

# HOUSE BILL 312

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CF SB 276

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By: **Frederick County Delegation**

Introduced and read first time: January 28, 2019

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Multiple Licenses Allowed**

3 FOR the purpose of authorizing the Board of License Commissioners for Frederick County  
4 to issue not more than a certain number of hotel or motel licenses, hotel or restaurant  
5 licenses, entertainment center licenses, or hotel lobby licenses to the same license  
6 holder; and generally relating to alcoholic beverages licenses in Frederick County.

7 BY repealing and reenacting, without amendments,

8 Article – Alcoholic Beverages

9 Section 20–102

10 Annotated Code of Maryland

11 (2016 Volume and 2018 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Alcoholic Beverages

14 Section 20–903, 20–904, 20–1009, and 20–1009.1

15 Annotated Code of Maryland

16 (2016 Volume and 2018 Supplement)

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

18 That the Laws of Maryland read as follows:

19 **Article – Alcoholic Beverages**

20 20–102.

21 This title applies only in Frederick County.

22 20–903.

23 (a) There is a Class B beer, wine, and liquor hotel or motel license.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) The Board may issue the license for use by a hotel or motel that:

2 (1) is an establishment to accommodate the public by providing services  
3 ordinarily found in a hotel or motel;

4 (2) has at least 15 rooms;

5 (3) has a dining room with facilities for preparing and serving full-course  
6 meals for at least 28 individuals at one seating; and

7 (4) has a capital investment in the hotel or motel facility of at least  
8 \$400,000.

9 (c) (1) The license authorizes the license holder to sell beer, wine, and liquor  
10 by the individual drink at any place on the hotel or motel premises.

11 (2) (i) Subject to subparagraph (ii) of this paragraph, the license  
12 authorizes the license holder to sell beer, wine, and liquor by the bottle:

13 1. at any place on the premises for a banquet, party,  
14 hospitality room, meeting, or a similar function; and

15 2. for dinner in the restaurant portion of the premises.

16 (ii) A customer may not remove from the premises any contents of a  
17 bottle sold under this paragraph that remains unused.

18 (3) (i) The license authorizes the sale of beer, wine, and liquor by the  
19 bottle through room service to a registered patron in a hotel or motel room.

20 (ii) Not more than two bottles may be sold through room service to  
21 any one customer in a 24-hour period.

22 (iii) A bottle sold through room service may be removed from the  
23 premises by the customer on checking out from the hotel or motel.

24 **(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME**  
25 **LICENSE HOLDER.**

26 **[(d)] (E)** The license holder may sell beer, wine, and liquor during the hours and  
27 days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

28 **[(e)] (F)** The annual license fee is \$2,000.

29 20-904.

1 (a) There is a Class B beer, wine, and liquor hotel or restaurant license.

2 (b) The Board may issue the license for use by a hotel that:

3 (1) is an establishment for the accommodation of the public providing  
4 service ordinarily found in hotels;

5 (2) contains:

6 (i) at least 25 rooms;

7 (ii) a lobby with a registration and mail desk; and

8 (iii) seating facilities and a dining room that serves full-course meals  
9 at least twice daily and that has a regular seating at tables, not including seats at bars or  
10 counters, for 28 or more individuals; and

11 (3) is operated in a facility that:

12 (i) is valued for State and local assessment and taxation at not less  
13 than \$20,000; and

14 (ii) has personal property valued for State and local assessment and  
15 taxation at not less than \$3,000.

16 (c) (1) Subject to paragraph (2) of this subsection, the Board may issue the  
17 license for use by a restaurant that:

18 (i) serves full-course meals at least twice daily;

19 (ii) has regular seating at tables, not including seats at bars or  
20 counters, for 28 or more individuals;

21 (iii) is operated in a facility valued for State and local assessment and  
22 taxation at not less than \$40,000; and

23 (iv) has personal property valued for State and local assessment and  
24 taxation at not less than \$5,000.

