
By: **Delegates Cluster, Boteler, Aumann, Bates, Eckardt, Frank, Impallaria,
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Introduced and read first time: February 2, 2006

Assigned to: Economic Matters

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 shall be at least 21 years old before the permit or
5 license may be issued; providing for certain exceptions; applying the
6 requirement to individuals who apply for licenses on their own behalf or for
7 another person; making certain stylistic changes; providing for the application
8 of this Act; and generally relating to holders of alcoholic beverages permits or
9 licenses.

10 BY repealing and reenacting, without amendments,

11 Article 2B - Alcoholic Beverages

12 Section 2-101(a)

13 Annotated Code of Maryland

14 (2005 Replacement Volume)

15 BY adding to

16 Article 2B - Alcoholic Beverages

17 Section 2-101(a-1) and 10-103(a-1)

18 Annotated Code of Maryland

19 (2005 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article 2B - Alcoholic Beverages

22 Section 9-101(a) and 10-102

23 Annotated Code of Maryland

24 (2005 Replacement Volume)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

26 MARYLAND, That the Laws of Maryland read as follows:

1

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) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
22 PARAGRAPH, AN INDIVIDUAL, ACTING ON THE INDIVIDUAL'S OWN BEHALF OR FOR
23 ANY OTHER PERSON, INCLUDING A PARTNERSHIP, CORPORATION, AND LIMITED
24 LIABILITY COMPANY, SHALL BE AT LEAST 21 YEARS OLD BEFORE THE INDIVIDUAL
25 MAY BE ISSUED A LICENSE UNDER THIS ARTICLE.

26 (II) AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD BUT UNDER
27 THE AGE OF 21 YEARS MAY BE ISSUED A LICENSE FOR A PERIOD NOT EXCEEDING 12
28 MONTHS IF:

29 1. UNDER § 10-506(A) OF THIS ARTICLE, A CERTIFICATE OF
30 PERMISSION IS SOUGHT FOR THE CONTINUATION OF A BUSINESS ON THE DEATH OF
31 THE HOLDER OF A LICENSE; OR

32 2. UNDER § 10-506(B) OF THIS ARTICLE, THE INDIVIDUAL IS A
33 SURVIVING SPOUSE, A SURVIVING PARTNER ACTING FOR THE BENEFIT OF A
34 PARTNERSHIP, OR THE SENIOR SURVIVING OFFICER ACTING FOR THE BENEFIT OF A
35 CORPORATION.

36 [(1)] (2) (i) Subject to subparagraph (ii) of this paragraph, in
37 Baltimore and Montgomery counties, if the application is made for a partnership, the
38 license shall be applied for and issued to at least 2 general partners as individuals, at
39 least one of whom is a registered voter of the county where the application is made
40 and resides there at the time of the application. If there is only one general partner,

1 the license shall be issued to that partner as an individual, if that partner is a
2 registered voter of the county where the application is made and resides there at the
3 time of application.

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

7 [(2)] (3) In Harford County, the applicant shall be a bona fide resident of
8 Harford County at the time of filing the application and shall remain a resident as
9 long as the license is in effect. The applicant is not required to be a registered voter.

10 [(3)] (4) In Prince George's County, if an application is made for a sole
11 proprietorship or partnership, the license shall be applied for and issued to all
12 partners as individuals, all of whom shall have resided in Prince George's County for
13 at least 2 years prior to the application, are registered voters in Prince George's
14 County, and shall continue to be bona fide residents of Prince George's County as long
15 as the license is in effect.

16 [(4)] (5) (i) 1. In Frederick County, if an alcoholic beverages license
17 application is made for a partnership, the license shall be applied for and issued to 3
18 individuals.

19 2. None of the 3 individuals need to be partners. However, all
20 3 individuals shall be authorized in writing to act for the partnership by making
21 application for and becoming holders of the license for partnership.

22 3. Of the 3 individuals, 1 shall be a registered voter at the
23 time of application and prior thereto and be a resident of Frederick County for at least
24 2 years prior to making application.

25 4. The names of all of the partners shall be stated on the
26 application.

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

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

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

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

36 [(5)] (6) (i) This paragraph [(5)] applies only to licenses issued by the
37 State Comptroller.

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

- 3 1. An individual general partner; or
- 4 2. When a general partner is a corporation, an officer of the
5 corporation as an individual.

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

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

- 11 1. A resident of the State for at least 2 years preceding the
12 filing of the applications; and
- 13 2. A registered voter of the State.

14 (v) This paragraph may not be construed to waive any of the
15 requirements under § 9-102 of this article.

16 [(6)] (7) (i) This paragraph applies only in Wicomico County.

17 (ii) 1. If a stadium beer and light wine license application is
18 made for a partnership, the license shall be applied for and issued to three
19 individuals.

20 2. None of the three individuals need be partners. However,
21 all three individuals shall be authorized in writing to act for the partnership by
22 making application for and becoming holders of the license for the partnership.

23 3. Of the three individuals, one shall be a registered voter at
24 the time of application and for 1 year prior to then and be a resident of Wicomico
25 County for at least 2 years prior to making application.

26 4. The names of all of the partners shall be stated on the
27 application.

28 (iii) If a corporation, partnership, or limited liability company is a
29 partner of the partnership for which application is being made, the applicants shall
30 state on the application:

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

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

