

HOUSE BILL 869

A2

9lr0520

By: **Howard County Delegation**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Marketplace License**

3 **Ho. Co. 06–19**

4 FOR the purpose of establishing a marketplace license in Howard County; authorizing the
5 Board of License Commissioners to issue the license to certain individuals; specifying
6 the scope, hours of sale, and fees for the license; authorizing the license holder to sell
7 beer, wine, and liquor within the marketplace under certain conditions; authorizing
8 a license holder to obtain a refillable container permit and a nonrefillable container
9 permit under certain conditions; specifying certain standards to be met by the
10 marketplace; requiring an applicant for a marketplace license to include a certain
11 list with an application submitted to the Board of License Commissioners of Howard
12 County; prohibiting a certain license holder from exercising the privileges of the
13 license on a certain day when a ticketed public event is held that meets certain
14 conditions, except under certain circumstances; defining a certain term; and
15 generally relating to alcoholic beverages in Howard County.

16 BY repealing and reenacting, without amendments,

17 Article – Alcoholic Beverages

18 Section 23–102

19 Annotated Code of Maryland

20 (2016 Volume and 2018 Supplement)

21 BY adding to

22 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 23–1004.1
2 Annotated Code of Maryland
3 (2016 Volume and 2018 Supplement)

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

6 **Article – Alcoholic Beverages**

7 23–102.

8 This title applies only in Howard County.

9 **23–1004.1.**

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

11 **(1) ACCOMMODATES THE PUBLIC; AND**

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

15 **(B) THERE IS A MARKETPLACE LICENSE.**

16 **(C) THE BOARD MAY ISSUE A MARKETPLACE LICENSE ONLY TO**
17 **INDIVIDUALS ON BEHALF OF THE PERSON, FIRM, OR CORPORATION THAT OWNS,**
18 **MANAGES, OR LEASES THE MARKETPLACE.**

19 **(D) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER,**
20 **WINE, AND LIQUOR THROUGH VENDORS OR AGENTS FROM ONE OR MORE OUTLETS**
21 **WITHIN THE MARKETPLACE BY THE DRINK OR BY THE BOTTLE FOR ON–PREMISES**
22 **CONSUMPTION.**

23 **(2) A LICENSE HOLDER MAY OBTAIN:**

24 **(I) A REFILLABLE CONTAINER PERMIT UNDER § 23–1102 OF**
25 **THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION; AND**

26 **(II) A NONREFILLABLE CONTAINER PERMIT UNDER § 23–1104**
27 **OF THIS TITLE TO SELL DRAFT BEER FOR OFF–PREMISES CONSUMPTION.**

28 **(E) THE MARKETPLACE SHALL HAVE:**

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

3 **(2) A MINIMUM SEATING CAPACITY OF 75 INDIVIDUALS;**

4 **(3) A MINIMUM CAPACITY OF 200 INDIVIDUALS AND A MAXIMUM**
5 **CAPACITY OF 500 INDIVIDUALS, AS DETERMINED BY THE COUNTY DEPARTMENT OF**
6 **FIRE AND RESCUE SERVICES; AND**

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

9 **(F) AN APPLICANT FOR A MARKETPLACE LICENSE SHALL INCLUDE WITH AN**
10 **APPLICATION SUBMITTED TO THE BOARD A LIST OF THE NAMES OF EACH VENDOR**
11 **OR AGENT FROM THE OUTLETS WITHIN THE MARKETPLACE THAT WILL BE**
12 **AUTHORIZED TO SELL BEER, WINE, AND LIQUOR UNDER THE LICENSE.**

13 **(G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
14 **THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE HOURS OF SALE FOR**
15 **CLASS B BEER, WINE, AND LIQUOR LICENSES UNDER § 23-2004(B) OF THIS TITLE.**

16 **(2) (I) THE LICENSE HOLDER MAY NOT EXERCISE THE PRIVILEGES**
17 **OF THE LICENSE ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD:**

18 **1. ON A PROPERTY ADJACENT TO THE LICENSED**
19 **PREMISES, IF THE ADJACENT PROPERTY HAS A CAPACITY OF AT LEAST 4,000**
20 **INDIVIDUALS; OR**

21 **2. ON THE SAME PROPERTY AS THE LICENSED PREMISES**
22 **BUT UNDER A DIFFERENT LICENSE, IF THE PROPERTY HAS A CAPACITY OF AT LEAST**
23 **4,000 INDIVIDUALS.**

24 **(II) NOTWITHSTANDING SUBPARAGRAPH (I) OF THIS**
25 **PARAGRAPH, A LICENSE HOLDER MAY EXERCISE THE PRIVILEGES OF THE LICENSE**
26 **ON A DAY WHEN A TICKETED PUBLIC EVENT IS HELD IF THE LICENSE HOLDER**
27 **OBTAINS THE WRITTEN PERMISSION OF THE PROMOTER OR PRODUCER OF THE**
28 **EVENT BEFORE THE EVENT TAKES PLACE.**

29 **(H) (1) THE ANNUAL LICENSE FEE IS \$6,000.**

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.