

Chapter 285

(House Bill 969)

AN ACT concerning

Harford County – Alcoholic Beverages – Business Establishments Near Schools

FOR the purpose of ~~altering the distance a business establishment in Harford County may be from a public or private school to be issued a license by~~ authorizing the Harford County Board of License Commissioners to issue a license to a business establishment in Harford County if the business establishment is not located within a certain distance of a public or private school; and generally relating to the sale of alcoholic beverages in Harford County.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102

Annotated Code of Maryland

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

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22–1602

Annotated Code of Maryland

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

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

Article – Alcoholic Beverages

22–102.

This title applies only in Harford County.

22–1602.

(a) This section does not apply to:

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

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

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

(4) the issuance of:

- (i) a 1-day license that is to be used on the premises of a place of worship or school;
- (ii) a Class GC (golf course) license; and
- (iii) a class CCFA (continuing care facility) license.

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

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

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

- (i) a 1-day license for use in a building;
- (ii) a license issued to a hotel, motel, restaurant, club, or caterer in a municipality; and

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

1. the construction of the establishment was completed after July 1, 1991; and
2. the establishment is used for emergency operations by a volunteer fire company.

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

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

(2) ~~The~~ Board may issue a license to a business establishment in HARFORD COUNTY AND IN a municipality IN HARFORD COUNTY if the business establishment is not located within 300 feet of a public or private school.

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

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

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

(i) six or more retail uses;

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

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

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

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

Approved by the Governor, April 26, 2016.