B beer, wine and  
34 liquor license and all present licensees having a valid Class D beer, wine and liquor  
35 license with the special amusement license shall at their option automatically be entitled  
36 to exchange their present license for a Class B-D-7 license. All special restrictions  
37 imposed on the particular Class B or Class D with special amusement license being  
38 exchanged shall remain in effect and apply to the new license until changed by the license  
39 commissioners.

1           (3) A Class B-D-7, beer, wine and liquor license other than as provided in  
2 subsection (2) may not be issued until June 1, 1967, at which time the procedure in issuing  
3 such licenses other than as set forth in subsection (2) shall be prescribed by regulation of  
4 the Board of License Commissioners and shall conform as near as practicable to the  
5 procedure prescribed in § 10-202 of this article. A license may not be [authorized to be]  
6 issued by the Board of License Commissioners unless the license is in the judgment of the  
7 Board reasonably necessary for the convenience of the public. In determining what is  
8 reasonably necessary for the convenience of the public, the Board shall consider the  
9 number of beer, wine and liquor outlets in any given area and the number of days such  
10 outlets are open rather than the nature of the beer, wine and liquor licensed outlets.

11           (4) Licenses issued under the authority of this section are subject to all the  
12 provisions of this article relating to licenses in Baltimore City to the extent that those  
13 provisions are not inconsistent with this section.

14           (5) All such licenses shall be issued by the [Clerk of the Circuit Court for  
15 Baltimore City] BOARD OF LICENSE COMMISSIONERS upon certification of the Board  
16 of License Commissioners of Baltimore City. The annual license fee is \$1,200.

17           (6) The Board of License Commissioners shall adopt regulations to  
18 determine the manner of operation of an establishment that is operated under a Class  
19 B-D-7 beer, wine and liquor license.

20           (7) (i) During [March, 1993,] MARCH 1996, the holder of an expiring Class  
21 B-D-7 beer, wine and liquor license shall file with the Board of License Commissioners  
22 a declaration of intent in conjunction with filing an application for license renewal.

23           (ii) The declaration of intent shall request the Board of License  
24 Commissioners of Baltimore City to:

25                     1. Renew the expiring license effective [May 1, 1993] MAY 1, 1996 as  
26 a Class B-D-7 beer, wine and liquor license pursuant to this section and any regulations  
27 adopted by the Board; or

28                     2. Renew the expiring license effective [May 1, 1993] MAY 1, 1996 as  
29 a Class A-2 beer, wine and liquor off-sale package goods license pursuant to § 6-102 of  
30 this article.

31           (iii) A Class A-2 beer, wine and liquor off-sale license substituted under this  
32 section may not be converted or substituted for any other class of alcoholic beverages  
33 license, including a reversion to a Class B-D-7 beer, wine and liquor license.

34           (iv) A substitute license provided for under this subsection may not be  
35 granted after [May 1, 1993] MAY 1, 1996.

36           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
37 measure, is necessary for the immediate preservation of the public health and safety, has  
38 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
39 each of the two Houses of the General Assembly, and shall take effect from the date it is  
40 enacted.

