

Chapter 778

**(House Bill 289)**

AN ACT concerning

**Baltimore City – Alcoholic Beverages – Marketplace License**

FOR the purpose of establishing a marketplace license in a certain alcoholic beverages district in Baltimore City; authorizing the Baltimore City Board of License Commissioners to issue the license; specifying the scope, hours for sale, and fees for the license; authorizing a license holder to obtain a refillable container permit under certain conditions; specifying certain capacity standards to be met by the marketplace; authorizing a holder of a Class B beer, wine, and liquor license to surrender the license to the Board under certain circumstances; requiring the Board to issue a substitute marketplace license under certain circumstances; defining a certain term; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,  
Article – Alcoholic Beverages  
Section 12–102  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

BY adding to  
Article – Alcoholic Beverages  
Section 12–1001.1  
Annotated Code of Maryland  
(2016 Volume and 2016 Supplement)

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

**Article – Alcoholic Beverages**

12–102.

This title applies only in Baltimore City.

**12–1001.1.**

**(A) IN THIS SECTION, “MARKETPLACE” MEANS PREMISES THAT:**

**(1) ACCOMMODATE THE PUBLIC; AND**

(2) ARE EQUIPPED WITH FIVE OR MORE OUTLETS FOR PREPARING AND SERVING REGULAR MEALS THAT MAY BE CONSUMED BY PATRONS IN A COMMON SEATING AREA OR ANYWHERE ELSE ON THE PREMISES.

(B) THERE IS A MARKETPLACE LICENSE IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT.

(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO THE PERSON, FIRM, OR CORPORATION THAT OWNS OR LEASES THE MARKETPLACE.

(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR FROM ONE OR MORE OUTLETS WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON-PREMISES CONSUMPTION.

(2) A LICENSE HOLDER MAY OBTAIN A REFILLABLE CONTAINER PERMIT UNDER § 12-1102 OF THIS TITLE TO SELL DRAFT BEER FOR OFF-PREMISES CONSUMPTION.

(E) THE MARKETPLACE SHALL HAVE:

(1) A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$1,000,000 FOR MARKETPLACE FACILITIES;

(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS; ~~AND~~

(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE CITY FIRE DEPARTMENT; AND

~~(3)~~ (4) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD THAT ARE AT LEAST 51% OF THE TOTAL DAILY RECEIPTS OF THE MARKETPLACE.

(F) THE HOURS FOR SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDERS UNDER § 12-2004 OF THIS TITLE.

(G) (1) THE ANNUAL LICENSE FEE IS \$6,000;

~~(I) \$1,320, FOR A MARKETPLACE WITH A SEATING CAPACITY OF NOT MORE THAN 200 INDIVIDUALS; OR~~

~~(II) \$1,800, FOR A MARKETPLACE WITH A SEATING CAPACITY OF MORE THAN 200 INDIVIDUALS.~~

**(2) IN ADDITION TO THE ANNUAL LICENSE FEE, THE LICENSE HOLDER SHALL PAY ANNUALLY:**

**(I) \$500, IF THE LICENSE HOLDER PROVIDES LIVE ENTERTAINMENT; AND**

**(II) \$200, IF THE LICENSE HOLDER PROVIDES OUTDOOR TABLE SERVICE.**

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) A license holder in Baltimore City who has a Class B beer, wine, and liquor license on or after July 1, 2016, and meets the requirements for a marketplace license under this Act may surrender the Class B beer, wine, and liquor license to the Baltimore City Board of License Commissioners.

(b) If a license holder surrenders a Class B beer, wine, and liquor license under subsection (a) of this section, the Baltimore City Board of License Commissioners shall issue a substitute marketplace license without additional payment or penalty to the license holder.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

**Approved by the Governor, May 25, 2017.**