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By: **Delegates Boteler, Cluster, Aumann, DeBoy, Frank, Impallaria, Kach,  
McConkey, and Weir**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages - Licensees and Permit Holders - Age Requirement**

3 FOR the purpose of requiring that an individual who applies for an alcoholic  
4 beverages permit or a license to be at least 21 years of age before the permit or  
5 license may be issued; applying the requirement to individuals who apply for  
6 licenses on their own behalf or for another person; making certain stylistic  
7 changes; providing for the application of this Act; and generally relating to  
8 holders of alcoholic beverages permits or licenses.

9 BY repealing and reenacting, without amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 2-101(a)  
12 Annotated Code of Maryland  
13 (2001 Replacement Volume and 2004 Supplement)

14 BY adding to  
15 Article 2B - Alcoholic Beverages  
16 Section 2-101(a-1) and 10-103(a-1)  
17 Annotated Code of Maryland  
18 (2001 Replacement Volume and 2004 Supplement)

19 BY repealing and reenacting, with amendments,  
20 Article 2B - Alcoholic Beverages  
21 Section 9-101(a) and 10-102  
22 Annotated Code of Maryland  
23 (2001 Replacement Volume and 2004 Supplement)

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

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**Article 2B - Alcoholic Beverages**

2 2-101.

3 (a) The Office of the Comptroller shall provide application forms for the  
4 permits listed in this section and applicants shall make application to the Office of  
5 the Comptroller. The procedure in issuing permits, the purchase of alcoholic  
6 beverages, and the exercise of the privileges granted under the various permits shall  
7 be subject to regulations promulgated by the Office of the Comptroller. The Office of  
8 the Comptroller may cancel, restrict, suspend, or revoke any permit.

9 (A-1) AN INDIVIDUAL SHALL BE AT LEAST 21 YEARS OLD BEFORE THE  
10 INDIVIDUAL MAY BE ISSUED A PERMIT UNDER THIS ARTICLE.

11 9-101.

12 (a) A license may not be issued to a partnership, to a corporation, or to a  
13 limited liability company, but only to individuals authorized to act for a partnership,  
14 corporation, or limited liability company who shall assume all responsibilities as  
15 individuals, and be subject to all of the penalties, conditions and restrictions imposed  
16 upon licensees under the provisions of the Tax - General Article that relate to the  
17 alcoholic beverage tax and the provisions of this article. If the application is made for  
18 a partnership, the license shall be applied for and be issued to all the partners as  
19 individuals, all of whom shall have resided in the city or county in which the place of  
20 business is located for at least 2 years prior to the application.

21 (1) AN INDIVIDUAL, ACTING ON THE INDIVIDUAL'S OWN BEHALF OR FOR  
22 ANY OTHER PERSON, INCLUDING A PARTNERSHIP, CORPORATION, AND LIMITED  
23 LIABILITY COMPANY, SHALL BE AT LEAST 21 YEARS OLD BEFORE THE INDIVIDUAL  
24 MAY BE ISSUED A LICENSE UNDER THIS ARTICLE.

25 [(1)] (2) (i) Subject to subparagraph (ii) of this paragraph, in  
26 Baltimore and Montgomery counties, if the application is made for a partnership, the  
27 license shall be applied for and issued to at least 2 general partners as individuals, at  
28 least one of whom is a registered voter of the county where the application is made  
29 and resides there at the time of the application. If there is only one general partner,  
30 the license shall be issued to that partner as an individual, if that partner is a  
31 registered voter of the county where the application is made and resides there at the  
32 time of application.

33 (ii) In Baltimore County, the provisions of this paragraph may not  
34 be construed to waive any of the requirements under §§ 9-102, 9-102.2, and 9-301 of  
35 this article.

36 [(2)] (3) In Harford County, the applicant shall be a bona fide resident of  
37 Harford County at the time of filing the application and shall remain a resident as  
38 long as the license is in effect. The applicant is not required to be a registered voter.

39 [(3)] (4) In Prince George's County, if an application is made for a sole  
40 proprietorship or partnership, the license shall be applied for and issued to all

1 partners as individuals, all of whom shall have resided in Prince George's County for  
2 at least 2 years prior to the application, are registered voters in Prince George's  
3 County, and shall continue to be bona fide residents of Prince George's County as long  
4 as the license is in effect.

5           [(4)]   (5)   (i)   1.       In Frederick County, if an alcoholic beverages license  
6 application is made for a partnership, the license shall be applied for and issued to 3  
7 individuals.

8                           2.       None of the 3 individuals need to be partners. However, all  
9 3 individuals shall be authorized in writing to act for the partnership by making  
10 application for and becoming holders of the license for partnership.

11                           3.       Of the 3 individuals, 1 shall be a registered voter at the  
12 time of application and prior thereto and be a resident of Frederick County for at least  
13 2 years prior to making application.

14                           4.       The names of all of the partners shall be stated on the  
15 application.

16                           (ii)   If a corporation, partnership, or limited liability company is a  
17 partner of the partnership for which application is being made, the applicants shall  
18 state on the application:

19                           1.       The name of any owner of more than 33 percent of the  
20 stock in the corporate partner;

21                           2.       The name of any owner of more than 33 percent of  
22 ownership interest of the partnership partner; or

23                           3.       The name of any member with more than a 33 percent  
24 interest in the limited liability company partner.

25           [(5)]   (6)   (i)   This paragraph applies only to licenses issued by the State  
26 Comptroller.

27                           (ii)   If a license application is made for a partnership, the license  
28 shall be issued to three individuals, each of whom shall qualify as follows:

29                           1.       An individual general partner; or

30                           2.       When a general partner is a corporation, an officer of the  
31 corporation as an individual.

32                           (iii)   If less than three general partners or corporate officers exist,  
33 then a license may be issued to all of the general partners or officers qualified under  
34 subparagraph (ii)2 of this paragraph.

35                           (iv)   In each instance under this paragraph, at least one of the  
36 applicants shall be:



1 desired; (7) and a statement by such company assenting to the granting of the license  
2 applied for, and authorizing the Comptroller, [his] THE COMPTROLLER'S duly  
3 authorized deputies, inspectors and clerks, to inspect and search, without warrant,  
4 any and all airplanes, cars or boats to which such license applies, at any and all  
5 hours; provided no such inspection or search shall be made at such time or in such  
6 manner as to delay or interfere with the movement of any airplane, train or boat.

7 10-103.

8 (A-1) AN APPLICANT SHALL BE AT LEAST 21 YEARS OLD BEFORE THE  
9 APPLICANT MAY BE ISSUED A LICENSE UNDER THIS ARTICLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
11 construed to apply only prospectively and may not be applied or interpreted to have  
12 any effect on or application to any individual who has been issued an alcoholic  
13 beverages license or permit before the effective date of this Act.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2005.