

SENATE BILL 561

A2

6lr1028
CF HB 1210

By: **Senator Ferguson**

Introduced and read first time: February 4, 2016

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 2016

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – ~~Class C Beer, Wine, and Liquor~~ Licenses**

3 FOR the purpose of establishing in Baltimore City a Class D beer license to be issued to a
4 holder of a Class 5 brewery license; specifying that the Class D beer license
5 authorizes the license holder to sell at retail beer brewed on the brewery premises
6 for on-premises consumption; requiring the Board of License Commissioners for
7 Baltimore City to establish hours and days of sale under the license and an annual
8 license fee; reducing the minimum amount of average daily receipts derived from the
9 sale of food that is required for certain restaurants for which a Class B beer, wine,
10 and liquor license is issued; authorizing the Board of ~~License Commissioners for~~
11 ~~Baltimore City~~ to issue Class C beer, wine, and liquor licenses and a Class D beer
12 license in certain locations in Baltimore City; altering the areas for which the Board
13 may waive certain distance restrictions between a building for which a license is
14 transferred and a place of worship or school; and generally relating to ~~Class C beer,~~
15 ~~wine, and liquor~~ alcoholic beverages licenses in Baltimore City.

16 BY repealing and reenacting, without amendments,

17 Article – Alcoholic Beverages

18 Section 12-102

19 Annotated Code of Maryland

20 (As enacted by Chapter __ (S.B. __)(6lr1406) of the Acts of the General Assembly of

21 2016)

22 BY adding to

23 Article – 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 12-604
 2 Annotated Code of Maryland
 3 (As enacted by Chapter (S.B. 724) of the Acts of the General Assembly of 2016)

4 BY repealing and reenacting, with amendments,
 5 Article – Alcoholic Beverages
 6 Section 12-1603, 12-1604(c)(2)(iv), and 12-1605(a)
 7 Annotated Code of Maryland
 8 (As enacted by Chapter __ (S.B. __)(6lr1406) of the Acts of the General Assembly of
 9 2016)

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

12 **Article – Alcoholic Beverages**

13 12-102.

14 This title applies only in Baltimore City.

15 **12-604.**

16 **(A) THERE IS A CLASS D BEER LICENSE.**

17 **(B) THE LICENSE MAY BE ISSUED TO A HOLDER OF A CLASS 5 BREWERY**
 18 **LICENSE.**

19 **(C) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL AT RETAIL**
 20 **BEER BREWED ON THE BREWERY PREMISES FOR ON-PREMISES CONSUMPTION.**

21 **(D) THE BOARD SHALL ESTABLISH:**

22 **(1) THE HOURS AND DAYS OF SALE UNDER THE LICENSE; AND**

23 **(2) THE ANNUAL LICENSE FEE.**

24 12-1603.

25 (a) The alcoholic beverages districts described in this section at all times are
 26 coterminous with the legislative districts in the Legislative Districting Plan of 2002 as
 27 ordered by the Maryland Court of Appeals on June 21, 2002.

28 (b) Except as provided in subsection (c) of this section, the Board may not issue a
 29 new license in:

30 (1) the 40th alcoholic beverages district;

- 1 (2) the 41st alcoholic beverages district;
- 2 (3) the 43rd alcoholic beverages district;
- 3 (4) the 44th alcoholic beverages district; and
- 4 (5) the 45th alcoholic beverages district.

