

HOUSE BILL 969

A2

6lr2625

By: **Delegates Impallaria and Lisanti**

Introduced and read first time: February 10, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Business Establishments Near Schools**

3 FOR the purpose of altering the distance a business establishment in Harford County may
4 be from a public or private school to be issued a license by the Harford County Board
5 of License Commissioners; and generally relating to the sale of alcoholic beverages
6 in Harford County.

7 BY repealing and reenacting, without amendments,

8 Article – Alcoholic Beverages

9 Section 22–102

10 Annotated Code of Maryland

11 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

12 BY repealing and reenacting, with amendments,

13 Article – Alcoholic Beverages

14 Section 22–1602

15 Annotated Code of Maryland

16 (As enacted by Chapter ____ (S.B. 724) of the Acts of the General Assembly of 2016)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Alcoholic Beverages**

20 22–102.

21 This title applies only in Harford County.

22 22–1602.

23 (a) This section does not apply to:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class
2 B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

3 (2) a license in effect on July 1, 1977;

4 (3) the renewal, transfer, or upgrading of a license, unless the license is
5 transferred to a new location; and

6 (4) the issuance of:

7 (i) a 1-day license that is to be used on the premises of a place of
8 worship or school;

9 (ii) a Class GC (golf course) license; and

10 (iii) a class CCFA (continuing care facility) license.

11 (b) (1) (i) Except as provided in paragraph (2) of this subsection, the Board
12 may not issue a license for an establishment that is within 300 feet of a place of worship.

13 (ii) The distance from the establishment to the place of worship is to
14 be measured from the nearest point of the building of the establishment to the nearest point
15 of the building of the place of worship.

16 (2) Paragraph (1) of this subsection does not apply to the issuance of:

17 (i) a 1-day license for use in a building;

18 (ii) a license issued to a hotel, motel, restaurant, club, or caterer in
19 a municipality; and

20 (iii) a Class H beer, wine, and liquor license issued to a caterer for
21 use in a banquet facility in an establishment if:

22 1. the construction of the establishment was completed after
23 July 1, 1991; and

24 2. the establishment is used for emergency operations by a
25 volunteer fire company.

26 (c) (1) (i) [Except as provided in paragraph (2) of this subsection, the] **THE**
27 Board may not issue a license to a business establishment that is within **[1,000] 300** feet
28 of a public or private school building.

1 (ii) The distance from the establishment to the public or private
2 school is to be measured from the nearest point of the building of the establishment to the
3 nearest point of the building of the school.

4 (2) [The Board may issue a license to a business establishment in a
5 municipality if the business establishment is not located within 300 feet of a public or
6 private school.

7 (3) A decision of the County Board of Education to locate a public school
8 building within [1,000] **300** feet of the premises of a license holder may not be the basis to
9 revoke or deny the renewal, transfer, or upgrading of the license.

10 (d) The Board may waive the distance restrictions from a public or private school
11 building and issue a Class B (on-sale) restaurant license if:

12 (1) the restaurant is located in a community shopping center that contains:

13 (i) six or more retail uses;

14 (ii) six or more retail and service uses; or

15 (iii) a gross floor area of more than 20,000 square feet; and

16 (2) the Board takes into account comments received from parents whose
17 children attend the public or private school.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
19 1, 2016.