

# SENATE BILL 233

A2

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By: **Senator Della**

Introduced and read first time: January 23, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City - Alcoholic Beverages - Expiration of Licenses - Drinking**  
3 **Games**

4 FOR the purpose of altering the period of time after which an alcoholic beverages  
5 license in Baltimore City expires after the business has closed or alcoholic  
6 beverages business operations have ceased; altering the length of a hardship  
7 extension of an alcoholic beverages license that may be granted in Baltimore  
8 City; prohibiting a holder of a retail alcoholic beverages license or owner or  
9 operator of a bottle club in Baltimore City from promoting, encouraging, or  
10 allowing certain drinking games or contests on the premises; providing certain  
11 penalties; providing for the termination of certain provisions of this Act; and  
12 generally relating to alcoholic beverages in Baltimore City.

13 BY repealing and reenacting, with amendments,  
14 Article 2B – Alcoholic Beverages  
15 Section 10–504(d)  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2008 Supplement)

18 BY adding to  
19 Article 2B – Alcoholic Beverages  
20 Section 21–105.1  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2008 Supplement)

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

25 **Article 2B – Alcoholic Beverages**

26 10–504.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (d) (1) (i) This subsection applies only in Baltimore City.

2 (ii) In this subsection, "Board" means the Board of License  
3 Commissioners or the Office of the Comptroller, whichever is the issuing party.

4 (2) [180] **360** days after the holder of any license issued under the  
5 provisions of this article has closed the business or ceased active alcoholic beverages  
6 business operations of the business for which the license is held, the license shall  
7 expire unless:

8 (i) An application for approval of a transfer to another location  
9 or an application for assignment to another person pursuant to § 10-503(d) of this  
10 subtitle has been approved or is then pending;

11 (ii) An application pursuant to § 10-506 of this subtitle has been  
12 approved or is then pending; or

13 (iii) A written request for a hardship extension, as provided in  
14 this subsection, is filed within the [180-day] **360-DAY** period.

15 (3) The licensee or other appropriate interested parties may make a  
16 written request to the Board for an extension of the life of the license due to undue  
17 hardship, for a time period of no more than a cumulative period of [360] **720** days  
18 after the date of closing or cessation of alcoholic beverages business operations of the  
19 business for which the license is held.

20 (4) After a hearing conducted on the extension request, on a finding  
21 that undue hardship currently exists causing the closing or cessation of business  
22 operations, the Board may grant an extension of the life of the license for a time period  
23 not to exceed [360] **720** days as defined in paragraphs (3) and (5) of this subsection.

24 (5) It is the intent of this subsection that the total time period for  
25 which a license may be deemed unexpired under paragraph (2) of this subsection is  
26 [180] **360** days if no undue hardship extension is granted, and no more than [360]  
27 **720** days if an undue hardship extension has been granted. The time period begins at  
28 the earlier of the closing of the business or cessation of alcoholic beverages business,  
29 and shall be tolled only upon the filing of an application or request described in  
30 paragraph (2) of this subsection, the expiration period to begin running again,  
31 cumulatively to the time period before the filing of the application or request, upon the  
32 occurrence of the later to occur of the following events:

33 (i) Final action of the Board granting or denying a request  
34 authorized by paragraph (3) of this subsection;

35 (ii) Final action of the Board denying an application described  
36 under paragraph (2)(i) or (ii) of this subsection; or

1 (iii) Final judgment of the appellate court when judicial review  
2 of the Board's action on an application or request authorized by paragraph (2) or (3) of  
3 this subsection has been sought, or on dismissal of a petition for judicial review.

4 (6) If an application or request to the Board described in paragraph (2)  
5 or (3) of this subsection is withdrawn, there shall be no tolling of the period for  
6 automatic expiration of the license and it shall be deemed as if no such application or  
7 request was filed.

8 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
9 read as follows:

10 **Article 2B - Alcoholic Beverages**

11 **21-105.1.**

12 (A) **THIS SECTION APPLIES ONLY IN BALTIMORE CITY.**

13 (B) **A HOLDER OF A RETAIL ALCOHOLIC BEVERAGES LICENSE OR**  
14 **OWNER OR OPERATOR OF A BOTTLE CLUB MAY NOT PROMOTE, ENCOURAGE, OR**  
15 **ALLOW ON THE PREMISES A GAME COMMONLY KNOWN AS BEER PONG OR ANY**  
16 **OTHER GAME OR CONTEST THAT INVOLVES DRINKING ALCOHOLIC BEVERAGES**  
17 **OR THE AWARDING OF DRINKS OF ALCOHOLIC BEVERAGES AS PRIZES.**

18 (C) **ON A FINDING BY THE BOARD OF LIQUOR LICENSE**  
19 **COMMISSIONERS THAT A PERSON HAS VIOLATED THIS SECTION, THE BOARD**  
20 **MAY IMPOSE A FINE ON THE PERSON AND:**

21 (1) **IF THE PERSON IS A HOLDER OF A LICENSE, SUSPEND OR**  
22 **REVOKE THE LICENSE; OR**

23 (2) **IF THE PERSON IS AN OWNER OR OPERATOR OF A BOTTLE**  
24 **CLUB, CANCEL THE REGISTRATION OF THE BOTTLE CLUB.**

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 July 1, 2009. Section 1 of this Act shall remain effective for a period of 2 years and, at  
27 the end of June 30, 2011, with no further action required by the General Assembly,  
28 Section 1 of this Act shall be abrogated and of no further force and effect.