

HB0359/637572/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 359
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with “requiring” in line 12 on page 1 down through “circumstances;” in line 9 on page 2.

On page 2, strike beginning with “authorizing” in line 16 down through “circumstances;” in line 18 and substitute “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;”; 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 3, strike in their entirety lines 32 through 36, inclusive.

AMENDMENT NO. 2

On page 4, after line 2, insert:

“Article 2B – Alcoholic Beverages

1–102.

(Over)

(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.

(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 9, strike beginning with the colon in line 14 down through “AN” in line 15 and substitute “AN”; and strike beginning with “; OR” in line 16 down through “BEVERAGES” in line 19.

On page 10, strike beginning with “INCLUDING” in line 20 down through “EMPLOYMENT,” in line 21 and substitute “AND AUTOMOBILES,”; and strike beginning with “BY” in line 22 down through “FOR” in line 24 and substitute “FOR CHILD CARE, DAY CARE,”.

On page 11, strike in their entirety lines 4 through 22, inclusive, and substitute:

“(3) A RETAIL TOBACCO 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.”.

AMENDMENT NO. 4

On page 12, after line 11, 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.”.

(Over)

On pages 12 and 13, strike in their entirety the lines beginning with line 17 on page 12 through line 19 on page 13, inclusive, and substitute:

“(A) A PERSON OR EMPLOYER WHO VIOLATES A PROVISION OF THIS SUBTITLE OR A REGULATION ADOPTED UNDER THIS SUBTITLE SHALL BE CONSIDERED IN VIOLATION OF THIS SUBTITLE AND SHALL BE SUBJECT TO A CIVIL PENALTY OF \$100 FOR THE FIRST VIOLATION AND AT LEAST \$250 FOR EACH SUBSEQUENT VIOLATION.”

On page 13, in line 20, strike “**(D)**” and substitute “**(B)**”.

On pages 13 through 15, strike in their entirety the lines beginning with line 29 on page 13 through line 4 on page 15, inclusive.

On page 19, in line 27, strike “**(1)**”.

On pages 19 and 20, strike beginning with “**(2)**” in line 31 on page 19 down through “**ARTICLE.**” in line 15 on page 20.

On page 20, in line 16, strike “**(E)**” and substitute “**(C)**”; and in line 24, strike “**(F)**” and substitute “**(D)**”.

On page 21, strike in their entirety lines 3 through 27, inclusive.