

## **Chapter 162**

**(House Bill 730)**

AN ACT concerning

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

**Ho. Co. 3–10**

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

BY adding to

Article 2B – Alcoholic Beverages

Section 7–101(p–1)

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages

Section 12–214

Annotated Code of Maryland

(2005 Replacement Volume and 2009 Supplement)

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

### **Article 2B – Alcoholic Beverages**

7-101.

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

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

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

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

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

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

**(I) THE APPLICANT SHALL:**

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

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

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

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

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

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

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

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

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

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

12-214.

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

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

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

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

**Approved by the Governor, April 13, 2010.**