

SENATE BILL 877

A2

6lr3440
CF 6lr3436

By: **Washington County Senators**

Introduced and read first time: February 5, 2016

Assigned to: Education, Health, and Environmental Affairs

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 prohibiting a certain individual from mixing the contents of certain bottles; requiring
10 a certain individual to dispose of or destroy empty bottles; requiring a license holder
11 to obtain a certain crowd control training certificate and have a certain certified
12 crowd control manager present at the licensed premises at certain times; requiring
13 the license holder to have a certain individual who has received certification from a
14 certain alcohol awareness program to be present at the licensed premises under
15 certain circumstances; specifying the hours and days for sale of beer, wine, and
16 liquor; specifying a certain annual license fee; and generally relating to the sale of
17 alcoholic beverages in Washington County.

18 BY repealing and reenacting, without amendments,

19 Article – Alcoholic Beverages

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

21 Annotated Code of Maryland

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

23 BY adding to

24 Article – Alcoholic Beverages

25 Section 31–1001.1

26 Annotated Code of Maryland

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Alcoholic Beverages**

4 4–505.

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

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

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

9 (3) defines effective methods to:

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

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

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

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

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

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

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

21 (2) This section does not apply to:

22 (i) a temporary license;

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

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

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

26 (c) The Comptroller:

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

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

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

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

9 (f) (1) (i) For each completion of a certified alcohol awareness program, the
10 alcohol awareness program provider shall issue a certificate of completion that is valid for
11 4 years from the date of issuance.

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

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

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

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

21 (ii) the name and address of the licensed establishment or
22 unlicensed establishment.

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

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

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

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

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

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

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

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

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

5 31-101.

6 (a) In this title:

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

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

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

11 31-102.

12 This title applies only in Washington County.

13 31-207.

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

15 **31-1001.1.**

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

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

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

22 **(2) HAS A CAPACITY TO HOLD AT LEAST 100 PERMANENTLY**
23 **INSTALLED SEATS; AND**

24 **(3) HAS A MINIMUM OF SIX MOVIE THEATER ROOMS.**

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

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

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

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

7 **(III) TO AN INDIVIDUAL WHO HAS A TICKET TO THE MOVIE AND**
8 **PROPER IDENTIFICATION.**

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

11 **(3) AN INDIVIDUAL SERVING BEER, WINE, AND LIQUOR:**

12 **(I) MAY NOT MIX THE CONTENTS OF ONE BOTTLE WITH THE**
13 **CONTENTS OF ANOTHER BOTTLE; AND**

14 **(II) SHALL DISPOSE OF OR DESTROY ALL EMPTY BOTTLES AND**
15 **CANS.**

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

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

19 **(II) WHILE SELLING BEER, WINE, AND LIQUOR, HAVE ONE**
20 **CERTIFIED CROWD CONTROL MANAGER ON THE LICENSED PREMISES FOR EVERY**
21 **250 INDIVIDUALS PRESENT.**

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

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

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

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

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

2 31-1901.

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

5 (1) § 4-502 (“Storage of alcoholic beverages”);

6 (2) § 4-503 (“Solicitations and sales outside of licensed premises”);

7 (3) § 4-506 (“Evidence of purchaser’s age”);

8 (4) § 4-507 (“Retail delivery of alcoholic beverages”); and

9 (5) § 4-508 (“Display of license”).

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

12 (1) § 4-504 (“Employment of underage individuals”), subject to § 31-1902
13 of this subtitle; and

14 (2) § 4-505 (“Alcohol awareness program”), subject to § 31-1903 of this
15 subtitle.

16 31-1903.

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

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

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

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

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

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

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

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2016.