

# HOUSE BILL 329

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CF 2lr1623

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By: **Delegate Costa**

Introduced and read first time: January 30, 2012

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Video Lottery Facility – Hours**  
3 **for Sale and Consumption**

4 FOR the purpose of altering the hours for the sale and consumption of alcoholic  
5 beverages at a video lottery facility in Anne Arundel County to match the hours  
6 of operation for a video lottery facility; prohibiting the holder of an  
7 entertainment facility license or an entertainment concessionaire license, or an  
8 employee of the license holder from knowingly allowing a person to consume  
9 alcoholic beverages on the licensed premises of a video lottery facility except  
10 during the hours of operation of the facility established by law; and generally  
11 relating to the hours for the sale and consumption of alcoholic beverages at a  
12 video lottery facility in Anne Arundel County.

13 BY repealing and reenacting, without amendments,  
14 Article 2B – Alcoholic Beverages  
15 Section 8–202(a), 11–304(a)(1), and 11–502(a)  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume)

18 BY repealing and reenacting, with amendments,  
19 Article 2B – Alcoholic Beverages  
20 Section 8–202(k) and 11–304(c)  
21 Annotated Code of Maryland  
22 (2011 Replacement Volume)

23 BY adding to  
24 Article 2B – Alcoholic Beverages  
25 Section 11–502(j)  
26 Annotated Code of Maryland  
27 (2011 Replacement Volume)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,  
2 Article – State Government  
3 Section 9–1A–23(a)  
4 Annotated Code of Maryland  
5 (2009 Replacement Volume and 2011 Supplement)

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

8 **Article 2B – Alcoholic Beverages**

9 8–202.

10 (a) This section applies only in Anne Arundel County.

11 (k) (1) (i) In this subsection the following words have the meanings  
12 indicated.

13 (ii) “Concessionaire” means a lessee, sublessee, or any other  
14 operator of an establishment that:

15 1. Engages in the daily sale of beer, wine, and liquor on  
16 its premises for consumption anywhere in an entertainment facility; and

17 2. Is operated as a concession adjacent to but  
18 independent of the entertainment facility.

19 (iii) “Entertainment facility” means a facility that holds a license  
20 under Title 9, Subtitle 1A of the State Government Article.

21 (2) (i) There is an entertainment facility license.

22 (ii) The Board may issue an entertainment facility license for an  
23 entertainment facility that contains one or more food service facilities, bars, or lounges  
24 that are part of the operation of the entertainment facility.

25 (iii) The entertainment facility license shall be issued to an  
26 individual or entity that owns an entertainment facility and holds a license under  
27 Title 9, Subtitle 1A of the State Government Article.

28 (iv) An applicant for an entertainment facility license need not  
29 meet any location, voting, or residency requirements.

30 (v) An entertainment facility license authorizes the holder to  
31 sell beer, wine, and liquor on any premises of the entertainment facility that is not  
32 covered by an entertainment concessionaire license for consumption anywhere in the  
33 entertainment facility.

- 1           (3)   (i)    There is an entertainment concessionaire license.
- 2                   (ii)   The Board may issue an entertainment concessionaire  
3 license to a concessionaire operating in conjunction with an entertainment facility.
- 4                   (iii)   The entertainment concessionaire license authorizes the  
5 holder to sell beer, wine, and liquor on the premises of the concessionaire for  
6 consumption anywhere in the entertainment facility.
- 7           (4)   (i)    The annual fee for an entertainment facility license is  
8 \$15,000.
- 9                   (ii)    The annual fee for an entertainment concessionaire license  
10 is \$5,000.
- 11                  (iii)   The annual license fees shall be paid on May 1 to the Board.
- 12           (5)   (i)    An off-sale privilege is not conferred by an entertainment  
13 facility license or an entertainment concessionaire license.
- 14                   (ii)    Beer, wine, and liquor purchased under an entertainment  
15 facility license or an entertainment concessionaire license may be taken into and  
16 consumed anywhere in an entertainment facility.
- 17                           **(III) THE HOURS FOR THE SALE AND CONSUMPTION OF**  
18 **ALCOHOLIC BEVERAGES UNDER AN ENTERTAINMENT FACILITY LICENSE OR AN**  
19 **ENTERTAINMENT CONCESSIONAIRE LICENSE ARE THE SAME AS THE HOURS OF**  
20 **OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23**  
21 **OF THE STATE GOVERNMENT ARTICLE.**
- 22           (6)    An entertainment facility license and an entertainment  
23 concessionaire license authorize the playing of music and dancing in their respective  
24 licensed premises.
- 25           (7)    Subsection (d) of this section, relating to special Sunday licenses,  
26 does not apply to a license issued under this subsection.
- 27           (8)    An entertainment facility license or an entertainment  
28 concessionaire license may not be counted as a Class B or Class H license for purposes  
29 of § 9-102(h-1) of this article.
- 30           (9)    The licenses and holders are subject to all laws and regulations  
31 applicable to the sale of alcoholic beverages not inconsistent with this subsection.
- 32           (10)   Any penalty or other sanction that is imposed for a violation of a  
33 regulation of the Board on the licensed premises of the holder of an entertainment

