
By: **Delegate Arnick**
Introduced and read first time: February 1, 2001
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2001

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages - Licenses - Issuance and Transfer**

3 FOR the purpose of ~~requiring an applicant for an alcoholic beverages license or the~~
4 ~~transfer of a license to demonstrate to the appropriate board of license~~
5 ~~commissioners that certain criteria have been met~~; requiring a board of license
6 commissioners to consider certain criteria in approving the issuance or transfer
7 of a license; ~~authorizing a board to consider certain criteria in approving the~~
8 ~~issuance or transfer of a license~~; clarifying a certain provision; and generally
9 relating to the issuance or transfer of an alcoholic beverages license.

10 BY repealing and reenacting, without amendments,
11 Article 2B - Alcoholic Beverages
12 Section 10-202(a)(1)
13 Annotated Code of Maryland
14 (1998 Replacement Volume and 2000 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article 2B - Alcoholic Beverages
17 Section 10-202(a)(2) and 10-503(a)(2)
18 Annotated Code of Maryland
19 (1998 Replacement Volume and 2000 Supplement)

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

1

Article 2B - Alcoholic Beverages

2 10-202.

3 (a) (1) (i) Before the Board of License Commissioners for Baltimore City
4 or any county approves any application for a license, the Board shall cause a notice of
5 the application to be published two times in two successive weeks:

6 1. For Baltimore City licensee applicants - in three
7 newspapers of general circulation in Baltimore City.

8 2. For county licensee applicants - in two newspapers of
9 general circulation in the county where two newspapers are published, and if not,
10 then in one newspaper having a general circulation in the county.

11 (ii) The notice shall specify the name of the applicant, the kind of
12 license for which application is made, the location of the place of business proposed to
13 be licensed, and the time and place fixed by the Board for a hearing on the
14 application.

15 (iii) The hearing may not be less than seven nor more than 30 days
16 after the last publication.

17 (iv) At the time fixed by the notice for a hearing on the application
18 or on any postponement of the time, any person shall be heard on either side of the
19 question.

20 (2) (i) ~~1. AN APPLICANT FOR A NEW LICENSE SHALL~~
21 ~~DEMONSTRATE TO THE SATISFACTION OF THE BOARD THAT THE LICENSE IS~~
22 ~~NECESSARY TO ACCOMMODATE THE PUBLIC AT THE PROPOSED LOCATION WHERE~~
23 ~~THE LICENSE WILL APPLY.~~

24 ~~2. IN DETERMINING WHETHER THE APPLICANT HAS~~
25 ~~DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC~~
26 ~~AT THE PROPOSED LICENSE LOCATION, THE BOARD SHALL CONSIDER:~~

27 ~~A. THE NUMBER AND LOCATION OF EXISTING LICENSES IN~~
28 ~~THE SURROUNDING MARKET AREA;~~

29 ~~B. THE EFFECT OF A SATURATION OF LICENSES IN THE~~
30 ~~SURROUNDING MARKET AREA ON EXISTING LICENSEES; AND~~

31 ~~C. THE POTENTIAL EFFECT OF THE NEW LICENSE AT THE~~
32 ~~PROPOSED LICENSE LOCATION ON THE ACCOMMODATION OF THE PUBLIC IN THE~~
33 ~~SURROUNDING MARKET AREA IN LIGHT OF THE PURPOSES OF REGULATING THE~~
34 ~~SALE AND DISPENSING OF ALCOHOLIC BEVERAGES, WHICH ARE TO PROMOTE~~
35 ~~TEMPERANCE AND TO LIMIT COMPETITION WHILE PROVIDING ORDERLY,~~
36 ~~APPROPRIATE, AND USEFUL SERVICE AND CONVENIENCE TO THE PUBLIC.~~

1 3. ~~IN DETERMINING WHETHER THE APPLICANT HAS~~
 2 ~~DEMONSTRATED THAT THE LICENSE IS NECESSARY TO ACCOMMODATE THE PUBLIC~~
 3 ~~AT THE PROPOSED LICENSE LOCATION, THE BOARD MAY CONSIDER:~~

4 A. ~~THE AMOUNT AND VOLUME OF ALCOHOLIC BEVERAGES~~
 5 ~~SALES IN THE SURROUNDING MARKET AREA, INCLUDING ANY INCREASE OR~~
 6 ~~DECREASE IN SALES AND THE STABILITY OF SALES BY EXISTING LICENSEES;~~

7 B. ~~THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE~~
 8 ~~SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;~~

9 C. ~~THE GENERAL MARKET NEED IN ADDITION TO THE~~
 10 ~~ACTUAL NEED AND DESIRE FOR SERVICE OR CONVENIENCE FOR RESIDENTS AND~~
 11 ~~BUSINESSES IN THE SURROUNDING MARKET AREA; OR~~

12 D. ~~THE POTENTIAL IMPACT ON THE GENERAL HEALTH,~~
 13 ~~SAFETY, AND WELFARE OF THE COMMUNITY IN THE SURROUNDING MARKET AREA,~~
 14 ~~INCLUDING ISSUES RELATING TO CRIME, TRAFFIC HAZARDS OR CONGESTION, AND~~
 15 ~~SAFE AND ADEQUATE PARKING BEFORE APPROVING AN APPLICATION AND ISSUING~~
 16 A LICENSE, THE BOARD SHALL CONSIDER:

17 1. THE PUBLIC NEED AND DESIRE FOR THE LICENSE;

18 2. THE NUMBER AND LOCATION OF EXISTING LICENSEES
 19 AND THE POTENTIAL EFFECT ON EXISTING LICENSEES OF THE LICENSE APPLIED
 20 FOR;

21 3. THE POTENTIAL COMMONALITY OR UNIQUENESS OF THE
 22 SERVICES AND PRODUCTS TO BE OFFERED BY THE APPLICANT'S BUSINESS;

23 4. THE IMPACT ON THE GENERAL HEALTH, SAFETY, AND
 24 WELFARE OF THE COMMUNITY, INCLUDING ISSUES RELATING TO CRIME, TRAFFIC
 25 CONDITIONS, PARKING, OR CONVENIENCE; AND

26 5. ANY OTHER NECESSARY FACTORS AS DETERMINED BY
 27 THE BOARD.

28 (II) The application shall be disapproved and the license for which
 29 application is made shall be refused if the Board of License Commissioners for the
 30 City or any county determines that:

31 1. The granting of the license is not necessary for the
 32 accommodation of the public;

33 2. The applicant is not a fit person to receive the license for
 34 which application is made;

35 3. The applicant has made a material false statement in his
 36 application;

