

BY: Finance Committee

AMENDMENTS TO SENATE BILL 91
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after “employment;” insert “authorizing the health officer of a county to grant a certain waiver under certain circumstances; authorizing the health officer of a county to impose certain conditions on a certain waiver; requiring a health officer of a county to develop certain criteria;”; in line 20, after “change” insert “; providing for a delayed effective date;”; and after line 22, insert:

“BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages

Section 1–102(a)(4)

Annotated Code of Maryland

(2005 Replacement Volume and 2006 Supplement)”.

On page 2, in line 23, strike “24–509” and substitute “24–510”.

AMENDMENT NO. 2

On page 3, after line 13, insert:

“Article 2B – Alcoholic Beverages

1–102.

(a) (4) (i) “Club” means an association or corporation which is organized and operated exclusively for educational, social, fraternal, patriotic, political or athletic purposes and not for profit.

(Over)

(ii) In Allegany County the Board of Alcoholic Beverages License Commissioners shall be the judges of whether such an establishment is operated in good faith within the meaning of this subsection.”.

AMENDMENT NO. 3

On page 10, in line 3, strike “OR”; strike beginning with “SHOP” in line 4 down through “SUBTITLE.” in line 10 and substitute “BUSINESS THAT IS A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, CORPORATION, PARTNERSHIP, OR OTHER ENTERPRISE, IN WHICH:

(I) THE PRIMARY ACTIVITY IS THE RETAIL SALE OF TOBACCO PRODUCTS AND ACCESSORIES; AND

(II) THE SALE OF OTHER PRODUCTS IS INCIDENTAL; OR

(4) A CLUB AS DEFINED IN ARTICLE 2B, § 1-102(A)(4) OF THE CODE.”;

and in line 22, after “REPORT” insert “, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,”.

AMENDMENT NO. 4

On page 11, after line 1, insert:

“(A) UPON THE REQUEST OF A RESTAURANT, COFFEE SHOP, TEA ROOM, OR SIMILAR ESTABLISHMENT, OR AN ESTABLISHMENT THAT IS GENERALLY RECOGNIZED AS A BAR OR TAVERN, THE HEALTH OFFICER OF A COUNTY MAY GRANT A WAIVER FROM THE PROVISIONS OF THIS SUBTITLE IF:

(1) COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE CAUSES UNDUE FINANCIAL HARDSHIP; OR

(2) OTHER FACTORS EXIST THAT RENDER COMPLIANCE WITH THIS SUBTITLE UNREASONABLE.

(B) THE HEALTH OFFICER OF A COUNTY MAY IMPOSE CONDITIONS OR RESTRICTIONS ON A WAIVER GRANTED UNDER SUBSECTION (A) OF THIS SECTION TO:

(1) MINIMIZE THE ADVERSE EFFECTS OF THE WAIVER ON INDIVIDUALS INVOLUNTARILY EXPOSED TO SECONDHAND SMOKE; AND

(2) ENSURE THAT THE WAIVER IS CONSISTENT WITH THE PURPOSES OF THIS SUBTITLE.

(C) THE HEALTH OFFICER OF A COUNTY SHALL DEVELOP CRITERIA FOR GRANTING A WAIVER UNDER SUBSECTION (A) OF THIS SECTION.

24-509.”;

and in line 15, strike “**24-509.**” and substitute “**24-510.**”.

On page 17, in line 2, strike “October 1, 2007” and substitute “January 1, 2008”.