

SENATE BILL 902

A2

5lr3016
CF HB 1240

By: **Senators Young and Hough**

Introduced and read first time: March 4, 2015

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 6, 2015

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages Licenses**

3 FOR the purpose of establishing in Frederick County a Class B-CC (conference center)
4 license, a Class ~~BLX (luxury restaurant)~~ B license, and a Class MEC
5 (micro-brewery/entertainment center) license; specifying certain requirements for
6 the licensed establishments; specifying the types of alcoholic beverages that may be
7 sold for on-premises consumption in certain locations at the licensed establishments;
8 providing for the hours of sale and license fees; requiring that the Board of License
9 Commissioners define a certain term; authorizing the Board of License
10 Commissioners to issue a Class MEC license to a person for a certain use; providing
11 that the entertainment center for which a Class MEC license is issued may contain
12 or allow certain features; providing an exception to a prohibition against the issuance
13 of a license in a certain election district; providing an exception to a prohibition
14 against the issuance of more than one license being issued to one person or for one
15 premises; and generally relating to alcoholic beverages in Frederick County.

16 BY repealing and reenacting, without amendments,
17 Article 2B – Alcoholic Beverages
18 Section 2-208(a)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article 2B – Alcoholic Beverages

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.



1 Section 2–208(b)(3), 8–211(b), and 9–102(a)
 2 Annotated Code of Maryland
 3 (2011 Replacement Volume and 2014 Supplement)

4 BY adding to
 5 Article 2B – Alcoholic Beverages
 6 Section 6–201(l)(8) through (10)
 7 Annotated Code of Maryland
 8 (2011 Replacement Volume and 2014 Supplement)

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

11 **Article 2B – Alcoholic Beverages**

12 2–208.

13 (a) There is a Class 7 micro–brewery (on– and off–sale) license.

14 (b) The license shall be issued:

15 (3) (i) Only to a holder of a Class B beer, wine and liquor (on–sale)
 16 license that is issued for use on the premises of a restaurant located in a jurisdiction listed
 17 in paragraph (2) of this subsection;

18 (ii) To a holder of a Class D beer (off–sale) license that is issued for
 19 use on the premises of the existing Class D license if the premises are located in Kent
 20 County or the Town of Berlin in Worcester County; [or]

21 (iii) To a holder of a Class D alcoholic beverages license that is issued
 22 for use on the premises of the existing Class D license if the premises are located in:

23 1. The 22nd Alcoholic Beverages District of Prince George’s
 24 County;

25 2. Washington County;

26 3. Dorchester County; or

27 4. The 40th Alcoholic Beverages District of Baltimore City;

28 [and] OR

29 **(IV) TO A HOLDER OF A CLASS MEC LICENSE THAT IS ISSUED**
 30 **FOR USE ON THE PREMISES OF THE EXISTING CLASS MEC LICENSE IF THE**
 31 **PREMISES ARE LOCATED IN THE BALLENGER (23RD) ELECTION DISTRICT IN**
 32 **FREDERICK COUNTY; AND**

1 6-201.

2 (1) (8) (I) THERE IS A CLASS B-CC (CONFERENCE CENTER) BEER,
3 WINE AND LIQUOR LICENSE.

4 (II) THE BOARD MAY ISSUE THE LICENSE FOR AN
5 ESTABLISHMENT THAT IS EQUIPPED WITH:

6 1. AT LEAST 150 BEDROOMS FOR THE ACCOMMODATION
7 OF THE PUBLIC;

8 2. AT LEAST ONE DINING AREA WITH FACILITIES FOR
9 PREPARING AND SERVING REGULAR MEALS;

10 3. ROOMS FOR MEETINGS, DISPLAYS, BANQUETS,
11 BALLS, DANCING, AND LIVE ENTERTAINMENT; AND

12 4. A NIGHTCLUB EQUIPPED WITH A BAR AND AN
13 ENTERTAINMENT OR A DANCING AREA.

14 (III) THE TOTAL AVERAGE DAILY RECEIPTS FROM THE RENTING
15 OF MEETING ROOMS AND BEDROOMS AND THE SALE OF FOOD IN THE
16 ESTABLISHMENT SHALL EXCEED THE AVERAGE DAILY RECEIPTS FROM THE SALE OF
17 ALCOHOLIC BEVERAGES.

18 (IV) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND
19 LIQUOR FOR CONSUMPTION THROUGHOUT THE LICENSED PREMISES, BOTH
20 INDOORS AND OUTDOORS, INCLUDING MEETING AND BANQUET ROOMS, PATIOS,
21 VERANDAS, AND GREEN SPACES.

22 (V) THE HOURS OF SALE ARE:

23 1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2
24 A.M. THE FOLLOWING DAY; AND

25 2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING
26 DAY.

27 (VI) THE ANNUAL LICENSE FEE IS ~~\$1,500~~ \$2,000.

