

# SENATE BILL 376

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By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Consumption of Alcoholic Beverages – Unlicensed**  
3 **Restaurants**

4 FOR the purpose of prohibiting, with a certain exception, an establishment in  
5 Baltimore City that is not licensed by the Board of License Commissioners from  
6 performing certain activities, including giving, serving, or dispensing alcoholic  
7 beverages on its premises; authorizing certain restaurants not licensed by the  
8 Board to allow a patron to consume alcoholic beverages during a certain time  
9 under certain conditions; repealing provisions concerning the establishment and  
10 registration of bottle clubs; and generally relating to alcoholic beverages in  
11 Baltimore City.

12 BY repealing and reenacting, without amendments,  
13 Article 2B – Alcoholic Beverages  
14 Section 1–102(a)(1) and (22)(i) and (ii)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2009 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article 2B – Alcoholic Beverages  
19 Section 20–102  
20 Annotated Code of Maryland  
21 (2005 Replacement Volume and 2009 Supplement)

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

24 **Article 2B – Alcoholic Beverages**

25 1–102.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this article the following words have the meanings indicated.

2 (22) (i) 1. “Restaurant” means an establishment:

3 A. Which accommodates the public;

4 B. Which is equipped with a dining room with facilities  
5 for preparing and serving regular meals; and

6 C. In which the average daily receipts from the sale of  
7 foods exceed the average daily receipts from the sale of alcoholic beverages.

8 2. However the board of license commissioners in any  
9 county by regulation may prescribe a different standard as to what constitutes a  
10 restaurant.

11 3. For a restaurant in Baltimore City, the average daily  
12 receipts from the sale of food must be at least 40% of the total daily receipts of the  
13 establishment.

14 (ii) In Baltimore City, the term “food” as used in the definition  
15 of “restaurant”, whether the definition is established by State law or by regulations  
16 adopted by the Board of License Commissioners, may not include any ingredient or  
17 garnish used with or mixed with an alcoholic beverage that is prepared and served for  
18 consumption on the licensed premises.

19 20–102.

20 (a) [(1) In this section, “bottle club” means any establishment that serves,  
21 gives, or allows alcoholic beverages to be consumed by patrons from supplies that the  
22 patrons previously purchased or reserved.

23 (2) “Bottle club” does not include any establishment if a license for the  
24 premises had been issued under the provisions of this article.

25 (b)] This section applies only in Baltimore City.

26 [(c) (B) [A bottle club] EXCEPT AS PROVIDED IN SUBSECTION (C) OF  
27 THIS SECTION, AN ESTABLISHMENT THAT IS NOT LICENSED BY THE BOARD OF  
28 LICENSE COMMISSIONERS may not give, serve, dispense, keep, or allow to be  
29 consumed on its premises, or on premises under its control or possession, any alcoholic  
30 beverages[, setups, or other component parts of mixed alcoholic drinks after legal  
31 closing hours for establishments under § 8–203(d) of this article].

32 (C) A RESTAURANT AS DEFINED IN § 1–102(A)(22)(I) AND (II) OF THIS  
33 ARTICLE THAT IS NOT LICENSED BY THE BOARD OF LICENSE COMMISSIONERS

1 MAY ALLOW A PATRON TO CONSUME ALCOHOLIC BEVERAGES FROM 6 A.M. TO 2  
2 A.M. THE FOLLOWING DAY IF:

3 (1) THE ALCOHOLIC BEVERAGES ARE BROUGHT TO THE  
4 RESTAURANT BY THE PATRON;

5 (2) THE ALCOHOLIC BEVERAGES ARE CONSUMED WITH A MEAL;

6 (3) THERE IS NO CHARGE FOR ADMISSION TO THE RESTAURANT;  
7 AND

8 (4) THE BALTIMORE CITY FIRE DEPARTMENT DETERMINES  
9 THAT THE MAXIMUM SEATING CAPACITY OF THE RESTAURANT IS 50.

10 (d) [(1) Any person who owns or operates a bottle club shall register the  
11 establishment with the Board of License Commissioners for Baltimore City and pay  
12 the application fee that the Board sets.

13 (2) The registration shall include:

14 (i) The name of the establishment;

15 (ii) The address where the establishment is doing business; and

16 (iii) Evidence of all inspections required of the establishment  
17 and business licenses issued to the person by the State or Baltimore City.

18 (3) (i) The Board shall meet the same notice and hearing  
19 requirements for the application for registration that apply to an application for an  
20 alcoholic beverages license.

21 (ii) Before the Board may approve an application and accept the  
22 registration, the applicant shall provide copies of all inspections by the appropriate  
23 agencies, a trader's license, a sales and use tax license, and a use and occupancy  
24 permit.

25 (iii) At the hearing, the Board shall determine whether to  
26 register the establishment, using the standards listed under § 10-202(a)(2)(ii) of this  
27 article.

28 (iv) 1. A registration of a bottle club under this subsection  
29 remains in effect for 1 year.

30 2. Subject to subparagraph (v) of this paragraph, a  
31 registration that is accepted by the Board may be renewed each year in accordance  
32 with the same renewal procedures used for liquor licenses.

1                                   3.     A person that seeks to renew a registration shall pay  
2 the renewal fee that the Board establishes.

3                                   (v)    1.     Subject to subsubparagraph 2 of this subparagraph,  
4 the Board may not accept a renewal of a registration without a hearing if a protest has  
5 been filed against the renewal at least 30 days before the expiration of the  
6 registration.

7                                   2.     A protest shall be:

8                                   A.     Instituted by the Board; or

9                                   B.     Signed by at least 10 residents, commercial tenants  
10 who are not holders of or applicants for any license issued under this article, or real  
11 estate owners in the immediate vicinity in which the bottle club is located.

12                                  (vi)   The Board may revoke or refuse to renew a registration.

13                                  (e)]   A violation of this section is a misdemeanor, and upon conviction, the  
14 court shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

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