

HOUSE BILL 1320

A2

6lr3436
CF SB 877

By: **Delegate B. Wilson**

Introduced and read first time: February 12, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Class CT (Cinema/Theater) License**

3 FOR the purpose of establishing a Class CT (cinema/theater) (on–sale) beer, wine, and
4 liquor license in Washington County; authorizing the Board of License
5 Commissioners for Washington County to issue the license for use in a cinema or
6 theater that meets certain requirements; authorizing the license holder to sell beer,
7 wine, and liquor for on–premises consumption under certain circumstances;
8 authorizing a license holder to serve beer, wine, and liquor without serving food;
9 requiring a certain individual to dispose of or destroy empty bottles; requiring a
10 license holder to obtain a certain crowd control training certificate and have a certain
11 certified crowd control manager present at the licensed premises at certain times;
12 requiring the license holder to have a certain individual who has received
13 certification from a certain alcohol awareness program to be present at the licensed
14 premises under certain circumstances; specifying the hours and days for sale of beer,
15 wine, and liquor; specifying a certain annual license fee; and generally relating to
16 the sale of alcoholic beverages in Washington County.

17 BY repealing and reenacting, without amendments,

18 Article – Alcoholic Beverages

19 Section 4–505, 31–101(a) and (b), 31–102, 31–207, 31–1901, and 31–1903

20 Annotated Code of Maryland

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

22 BY adding to

23 Article – Alcoholic Beverages

24 Section 31–1001.1

25 Annotated Code of Maryland

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

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

28 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Alcoholic Beverages

1
2 4–505.

3 (a) In this section, “alcohol awareness program” means a program that:

4 (1) includes instruction on how alcohol affects an individual’s behavior and
5 body;

6 (2) provides education on the dangers of drinking and driving; and

7 (3) defines effective methods to:

8 (i) determine whether a customer is under the legal drinking age;

9 (ii) serve customers to minimize the chance of intoxication; and

10 (iii) stop service before a customer becomes intoxicated.

11 (b) (1) This section applies to:

12 (i) a licensed premises that sells alcoholic beverages to a customer
13 from a bar or service bar on the premises;

14 (ii) a premises licensed to sell alcoholic beverages for off–premises
15 consumption; and

16 (iii) an unlicensed establishment in a jurisdiction that requires a
17 worker, a supervisor, or an owner of an unlicensed establishment to receive alcohol
18 awareness training.

19 (2) This section does not apply to:

20 (i) a temporary license;

21 (ii) a Class E (on–sale) water vessel license;

22 (iii) a Class F (on–sale) railroad license; or

23 (iv) a Class G (on–sale) airplane license.

24 (c) The Comptroller:

25 (1) shall approve, certify, and issue an alcohol awareness program permit
26 to each alcohol awareness program that complies with this section; and

1 (2) may require recertification of the approved alcohol awareness program
2 to ensure compliance with changes in the program.

3 (d) Before an individual may teach an alcohol awareness program, the individual
4 shall obtain an alcohol awareness instructor's permit.

5 (e) A holder of any retail alcoholic beverages license or an employee designated
6 by the holder shall complete training in an approved alcohol awareness program.

7 (f) (1) (i) For each completion of a certified alcohol awareness program, the
8 alcohol awareness program provider shall issue a certificate of completion that is valid for
9 4 years from the date of issuance.

10 (ii) The holder or employee shall complete retraining in an approved
11 alcohol awareness program for each successive 4-year period.

12 (iii) On request, a valid certificate shall be presented to the proper
13 authority.

14 (2) Within 5 days after a license holder, an owner of an unlicensed
15 establishment, or an employee of a license holder or owner of an unlicensed establishment
16 is sent a certificate of completion, the alcohol awareness program provider shall inform the
17 appropriate local licensing board of:

18 (i) the individual's name, address, and certification date; and

19 (ii) the name and address of the licensed establishment or
20 unlicensed establishment.

21 (g) The Comptroller may decertify the alcohol awareness program of an alcohol
22 awareness program provider who violates subsection (c), (d), or (f) of this section.

23 (h) (1) Each local licensing board shall enforce this section.

24 (2) A license holder who violates subsection (e) of this section is subject to:

25 (i) for the first offense, a \$100 fine; and

26 (ii) for each subsequent offense, a fine not to exceed \$500 or a
27 suspension or revocation of the license or both.

28 (i) (1) This section does not create or enlarge a civil cause of action or criminal
29 proceeding against a license holder.

30 (2) Evidence of a violation of this section:

1 (i) may only be used as evidence before the local licensing board in
2 an action brought before the local licensing board for a violation of this section; and

3 (ii) may not be introduced in a civil or criminal proceeding.

4 31-101.

