

# SENATE BILL 1044

A2

(2lr3354)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senators Colburn and Mathias**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages – Class D Licenses** ~~– Follow-Up~~  
3 ~~Records Checks~~

4 FOR the purpose of clarifying that there is a Class D beer, wine and liquor tavern  
5 license in Wicomico County; establishing a Class D beer, wine and liquor  
6 entertainment and amusement license in the County; providing for an annual  
7 fee and days of sale for the entertainment and amusement license; specifying  
8 that the entertainment and amusement license authorizes consumption on the  
9 premises only; specifying certain requirements that the premises that is the  
10 subject of an entertainment and amusement license application must meet;  
11 providing that the entertainment and amusement license holder must purchase  
12 certain alcoholic beverages from a county dispensary and may not be charged  
13 more than a certain price; prohibiting certain individuals under certain ages  
14 from entering or remaining on the licensed premises under certain  
15 circumstances; authorizing the Board to adopt certain regulations; ~~requiring the~~

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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.

*Italics* indicate opposite chamber/conference committee amendments.



~~Criminal Justice Information System Central Repository (CJIS) to provide the Board with a revised printed criminal record statement of a license applicant or license holder if information is reported to CJIS after the initial criminal history records check is completed; requiring CJIS to stop providing the Board with revised printed statements under certain circumstances; defining a certain term; making certain technical and stylistic changes; clarifying language; and generally relating to alcoholic beverages in Wicomico County.~~

BY repealing and reenacting, without amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–401(a)  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

BY repealing and reenacting, with amendments,  
 Article 2B – Alcoholic Beverages  
 Section 6–401(x) ~~and 10–103(b)(13)(vii)~~  
 Annotated Code of Maryland  
 (2011 Replacement Volume)

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

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

6–401.

(a) (1) A Class D beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located. It authorizes the holder to keep for sale and sell all alcoholic beverages at retail at the place described in it, for consumption on the premises or elsewhere. A license may not be issued for any drugstore.

(2) The annual license fee shall be paid to the local collecting agent before any license is issued, for distribution as provided.

(3) In this section, “Board” means the Board of License Commissioners for the jurisdiction to which the subsection applies.

(x) (1) This subsection applies only in Wicomico County.

(2) **(I) THERE IS A CLASS D BEER, WINE AND LIQUOR TAVERN LICENSE.**

**(II)** The annual license fee is \$2,200.

1            ~~[(3)]~~ **(III)** Any license issued under [the provisions of] this [section]  
2 **PARAGRAPH** is for 7 days.

3            ~~[(4)]~~ **(IV)** In order to qualify for a license under [the provisions of this  
4 section] **THIS PARAGRAPH**, the premises that is the subject of the application shall:

5                            1.    ~~[have]~~ **HAVE** a minimum seating capacity of 140  
6 persons, not including the bar area or dancing floor area~~[,];~~ and

7                            2.    ~~[shall meet]~~ **MEET** the minimum requirements of the  
8 fire code applicable to the jurisdiction in which the premises is located.

9            ~~[(5)]~~ **(V)** Alcoholic beverages sold under [the provisions of this  
10 section] **THIS PARAGRAPH** shall be consumed on the premises only.

11            ~~[(6)]~~ **(VI)** A person may not be on the premises [who] **IF THE PERSON**  
12 is under the legal drinking age for the consumption of alcohol in the State.

13            ~~[(7)]~~ **(VII)** All alcoholic beverages other than beer and light wine shall  
14 be purchased from the Liquor Control Board for Wicomico County and shall be  
15 charged not more than ~~[15 percent]~~ **15%** above the wholesale cost to the dispensary.

16                            **(3) (I) THERE IS A CLASS D BEER, WINE AND LIQUOR**  
17 **ENTERTAINMENT AND AMUSEMENT LICENSE.**

18    **(II) THE ANNUAL LICENSE FEE IS \$4,000.**

19    **(III) A LICENSE ISSUED UNDER THIS PARAGRAPH IS A 7-DAY**  
20 **LICENSE FOR CONSUMPTION ON THE PREMISES ONLY.**

21    **(IV) TO QUALIFY FOR A LICENSE, THE PREMISES THAT IS**  
22 **THE SUBJECT OF THE APPLICATION SHALL BE AN ENTERTAINMENT AMUSEMENT**  
23 **CENTER THAT:**

24    1.    **IS A BUSINESS ESTABLISHMENT THAT**  
25 **ACCOMMODATES THE PUBLIC;**

26    2.    **HAS A MINIMUM SEATING CAPACITY OF 140**  
27 **PERSONS, NOT INCLUDING THE BAR AREA OR DANCING FLOOR AREA;**

28    3.    **MEETS THE MINIMUM REQUIREMENTS OF THE**  
29 **FIRE CODE APPLICABLE FOR THE JURISDICTION IN WHICH THE PREMISES IS**  
30 **LOCATED;**

1                   4.    **IS FULLY EQUIPPED WITH A PROPER AND**  
2 **ADEQUATE DINING ROOM WITH FACILITIES FOR PREPARING AND SERVING**  
3 **REGULAR MEALS;**

