

HOUSE BILL 816

A2

3lr2235
CF SB 629

By: **Allegany County Delegation**

Introduced and read first time: February 6, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Allegany County – Video Lottery Facility Sales and**
3 **Consumption**

4 FOR the purpose of creating in Allegany County a Class BWL–VLF (video lottery
5 facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire)
6 beer, wine and liquor license; specifying that the Board of License
7 Commissioners may issue a video lottery facility license for a video lottery
8 facility that contains one or more food services facilities, bars, or lounges;
9 specifying that a video lottery facility license may be issued to an individual or
10 entity that meets certain requirements; providing that an applicant for the
11 license need not meet a location, voting, or residency requirement; providing
12 that the video lottery facility license authorizes the licensee to sell beer, wine,
13 and liquor by the drink and by the bottle on the premises of the video lottery
14 facility, for consumption anywhere in the facility or on grounds controlled by the
15 licensee as defined in the video lottery facility license; authorizing the Board to
16 issue a concessionaire license to one or more concessionaires operating in a
17 video lottery facility; authorizing a concessionaire license holder to sell beer,
18 wine, and liquor on the premises of the concessionaire for consumption
19 anywhere in the video lottery facility or on grounds controlled by the video
20 lottery facility licensee as defined in the video lottery facility license; specifying
21 certain fees; specifying that an off–sale privilege is not conferred by a video
22 lottery facility license or a concessionaire license; authorizing that beer, wine,
23 and liquor purchased under a video lottery facility license or a concessionaire
24 license may be taken anywhere in a video lottery facility or on grounds
25 controlled by the video lottery facility licensee; specifying that a video lottery
26 facility license and a concessionaire license authorize the playing of music and
27 dancing; specifying certain days and hours of sale for the video lottery facility
28 and concessionaire licenses; specifying that video lottery facility and
29 concessionaire licenses and licensees are subject to all laws and regulations
30 applicable to the sale of alcoholic beverages not inconsistent with this Act;
31 providing for the application to certain persons of certain penalties and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 sanctions for violations occurring on certain premises; authorizing a person to
2 consume alcoholic beverages on the licensed premises of a video lottery facility
3 during certain hours of operation of the facility; specifying that the hours for the
4 sale of alcoholic beverages under a video lottery facility license or concessionaire
5 license are the same as the hours of operation for a video lottery facility;
6 defining certain terms; and generally relating to alcoholic beverages and video
7 lottery facilities in Allegany County.

8 BY repealing and reenacting, without amendments,
9 Article 2B – Alcoholic Beverages
10 Section 6–201(a) and (b)(1) and (2), 11–304(a), and 11–501(a)
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2012 Supplement)

13 BY adding to
14 Article 2B – Alcoholic Beverages
15 Section 6–201(b–1) and 11–501(d)
16 Annotated Code of Maryland
17 (2011 Replacement Volume and 2012 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 2B – Alcoholic Beverages
20 Section 11–304(b)
21 Annotated Code of Maryland
22 (2011 Replacement Volume and 2012 Supplement)

23 BY repealing and reenacting, without amendments,
24 Article – State Government
25 Section 9–1A–23(a)
26 Annotated Code of Maryland
27 (2009 Replacement Volume and 2012 Supplement)

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

30 **Article 2B – Alcoholic Beverages**

31 6–201.

32 (a) (1) A Class B beer, wine and liquor license shall be issued by the
33 license issuing authority of the county in which the place of business is located, and
34 the license authorizes its holder to keep for sale and sell all alcoholic beverages at
35 retail at any hotel or restaurant at the place described, for consumption on the
36 premises or elsewhere, or as provided in this section.

37 (2) The annual fee for this license is payable to the local collecting
38 agent before any license is issued, for distribution as provided in this article.

1 (3) (i) Except in Montgomery County or in the case of a contrary
2 provision in this subtitle, this license shall be issued, on approval of the application by
3 the board of license commissioners in any county in which a license may be issued for
4 the sale of beer, wine, and liquor, to the owner of any hotel which meets the following
5 minimum provisions:

6 1. The hotel building shall be originally constructed for
7 hotel purposes; be at least three stories in height; and contain at least one passenger
8 elevator;

9 2. The hotel shall contain no less than 100 rooms for the
10 accommodation of the public;

11 3. The hotel shall contain a dining room with facilities
12 for preparing and serving regular meals for at least 125 persons at one seating; and

13 4. The capital investment in the hotel facility may not be
14 less than \$500,000.