5 (a) In this title:

6 (1) the definitions in § 1-101 of this article apply without exception or
7 variation; and

8 (2) the following words have the meanings indicated.

9 (b) "Board" means the Board of License Commissioners for Washington County.

10 31-102.

11 This title applies only in Washington County.

12 31-207.

13 The Board may adopt regulations to carry out this article.

14 **31-1001.1.**

15 **(A) THERE IS A CLASS CT (CINEMA/THEATER) (ON-SALE) BEER, WINE, AND**
16 **LIQUOR LICENSE.**

17 **(B) THE BOARD MAY ISSUE THE LICENSE FOR USE IN A CINEMA OR THEATER**
18 **THAT:**

19 **(1) IS IN A BUILDING THAT IS DESIGNED OR USED PRIMARILY FOR THE**
20 **EXHIBITION OF MOTION PICTURES TO THE PUBLIC; AND**

21 **(2) HAS A CAPACITY TO HOLD AT LEAST 100 PERMANENTLY**
22 **INSTALLED SEATS.**

23 **(C) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
24 **WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION:**

25 **(I) BY THE DRINK, BOTTLE, AND CAN;**

26 **(II) 1. IN A DESIGNATED AREA OF THE LOBBY, FOR 45**
27 **MINUTES BEFORE A MOVIE STARTS; AND**

1 **2. IN A VIP ROOM THAT HOLDS SPECIAL EVENTS, FOR**
2 **THE 45 MINUTES BEFORE A MOVIE STARTS AND DURING THE SHOWING OF THE**
3 **MOVIE; AND**

4 **(III) TO AN INDIVIDUAL WHO HAS A TICKET TO A MOVIE AND**
5 **PROPER IDENTIFICATION.**

6 **(2) A LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR WITHOUT**
7 **SERVING FOOD.**

8 **(3) AN INDIVIDUAL SERVING BEER, WINE, AND LIQUOR SHALL**
9 **DISPOSE OF OR DESTROY ALL EMPTY BOTTLES AND CANS.**

10 **(D) (1) A LICENSE HOLDER SHALL:**

11 **(I) OBTAIN A CROWD CONTROL TRAINING CERTIFICATE FROM**
12 **A PROGRAM THAT IS CERTIFIED BY THE BOARD; AND**

13 **(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE**
14 **CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY**
15 **250 INDIVIDUALS PRESENT.**

16 **(2) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A LICENSE**
17 **HOLDER SHALL REQUIRE ONE INDIVIDUAL WHO HAS COMPLETED A CERTIFIED**
18 **ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT ALL TIMES**
19 **WHEN ALCOHOL IS BEING SERVED.**

20 **(3) THE LICENSE HOLDER MAY SERVE BEER, WINE, AND LIQUOR:**

21 **(I) MONDAY THROUGH SUNDAY; AND**

22 **(II) DURING THE TIMES SPECIFIED UNDER SUBSECTION (C)(1)**
23 **OF THIS SECTION.**

24 **(E) THE ANNUAL LICENSE FEE IS \$1,000.**

25 31-1901.

26 (a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
27 Holders”) of Division I of this article apply in the County without exception or variation:

28 (1) § 4-502 (“Storage of alcoholic beverages”);

1 (2) § 4-503 (“Solicitations and sales outside of licensed premises”);

2 (3) § 4-506 (“Evidence of purchaser’s age”);

3 (4) § 4-507 (“Retail delivery of alcoholic beverages”); and

4 (5) § 4-508 (“Display of license”).

5 (b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
6 Holders”) of Division I of this article apply in the County:

7 (1) § 4-504 (“Employment of underage individuals”), subject to § 31-1902
8 of this subtitle; and

9 (2) § 4-505 (“Alcohol awareness program”), subject to § 31-1903 of this
10 subtitle.

11 31-1903.

12 (a) (1) The license holder or an individual designated by the license holder who
13 is employed in a supervisory capacity shall:

14 (i) be certified by an approved alcohol awareness program; and

15 (ii) except as provided in paragraph (2) of this subsection, be present
16 on the licensed premises during the hours in which alcoholic beverages may be sold.

17 (2) The license holder or individual specified in paragraph (1) of this
18 subsection may be absent from the licensed premises for a personal or business reason or
19 an emergency if the absence lasts for not more than 2 hours.

20 (3) The Board shall require the license holder to keep a log book on the
21 licensed premises that documents each temporary absence, the length of time of the
22 absence, and the reason for the absence, in the form that the Board requires.

23 (b) A license holder who violates this section is subject to:

24 (1) for a first offense, a \$100 fine; and

25 (2) for each subsequent offense, a fine not exceeding \$500 or a suspension
26 or revocation of the license or both.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2016.