5 (c) The Board may issue:

6 (1) in the alcoholic beverages districts specified in subsection (b) of this
7 section:

8 (i) a 1-day license; or

9 (ii) a Class B beer, wine, and liquor license to a restaurant that:

10 1. has a minimum capital investment, not including the cost
11 of land and buildings, of \$200,000 for restaurant facilities; and

12 2. has a minimum seating capacity of 75 individuals;

13 (2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages
14 district; [or]

15 (3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th
16 alcoholic beverages district;

17 (4) **A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK**
18 **OF HOLLIDAY STREET IN WARD 3, PRECINCT 3 OF THE 46TH ALCOHOLIC**
19 **BEVERAGES DISTRICT; ~~OR~~**

20 (5) **A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK**
21 **OF SOUTH CENTRAL AVENUE IN WARD 3, PRECINCT 3 OF THE 46TH ALCOHOLIC**
22 **BEVERAGES DISTRICT;**

23 (6) **A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 200 BLOCK**
24 **OF WEST SARATOGA STREET IN WARD 4, PRECINCT 3 OF THE 40TH ALCOHOLIC**
25 **BEVERAGES DISTRICT; AND**

26 (7) **SUBJECT TO SUBSECTION (D) OF THIS SECTION, A CLASS D BEER**
27 **LICENSE FOR THE AREA IN WARD 24, PRECINCT 5 THAT IS BOUNDED BY EAST FORT**
28 **AVENUE ON THE NORTH, THE CSX ACCESS WAY ON THE EAST, EAST MCCOMAS**
29 **STREET ON THE SOUTH, AND WHETSTONE WAY ON THE WEST.**

1 (D) A CLASS D BEER LICENSE MAY BE TRANSFERRED INTO THE AREA
 2 SPECIFIED UNDER SUBSECTION (C)(7) OF THIS SECTION IF ORIGINALLY ISSUED FOR
 3 ANOTHER AREA.

4 12-1604.

5 (c) (2) The Board may issue a Class B beer, wine, and liquor license:

6 (iv) for not more than three restaurants in a business planned unit
 7 development in ward 24, precinct 5, if each restaurant:

8 1. has a minimum capital investment of \$700,000;

9 2. has seating for more than 75 individuals, but not more
 10 than 150 individuals;

11 3. has average daily receipts from the sale of food that are at
 12 least [65%] 51% of the total daily receipts of the restaurant; and

13 4. except as provided in paragraph (5) of this subsection, may
 14 not sell for off-premises consumption.

15 12-1605.

16 (a) (1) (i) Except as otherwise provided in this subsection, a new license
 17 may not be issued for and an existing license may not be moved to a building that is within
 18 300 feet of the nearest point of the building of a place of worship or school.

19 (ii) In the 45th Legislative District, a new Class A license of any type
 20 may not be issued for a building that is within 500 feet of the nearest point of the building
 21 of a place of worship or school.

22 (2) Paragraph (1)(i) of this subsection does not apply to:

23 (i) a Class B beer and wine license outside the 46th Legislative
 24 District;

25 (ii) a Class B beer, wine, and liquor license outside the 46th
 26 Legislative District;

27 (iii) a Class C beer and wine license; and

28 (iv) a Class C beer, wine, and liquor license.

29 (3) A license for use in a building that is within 300 feet of the grounds of
 30 a place of worship or school may be renewed or extended for the same building.

1 (4) (i) This paragraph applies only to an area bounded by:

2 1. High Street on the west, [Fawn] PRATT Street on the
3 north, Central Avenue on the east, and Eastern Avenue on the south; [or]

4 2. West Cross Street and Amity Street on the west, Clifford
5 Street on the north, Scott Street on the east, and Carroll Street on the south; OR

6 3. **HOLLIDAY STREET ON THE WEST, SARATOGA STREET**
7 **ON THE NORTH, GAY STREET ON THE EAST, AND LEXINGTON STREET ON THE**
8 **SOUTH.**

9 (ii) The Board may waive the distance restrictions in paragraph
10 (1)(i) of this subsection for an application for the transfer of a license into an area specified
11 in subparagraph (i) of this paragraph if:

12 1. the application is approved by:

13 A. each community association representing the area;

14 B. each business association in the area; and

15 C. the ordained leader and the board or council for each place
16 of worship that is within 300 feet of the proposed location of the establishment for which
17 the license transfer is sought; and

18 2. a memorandum of understanding is executed by the
19 applicant for the license transfer and each community association in the area.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.