15 (ii) The annual fee for this license is \$2,000.

16 (b) (1) The provisions of this subsection apply only in Allegany County.

17 (2) (i) The Board of License Commissioners may issue Class B
18 beer, wine and liquor (on-sale) licenses.

19 (ii) This license shall be issued for the exclusive use:

20 1. On the premises of a restaurant that is located within
21 a hotel or motel establishment; or

22 2. If used in conjunction with a Class 7 micro-brewery
23 license, on the premises of a restaurant only.

24 (iii) In addition to other county requirements provided for in this
25 article:

26 1. The hotel or motel shall be an establishment having
27 at least 100 bedrooms for public accommodation; and

28 2. The restaurant shall be an establishment:

29 A. Located in a permanent building with ample space
30 and accommodations for preparing, serving, and selling meals to the public during
31 business hours;

1 B. That 60 percent of its gross monthly revenue is
2 derived from the sale of food;

3 C. That has waiter or waitress service to its customers
4 who are seated at tables for dining; and

5 D. That is not considered to be a fast-food style facility.

6 (iv) This license authorizes the holder to sell beer, wine and
7 liquor by the drink for consumption on the licensed premises only.

8 (v) This license does not have off-sale privileges.

9 (vi) The requirements for hours and days of sale are as provided
10 under § 11-501(a) and (b) of this article.

11 (vii) The annual license fee is \$800.

12 (viii) This license is exempt from any license population quota
13 limitation.

14 (ix) Notwithstanding any law to the contrary, this license may
15 not be transferred to a location other than the premises for which it was issued.

16 **(B-1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
17 **THE MEANINGS INDICATED.**

18 **(II) “CONCESSIONAIRE” MEANS A LESSEE, SUBLESSEE, OR**
19 **ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

20 **1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND**
21 **LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION**
22 **ANYWHERE IN A VIDEO LOTTERY FACILITY; AND**

23 **2. IS OPERATED AS A CONCESSION INDEPENDENT OF**
24 **THE CLASS BWL-VLF LICENSE.**

25 **(III) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT**
26 **HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT**
27 **ARTICLE.**

28 **(2) (I) THERE IS A CLASS BWL-VLF (VIDEO LOTTERY**
29 **FACILITY) BEER, WINE AND LIQUOR LICENSE.**

1 **(II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE**
2 **FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE**
3 **FACILITIES, BARS, OR LOUNGES.**

4 **(III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN**
5 **INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A**
6 **LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.**

7 **(IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE MAY**
8 **NOT BE REQUIRED TO MEET ANY LOCATION, VOTING, OR RESIDENCY**
9 **REQUIREMENT.**

10 **(V) A CLASS BWL-VLF LICENSE AUTHORIZES THE**
11 **LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE**
12 **BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR**
13 **CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS**
14 **CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF**
15 **LICENSE.**

16 **(3) (I) THERE IS A CLASS BWL-VLC (VIDEO LOTTERY**
17 **CONCESSIONAIRE) BEER, WINE AND LIQUOR LICENSE.**

18 **(II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE**
19 **TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY**
20 **FACILITY.**

21 **(III) NOTWITHSTANDING ANY OTHER PROVISION OF THIS**
22 **ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL**
23 **BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR**
24 **CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS**
25 **CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS**
26 **BWL-VLF LICENSE.**

27 **(4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS**
28 **\$15,000.**

29 **(II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS**
30 **\$5,000.**

31 **(III) THE ANNUAL LICENSE FEE SHALL BE PAID TO THE**
32 **BOARD ON OR BEFORE MAY 1 OF EACH YEAR.**

1 **(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A**
2 **CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.**

3 **(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS**
4 **BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN**
5 **ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY**
6 **THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF**
7 **LICENSE.**

8 **(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC**
9 **LICENSE AUTHORIZE:**

10 **(I) THE PLAYING OF MUSIC AND DANCING; AND**

11 **(II) THE SALE AND PROVISION OF BEER, WINE, AND LIQUOR**
12 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY**
13 **THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE**
14 **VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

15 **(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND**
16 **LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE**
17 **SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.**

18 **(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A**
19 **VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A**
20 **CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE**
21 **BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

22 11-304.