25 (2) (i) This subsection does not apply to or affect any license holder that  
26 had the license on December 31, 1993, or to a person who has a permit for a building that  
27 was under construction on that date.

28 (ii) The area normally used as a restaurant for the preparation and  
29 consumption of food and beverages shall occupy at least 80% of the square foot area of the  
30 licensed premises, except for premises used for recreation, such as a bowling alley or pool  
31 hall.

1                   (3)   (i)    The license holder may remove tables and chairs to accommodate  
2 additional patrons at not more than four special events held in the restaurant in a calendar  
3 year.

4                               (ii)   A restaurant that removes its tables and chairs for a special  
5 event:

6                                       1.     shall give notice to the Board at least 1 week before the  
7 event;

8                                       2.     shall store the removed tables and chairs in an  
9 appropriate location in the restaurant and in a manner that does not block the exits of the  
10 restaurant; and

11                                      3.     may not allow into the restaurant more than the  
12 maximum number of occupants that the County Fire Marshal allows.

13           (d)   (1)    The license issued for a hotel or restaurant:

14                               (i)    authorizes the sale of beer, wine, and liquor for on-premises  
15 consumption where meals are prepared and served; and

16                               (ii)   prohibits sales for consumption anywhere else, including at a bar  
17 or counter.

18                   (2)    The license issued for a restaurant authorizes the sale for off-premises  
19 consumption of beverages with an alcoholic content of not more than 14.5%.

20           **(E)   THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME**  
21 **LICENSE HOLDER.**

22           **[(e)] (F)**    The license holder may sell beer, wine, and liquor during the hours and  
23 days as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

24           **[(f)] (G)**    The annual license fee is:

25                               (1)    \$1,500 for a restaurant; and

26                               (2)    \$2,000 for a hotel.

27 20-1009.

28           (a)    There is a Class EC (entertainment center) license.

29           (b)    The Board may issue the license to a person for use in conjunction with:

1                   (1)    a Class 7 micro–brewery license that the person then obtains from the  
2 Comptroller; or

3                   (2)    a Class B beer, wine, and liquor license that the person has been issued  
4 by the Board.

5           (c)    (1)    The EC license authorizes the license holder to sell, in an entertainment  
6 center for on–premises consumption:

7                   (i)    malt beverages that are brewed in the license holder’s  
8 micro–brewery, if the license holder also holds a Class 7 micro–brewery license; or

9                   (ii)   beer, wine, and liquor, if the license holder also holds a Class B  
10 beer, wine, and liquor license.

11                   (2)    The entertainment center may:

12                   (i)    contain:

13                               1.    rides and games such as bowling lanes, billiard tables, and  
14 go–carts; and

15                               2.    one or more food service facilities, bars, or lounges; and

16                   (ii)   allow the playing of music and dancing.

17           **(D)   THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME**  
18 **LICENSE HOLDER.**

19           ~~[(d)]~~ **(E)**    The hours of sale are:

20                   (1)    on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;  
21 and

22                   (2)    on Sunday, from 11 a.m. to 2 a.m. the following day.

23           ~~[(e)]~~ **(F)**    The annual EC license fee is \$1,500.

24 20–1009.1.

25           (a)    There is a hotel lobby license.

26           (b)    The Board may issue the license for use by a hotel that does not have a  
27 restaurant.

28           (c)    The license authorizes the license holder to sell beer and wine by the bottle  
29 from a store in the hotel lobby to patrons of the hotel for on–premises consumption.

1           **(D) THE BOARD MAY ISSUE NOT MORE THAN 10 LICENSES TO THE SAME**  
2 **LICENSE HOLDER.**

3           **[(d)] (E)**     The license holder may sell beer and wine:

4                   (1)     on Monday through Saturday, from 6 a.m. to 2 a.m. the following day;

5 and

6                   (2)     on Sunday, from 11 a.m. to 2 a.m. the following day.

7           **[(e)] (F)**     The license fee is \$100.

8           **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect July  
9 1, 2019.