

# SENATE BILL 235

A2

(3lr1116)

## ENROLLED BILL

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

Introduced by **Senators Ferguson, Conway, Gladden, Jones-Rodwell, McFadden, and Pugh**

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 **Baltimore City – Alcoholic Beverages – License Revocation**

3 FOR the purpose of ~~requiring the Board of Liquor License Commissioners for~~  
4 ~~Baltimore City to require a licensee to close to the public the entire operation of~~  
5 ~~the premises for not less than a certain number of days under certain~~  
6 ~~circumstances; prohibiting the appeal of a certain closure~~ prohibiting the Board  
7 of Liquor License Commissioners for Baltimore City or a court from staying an  
8 order to revoke an alcoholic beverages license until a certain number of days  
9 after a license is revoked; providing that a person whose license revocation by  
10 the Board is subsequently overturned on appeal is entitled to reimbursement for  
11 lost wages as a result of a certain prohibition; specifying that in Baltimore City,  
12 an order by the Board of Liquor License Commissioners to revoke a license may  
13 be stayed, pending appeal, only by the court with which the appeal has been  
14 filed; prohibiting a person whose license has been revoked by the Board from

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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.



1 giving, serving, dispensing, keeping, or allowing to be consumed any alcoholic  
 2 beverages until certain circumstances occur; and generally relating to the  
 3 revocation of an alcoholic beverages license in Baltimore City.

4 BY repealing and reenacting, with amendments,

5 Article 2B – Alcoholic Beverages

6 Section 16–101(c)

7 Annotated Code of Maryland

8 (2011 Replacement Volume and 2012 Supplement)

9 BY adding to

10 Article 2B – Alcoholic Beverages

11 Section 16–103

12 Annotated Code of Maryland

13 (2011 Replacement Volume and 2012 Supplement)

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

16 **Article 2B – Alcoholic Beverages**

17 16–101.

18 (c) (1) [Upon] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON  
 19 the filing of an appeal, the local licensing board may stay its order until the final  
 20 determination thereof.

21 (2) IN BALTIMORE CITY, ~~THE BOARD OF LIQUOR LICENSE~~  
 22 ~~COMMISSIONERS OR A COURT MAY NOT STAY AN ORDER TO REVOKE A LICENSE~~  
 23 ~~PENDING JUDICIAL REVIEW UNTIL 45 DAYS AFTER THE LICENSE IS REVOKED AN~~  
 24 ~~ORDER BY THE BOARD OF LIQUOR LICENSE COMMISSIONERS TO REVOKE A~~  
 25 ~~LICENSE MAY BE STAYED, PENDING APPEAL, ONLY BY THE COURT WITH WHICH~~  
 26 ~~THE APPEAL HAS BEEN FILED.~~

27 (3) ~~A PERSON WHOSE LICENSE REVOCATION BY THE BOARD OF~~  
 28 ~~LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY IS SUBSEQUENTLY~~  
 29 ~~OVERTURNED ON APPEAL IS ENTITLED TO REIMBURSEMENT FOR LOST WAGES~~  
 30 ~~AS A RESULT OF PARAGRAPH (2) OF THIS SUBSECTION.~~

31 16–103.

32 (A) ~~NOTWITHSTANDING ANY OTHER PROVISION IN THIS SUBTITLE, THE~~  
 33 ~~BOARD OF LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY WHEN~~  
 34 ~~REVOKING A LICENSE SHALL REQUIRE THE LICENSEE TO CLOSE IMMEDIATELY~~

1 ~~TO THE PUBLIC THE ENTIRE OPERATION OF THE PREMISES FOR NOT LESS THAN~~  
2 ~~45 DAYS.~~

3 ~~(B) THE CLOSURE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION~~  
4 ~~MAY NOT BE APPEALED.~~

5 A PERSON WHOSE LICENSE HAS BEEN REVOKED BY THE BOARD OF  
6 LIQUOR LICENSE COMMISSIONERS FOR BALTIMORE CITY MAY NOT GIVE,  
7 SERVE, DISPENSE, KEEP, OR ALLOW TO BE CONSUMED ANY ALCOHOLIC  
8 BEVERAGES UNTIL A STAY IS GRANTED IN ACCORDANCE WITH § 16-101(C) OF  
9 THIS SUBTITLE OR THE REVOCATION IS REVERSED ON APPEAL.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.