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

29 (2) Except as provided in this section, any person found consuming
30 any alcoholic beverage on any premises open to the general public, and any owner,
31 operator or manager of those premises or places who knowingly permits consumption
32 between the hours provided by this section is guilty of a misdemeanor and, upon
33 conviction, shall be fined not more than \$50 and not less than \$5.

34 (i) In Anne Arundel County the fine may not be more than
35 \$250.

1 (ii) In Worcester County the fine may not be more than \$1,000.

2 (b) (1) (I) This subsection applies only in Allegany County.

3 (II) IN SUBPARAGRAPHS (IV) AND (V) OF THIS PARAGRAPH
4 AND PARAGRAPH (2) OF THIS SUBSECTION, "PREMISES" MEANS:

5 1. A RESTAURANT, TAVERN, HOTEL, CLUB, DANCE
6 STUDIO, OR DISCO;

7 2. A PLACE OF PUBLIC ENTERTAINMENT;

8 3. A PLACE OPEN TO THE GENERAL PUBLIC; OR

9 4. A PLACE THAT IS LICENSED BY THE STATE OR
10 THE COUNTY.

11 [(2)] (III) The prohibitions of [this subsection] SUBPARAGRAPHS (IV)
12 AND (V) OF THIS PARAGRAPH AND PARAGRAPH (2) OF THIS SUBSECTION apply
13 after 1 a.m. on Sunday or between the hours of 1 a.m. and 7 a.m. on other days.

14 [(3)] (i) (IV) A person may not consume any alcoholic beverages on
15 any:

16 1. Premises open to the general public;

17 2. Place operated as a club;

18 3. Place of public entertainment; or

19 4. Place at which setups or other component parts of
20 mixed alcoholic drinks are sold under any license issued under the provisions of this
21 article.

22 [(ii)] (V) An owner, operator, or manager of the premises may
23 not permit that consumption.

24 [(4)] (i) (2) (I) A person may not possess or consume any
25 alcoholic beverage on any premises which is not licensed under this article but which
26 is open to the general public and is operated as a club, a place of public entertainment,
27 or a place where setups or other component parts of mixed alcoholic drinks are sold.

28 (ii) An owner, operator, or manager of the premises may not
29 permit that consumption or possession.

1 (3) (I) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS
2 SUBSECTION, A PERSON MAY CONSUME ALCOHOLIC BEVERAGES ON THE
3 LICENSED PREMISES OF A VIDEO LOTTERY FACILITY ONLY DURING THE HOURS
4 OF OPERATION ESTABLISHED UNDER § 9-1A-23(A) OF THE STATE
5 GOVERNMENT ARTICLE.

6 (II) A VIDEO LOTTERY FACILITY LICENSEE OR A
7 CONCESSIONAIRE LICENSEE OR AN EMPLOYEE OF A VIDEO LOTTERY FACILITY
8 LICENSEE OR A CONCESSIONAIRE LICENSEE MAY NOT KNOWINGLY ALLOW A
9 PERSON TO CONSUME ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES OF
10 A VIDEO LOTTERY FACILITY EXCEPT DURING THE HOURS OF OPERATION
11 ESTABLISHED UNDER § 9-1A-23(A) OF THE STATE GOVERNMENT ARTICLE.

12 [(5)] (4) Any person who violates the provisions of this subsection is
13 guilty of a misdemeanor and may be fined not less than \$50 nor more than \$500 for
14 each offense.

15 11-501.

16 (a) In Allegany County, any person having a license under this article may
17 not sell intoxicating beverages between the hours of 2 a.m. and 7:00 o'clock a.m. except
18 as provided in subsection (b) of this section, it shall be unlawful after 2:00 a.m. Sunday
19 to sell intoxicating beverages until 7:00 o'clock a.m. Monday. However, Sunday sales
20 when New Year's Eve or New Year's Day falls on Sunday shall be governed by §
21 11-402(b) of this article.

22 (D) IN ALLEGANY COUNTY, NOTWITHSTANDING ANY OTHER
23 PROVISIONS OF THIS SECTION, THE HOURS FOR THE SALE OF ALCOHOLIC
24 BEVERAGES UNDER AN ENTERTAINMENT FACILITY LICENSE OR AN
25 ENTERTAINMENT CONCESSIONAIRE LICENSE ARE THE SAME AS THE HOURS OF
26 OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §
27 9-1A-23(A) OF THE STATE GOVERNMENT ARTICLE.

28 Article - State Government

29 9-1A-23.

30 (a) A video lottery facility may operate 24 hours a day.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 July 1, 2013.