

# HOUSE BILL 730

A2

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By: **Howard County Delegation**

Introduced and read first time: February 5, 2010

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages Act of 2010**

3 **Ho. Co. 3–10**

4 FOR the purpose of establishing a Class B special beer and wine license in Howard  
5 County; authorizing a holder of the license to sell beer and wine for  
6 consumption off the licensed premises; specifying the persons authorized to be  
7 issued the license; providing for the term of and hours of sale for the license;  
8 specifying certain requirements that must be met before the license may be  
9 issued; authorizing a holder of the license to sell beer and wine for consumption  
10 off the licensed premises only to certain persons; prohibiting a holder of the  
11 license from displaying or providing shelving for certain beer and wine in  
12 certain areas of the establishment; specifying that certain off-sale alcoholic  
13 beverages receipts be included in a certain calculation; specifying certain  
14 requirements that a holder of the license must meet; authorizing the Board of  
15 License Commissioners of Howard County to adopt certain regulations for a  
16 certain purpose; authorizing the holder of a certain alcoholic beverages license  
17 to employ an individual of a certain age to sell or serve alcoholic beverages;  
18 making a certain stylistic change; and generally relating to alcoholic beverages  
19 licenses and employees of holders of alcoholic beverages licenses in Howard  
20 County.

21 BY adding to  
22 Article 2B – Alcoholic Beverages  
23 Section 7–101(p–1)

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2005 Replacement Volume and 2009 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article 2B – Alcoholic Beverages  
5 Section 12–214  
6 Annotated Code of Maryland  
7 (2005 Replacement Volume and 2009 Supplement)

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

10 **Article 2B – Alcoholic Beverages**

11 7–101.

12 **(P–1) (1) THIS SUBSECTION APPLIES ONLY IN HOWARD COUNTY.**

13 **(2) THERE IS A CLASS B SPECIAL BEER AND WINE (B–SBW)**  
14 **(OFF–SALE) LICENSE.**

15 **(3) A HOLDER OF A B–SBW LICENSE MAY SELL BEER AND WINE**  
16 **FOR CONSUMPTION OFF THE LICENSED PREMISES.**

17 **(4) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A**  
18 **B–SBW LICENSE ONLY TO A HOLDER OF A CLASS B BEER, WINE AND LIQUOR**  
19 **(7–DAY) (ON–SALE) LICENSE THAT IS ISSUED FOR A RESTAURANT.**

20 **(5) THE TERM OF A B–SBW LICENSE ISSUED TO A SUCCESSFUL**  
21 **APPLICANT SHALL BE THE SAME AS THAT OF THE CLASS B BEER, WINE AND**  
22 **LIQUOR LICENSE THAT THE APPLICANT HOLDS.**

23 **(6) BEFORE THE BOARD OF LICENSE COMMISSIONERS ISSUES A**  
24 **B–SBW LICENSE TO AN APPLICANT:**

25 **(I) THE APPLICANT SHALL:**

26 **1. COMPLETE THE FORM THAT THE BOARD OF**  
27 **LICENSE COMMISSIONERS PROVIDES; AND**

28 **2. PAY AN ANNUAL LICENSE FEE OF \$500; AND**

29 **(II) THE SAME ADVERTISING, POSTING OF NOTICE, AND**  
30 **PUBLIC HEARING REQUIREMENTS AS THOSE FOR OTHER CLASS B LICENSES**  
31 **SHALL BE MET.**

1           **(7) A HOLDER OF A B-SBW LICENSE:**

2                   **(I) MAY SELL BEER AND WINE FOR CONSUMPTION OFF THE**  
3 **LICENSED PREMISES ONLY TO PERSONS WHO HAVE PURCHASED FOOD OR**  
4 **ALCOHOL FROM THE LICENSED PREMISES; AND**

5                   **(II) IN AREAS OF THE ESTABLISHMENT THAT ARE**  
6 **ACCESSIBLE TO THE PUBLIC, MAY NOT DISPLAY OR PROVIDE SHELVING FOR**  
7 **BEER OR WINE FOR OFF-PREMISES SALES.**

8                   **(8) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED**  
9 **UNDER A B-SBW LICENSE SHALL BE INCLUDED IN THE CALCULATION OF**  
10 **AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES UNDER**  
11 **§ 1-102(A)(22)(i)1C OF THIS ARTICLE.**

12                   **(9) THE HOURS FOR SALE FOR A B-SBW LICENSE ARE FROM 10**  
13 **A.M. TO MIDNIGHT, MONDAY THROUGH SUNDAY.**

14                   **(10) A HOLDER OF A B-SBW LICENSE MAY EXERCISE THE**  
15 **PRIVILEGES OF THE LICENSE ONLY IF THE LICENSED PREMISES IS OPEN FOR**  
16 **BUSINESS AS A RESTAURANT.**

17                   **(11) THE BOARD OF LICENSE COMMISSIONERS MAY ADOPT**  
18 **REGULATIONS TO CARRY OUT THIS SUBSECTION, INCLUDING A LIMIT ON THE**  
19 **NUMBER OF LICENSES TO BE ISSUED.**

20 12-214.

21           **(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.**

22                   **(B) [In Howard County it] IT is unlawful for any “on-sale” licensee to allow**  
23 **persons under the age of 18 years to engage in pool, billiards, shuffleboard, or the**  
24 **playing of pinball or console machines or in any other game of chance or skill in their**  
25 **licensed establishment unless those persons under 18 years are accompanied by a**  
26 **parent or guardian. Any licensee violating the provisions of this section is guilty of a**  
27 **misdemeanor and upon conviction shall be fined not more than \$100 or imprisoned not**  
28 **more than 30 days.**

29                   **(C) THE HOLDER OF A CLASS A, B, OR C LICENSE MAY EMPLOY AN**  
30 **INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD TO SELL OR SERVE ALCOHOLIC**  
31 **BEVERAGES.**

32           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 July 1, 2010.