4                   5.    **EXCLUDING THE KITCHEN, HAS MORE THAN 50%**  
5 **OF ITS FLOOR SPACE DEDICATED TO OR OCCUPIED BY EQUIPMENT FOR**  
6 **FOOSBALL, BILLIARDS, DARTS, VIRTUAL REALITY SIMULATION GAMES, AND**  
7 **OTHER GAMES THAT THE BOARD APPROVES THAT REQUIRE THE ACTIVE**  
8 **PHYSICAL PARTICIPATION OF ONE OR MORE PLAYERS; AND**

9                   6.    **HAS AN INITIAL CAPITAL INVESTMENT OF AT**  
10 **LEAST \$300,000, EXCLUDING THE COST OF THE LAND AND BUILDING.**

11                   (v) 1.   **FOR PURPOSES OF SUBPARAGRAPH (IV)5 OF THIS**  
12 **PARAGRAPH, GAMES APPROVED BY THE BOARD MAY NOT INCLUDE KENO, CARD**  
13 **GAMES, PINBALL MACHINES, AND BAR GAMES.**

14                   2.    **ANY FLOOR SPACE OCCUPIED BY A JUKEBOX OR**  
15 **SIMILAR PASSIVE ENTERTAINMENT DEVICE MAY NOT BE COUNTED IN**  
16 **CALCULATING WHETHER THE FLOOR SPACE REQUIREMENTS UNDER**  
17 **SUBPARAGRAPH (IV)5 OF THIS PARAGRAPH HAVE BEEN MET.**

18                   (vi) **EXCEPT FOR BEER AND LIGHT WINE, THE LICENSE**  
19 **HOLDER SHALL PURCHASE ALL OF THE ALCOHOLIC BEVERAGES THAT ARE SOLD**  
20 **FOR CONSUMPTION ON THE PREMISES FROM A COUNTY DISPENSARY AND MAY**  
21 **NOT BE CHARGED MORE THAN 15% ABOVE THE WHOLESALE COST TO THE**  
22 **DISPENSARY.**

23                   (vii) **AN INDIVIDUAL WHO IS:**

24                   1.    **UNDER THE AGE OF 21 YEARS MAY NOT ENTER OR**  
25 **REMAIN ON THE LICENSED PREMISES AFTER 9 P.M.; AND**

26                   2.    **UNDER THE AGE OF 17 YEARS MAY NOT ENTER**  
27 **THE LICENSED PREMISES WITHOUT A PARENT OR GUARDIAN.**

28                   (viii) **THE BOARD MAY ADOPT REGULATIONS TO CARRY OUT**  
29 **THIS PARAGRAPH.**

30 ~~10-103.~~

31                   (b) ~~Except as otherwise provided in this subtitle, every new application for a~~  
32 ~~license shall be made to the Board of License Commissioners on forms prescribed by~~

1 ~~the Comptroller and sworn to by the applicant. Every application for a license shall~~  
 2 ~~contain the following:~~

3 ~~(13) (vii) 1. IN THIS SUBPARAGRAPH, "CJIS" MEANS THE~~  
 4 ~~CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE~~  
 5 ~~DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

6 ~~[1.] 2. The provisions of this subparagraph apply only~~  
 7 ~~in Wicomico County.~~

8 ~~[2.] 3. The Board of License Commissioners shall:~~

9 ~~A. Obtain criminal records of license applicants from~~  
 10 ~~[the Criminal Justice Information System Central Repository of the Department of~~  
 11 ~~Public Safety and Correctional Services] CJIS;~~

12 ~~B. Require applicants for licenses to be fingerprinted;~~  
 13 ~~and~~

14 ~~C. Forward the fingerprints through [the Department of~~  
 15 ~~Public Safety and Correctional Services] CJIS for transmittal to the Federal Bureau~~  
 16 ~~of Investigation for a national criminal history records check [;].~~

17 ~~4. WHEN CRIMINAL HISTORY RECORD INFORMATION~~  
 18 ~~ON AN APPLICANT OR LICENSE HOLDER IS REPORTED TO CJIS AFTER THE~~  
 19 ~~INITIAL CRIMINAL HISTORY RECORDS CHECK IS COMPLETED, CJIS SHALL~~  
 20 ~~PROVIDE THE BOARD OF LICENSE COMMISSIONERS WITH A REVISED PRINTED~~  
 21 ~~STATEMENT OF THE CRIMINAL RECORD OF THE APPLICANT OR LICENSE~~  
 22 ~~HOLDER.~~

23 ~~5. IF THE BOARD OF LICENSE COMMISSIONERS~~  
 24 ~~INFORMS CJIS THAT AN INDIVIDUAL IS NO LONGER AN APPLICANT OR LICENSE~~  
 25 ~~HOLDER, CJIS SHALL STOP PROVIDING THE BOARD WITH REVISED PRINTED~~  
 26 ~~STATEMENTS OF THE CRIMINAL RECORD OF THE INDIVIDUAL.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 28 July 1, 2012.