1 concessionaire license shall apply to the concessionaire that the Board determines to  
2 be responsible for the violation.

3 11-304.

4 (a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume  
5 any alcoholic beverages on any premises open to the general public, any place of public  
6 entertainment, or any place at which setups or other component parts of mixed  
7 alcoholic drinks are sold under any license issued under the provisions of the Business  
8 Regulation Article, and an owner, operator or manager of the premises or places may  
9 not knowingly permit such consumption.

10 (c) (1) (I) This subsection applies only in Anne Arundel County.

11 [(2)] (II) In this [subsection] PARAGRAPH, “premises” means a  
12 restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or  
13 a place open to the general public or in a place in any way licensed by this State or the  
14 county.

15 [(3) (i)] (III) 1. A person, corporation, club, or organization  
16 may not give or allow to be consumed on the premises or on premises under its  
17 possession or control any alcoholic beverages other than as specifically permitted or  
18 provided in this article.

19 [(ii)] 2. This does not apply to the room of a registered guest  
20 in any hotel, motel, or hospice.

21 (2) (I) A PERSON MAY CONSUME ALCOHOLIC BEVERAGES ON  
22 THE LICENSED PREMISES OF A VIDEO LOTTERY FACILITY ONLY DURING THE  
23 HOURS OF OPERATION ESTABLISHED UNDER § 9-1A-23 OF THE STATE  
24 GOVERNMENT ARTICLE.

25 (II) A HOLDER OF AN ENTERTAINMENT FACILITY LICENSE  
26 OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE OR AN EMPLOYEE OF THE  
27 LICENSE HOLDER MAY NOT KNOWINGLY ALLOW A PERSON TO CONSUME  
28 ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES OF A VIDEO LOTTERY  
29 FACILITY EXCEPT DURING THE HOURS OF OPERATION ESTABLISHED UNDER §  
30 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

31 [(4)] (3) Any owner, operator, manager, or employee of the premises  
32 who knowingly permits consumption in violation of this subsection is guilty of a  
33 misdemeanor and upon conviction may be fined not more than \$250.

34 11-502.

1 In Anne Arundel County, notwithstanding any other provisions in this subtitle,  
2 the following restrictions, limitations, and regulations are in effect:

3 (a) The hours during which sales of alcoholic beverages may be made under  
4 all Class A, B, C, D, H, and special class licenses from 6 a.m. until 2 a.m. of the day  
5 following, except that no licensed premises shall be permitted to sell alcoholic  
6 beverages at any time on Sunday without a special Sunday license.

7 **(J) THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER AN**  
8 **ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE**  
9 **LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY**  
10 **FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT**  
11 **ARTICLE.**

12 **Article – State Government**

13 9-1A-23.

14 (a) (1) Except as provided in paragraph (2) of this subsection, a video  
15 lottery facility may operate daily from 8 a.m. to 2 a.m.

16 (2) A video lottery facility may extend operations until 4 a.m. on  
17 Saturday and 4 a.m. on Sunday.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2012.