28 (9) (I) THERE IS A CLASS ~~BLX (LUXURY RESTAURANT)~~ B LICENSE
29 IN THE BALLENGER (23RD) ELECTION DISTRICT.

1 **(II) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A**
2 **LUXURY-TYPE RESTAURANT THAT HAS:**

3 1. **A CAPITAL INVESTMENT OF AT LEAST \$250,000 FOR**
4 **DINING ROOM FACILITIES AND KITCHEN EQUIPMENT, NOT INCLUDING THE COST OF**
5 **LAND, BUILDINGS, OR LEASES; AND**

6 2. **SEATING FOR AT LEAST 50 INDIVIDUALS.**

7 **(III) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND**
8 **LIQUOR FOR ON-PREMISES CONSUMPTION.**

9 **(IV) THE BOARD OF LICENSE COMMISSIONERS SHALL DEFINE**
10 **“LUXURY-TYPE RESTAURANT” BY REGULATION.**

11 **(V) THE HOURS OF SALE ARE:**

12 1. **ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
13 **A.M. THE FOLLOWING DAY; AND**

14 2. **ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
15 **DAY.**

16 **(VI) THE ANNUAL LICENSE FEE IS \$1,500.**

17 **(10) (I) THERE IS A CLASS MEC**
18 **(MICRO-BREWERY/ENTERTAINMENT CENTER) LICENSE.**

19 **(II) THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE THE**
20 **LICENSE TO A PERSON FOR USE IN CONJUNCTION WITH A CLASS 7 MICRO-BREWERY**
21 **LICENSE THAT THE PERSON THEN OBTAINS FROM THE COMPTROLLER.**

22 **(III) THE ENTERTAINMENT CENTER LICENSE AUTHORIZES THE**
23 **LICENSE HOLDER TO SELL, IN AN ENTERTAINMENT CENTER FOR ON-PREMISES**
24 **CONSUMPTION, MALT BEVERAGES THAT ARE BREWED IN THE LICENSE HOLDER’S**
25 **MICRO-BREWERY.**

26 **(IV) THE ENTERTAINMENT CENTER MAY:**

27 1. **CONTAIN:**

28 A. **RIDES AND GAMES SUCH AS BOWLING LANES,**
29 **BILLIARD TABLES, AND GO-CARTS; AND**

1 **B. ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR**
 2 **LOUNGES; AND**

3 **2. ALLOW THE PLAYING OF MUSIC AND DANCING.**

4 **(V) THE HOURS OF SALE ARE:**

5 **1. ON MONDAY THROUGH SATURDAY, FROM 6 A.M. TO 2**
 6 **A.M. THE FOLLOWING DAY; AND**

7 **2. ON SUNDAY, FROM 11 A.M. TO 2 A.M. THE FOLLOWING**
 8 **DAY.**

9 **(VI) THE ANNUAL LICENSE FEE IS \$1,500.**

10 8–211.

11 (b) (1) This subsection does not apply to a Class 8 farm brewery license issued
 12 under § 2–209 of this article.

13 (2) A license for the sale of alcoholic beverages authorized by this article
 14 may not be issued for any place of business located in any of the following election districts:

15 (i) Catoctin (6th);

16 (ii) Hauvers (10th);

17 (iii) Jackson (16th);

18 (iv) Linganore (19th); and

19 (v) **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
 20 **SUBSECTION, Ballenger (23rd).**

21 **(3) LICENSES THAT MAY BE ISSUED FOR AN ESTABLISHMENT IN THE**
 22 **BALLENGER ELECTION DISTRICT ARE:**

23 **(I) A CLASS 7 MICRO-BREWERY LICENSE UNDER § 2–208 OF**
 24 **THIS ARTICLE;**

25 **(II) A CLASS B-CC LICENSE UNDER § 6–201(L)(8) OF THIS**
 26 **ARTICLE;**

27 **(III) A CLASS ~~BLX~~ B LICENSE UNDER § 6–201(L)(9) OF THIS**
 28 **ARTICLE; OR**

1 (IV) A CLASS MEC LICENSE UNDER § 6-201(L)(10) OF THIS
2 ARTICLE.

3 9-102.

4 (a) (1) No more than one license provided by this article, except by way of
5 renewal or as otherwise provided in this section, shall be issued in any county or Baltimore
6 City, to any person, or for the use of any partnership, corporation, unincorporated
7 association, or limited liability company, in Baltimore City or any county of the State.

8 (2) No more than one license shall be issued for the same premises except
9 as provided in §§ 2-201 through 2-208, 2-301, and 6-701 and Title 7.5 of this article.

10 (3) This subsection may not be construed to apply to § 6-201(L)(8), (9),
11 AND (10) AND (r)(4), (15), (17), and (18), § 7-101(b) and (c), § 8-202(g)(2)(ii) and (iii), §
12 8-217(e), § 8-508, § 8-902, § 9-102.1, § 9-217(b-1), or § 12-202 of this article.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.