

# HOUSE BILL 965

A2

9lr2834

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By: **Delegates Mosby, Smith, and Wells**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2019

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension**

3 FOR the purpose of authorizing the executive secretary of the Baltimore City Board of  
4 License Commissioners to immediately suspend ~~an~~ a certain alcoholic beverages  
5 license if ~~it~~ the executive secretary has reasonable ~~cause~~ articulable suspicion to  
6 believe that the license holder has failed to take reasonable measures to prevent  
7 certain acts of violence on certain property; requiring the Board, if the executive  
8 secretary immediately suspends a license under this Act, to give the license holder  
9 certain notice and hold a certain hearing within a certain period of time; making  
10 certain conforming changes; and generally relating to grounds for the suspension of  
11 alcoholic beverages licenses in Baltimore City.

12 BY repealing and reenacting, without amendments,  
13 Article – Alcoholic Beverages  
14 Section 4–604 and 12–102  
15 Annotated Code of Maryland  
16 (2016 Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Alcoholic Beverages  
19 Section 12–2101  
20 Annotated Code of Maryland  
21 (2016 Volume and 2018 Supplement)

22 BY adding to

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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 Article – Alcoholic Beverages  
2 Section 12–2105  
3 Annotated Code of Maryland  
4 (2016 Volume and 2018 Supplement)

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

7 **Article – Alcoholic Beverages**

8 4–604.

9 (a) A local licensing board may revoke or suspend a license:

10 (1) for any reason to promote the peace or safety of the community in which  
11 the premises are located; or

12 (2) for offenses as provided in this article.

13 (b) A local licensing board shall revoke or suspend a license for:

14 (1) conviction of the license holder for violation of this article or a provision  
15 of the Tax – General Article that relates to the alcoholic beverage tax;

16 (2) willful failure or refusal of the license holder to comply with:

17 (i) this article or provisions of the Tax – General Article that relate  
18 to the alcoholic beverage tax; or

19 (ii) a regulation that may be adopted under this article or under  
20 provisions of the Tax – General Article that relate to the alcoholic beverage tax;

21 (3) making a material false statement in an application for a license;

22 (4) two or more convictions within 2 years of an agent or employee of a  
23 license holder for on–premises violations of this article or provisions of the Tax – General  
24 Article that relate to the alcoholic beverage tax;

25 (5) on–premises possession by a retail dealer of an alcoholic beverage on  
26 which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

27 (6) violation of § 2–216 or § 2–315 of this article;

28 (7) willful failure of a license holder to:

29 (i) keep the records required under this article or under provisions  
30 of the Tax – General Article that relate to the alcoholic beverage tax; or

1 (ii) allow inspection of the records by an authorized person;

2 (8) on-premises possession of an alcoholic beverage that a license holder is  
3 not licensed to sell;

4 (9) revocation or suspension of a permit issued to a license holder by the  
5 federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal  
6 law relating to alcoholic beverages;

7 (10) failure to furnish bond as required by this article within 15 days after  
8 notice from the Comptroller; or

9 (11) violation of § 4-605 of this subtitle.

10 12-102.

11 This title applies only in Baltimore City.

12 12-2101.

13 (a) ~~The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of~~  
14 ~~Local Licenses”) of SECTION 4-602 (“POWER OF LOCAL LICENSING BOARD”) OF~~  
15 Division I of this article ~~apply~~ APPLIES in the City without exception or variation;

16 ~~(1) § 4-602 (“Power of local licensing board”); AND~~

17 ~~(2) § 4-603 (“Revocation and suspension procedures”); and~~

18 ~~(3) § 4-604 (“Grounds for revocation or suspension”).~~

19 (b) Section 4-605 (“Nudity and sexual displays”) of Division I of this article does  
20 not apply in the City and is superseded by § 12-2102 of this subtitle.

21 (c) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6**  
22 **(“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS**  
23 **ARTICLE APPLY IN THE CITY:**

24 **(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”),**  
25 **SUBJECT TO § 12-2105 OF THIS SUBTITLE;**

26 **(2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**  
27 **SUBJECT TO § 12-2105 OF THIS SUBTITLE; AND**

28 ~~(2)~~ **(3) § 4-606 (“Effects of revocation”) [of Division I of this article**  
29 **applies in the City], subject to § 12-2104 of this subtitle.**

1 12-2105.

2 (A) THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED UNDER §  
 3 12-1001, § 12-1001.1, § 12-1001.2, § 12-1002, § 12-1002.1, § 12-1003, OR § 12-1006  
 4 OF THIS TITLE.

5 (B) ~~IN SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN ADDITION TO THE~~  
 6 ~~GROUND FOR SUSPENSION IN § 4-604 OF DIVISION I OF THIS ARTICLE, THE~~  
 7 ~~EXECUTIVE SECRETARY OF THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF~~  
 8 ~~IF THE EXECUTIVE SECRETARY HAS REASONABLE CAUSE ARTICULABLE SUSPICION~~  
 9 ~~TO BELIEVE THAT THE LICENSE HOLDER HAS FAILED TO TAKE REASONABLE~~  
 10 ~~MEASURES TO PREVENT AN ACT OF VIOLENCE THAT MAY RESULT RESULTED IN~~  
 11 ~~DEATH OR SERIOUS BODILY INJURY, OR A RECURRENCE OF AN ACT OF VIOLENCE~~  
 12 ~~THAT RESULTED IN DEATH OR SERIOUS BODILY INJURY, FROM OCCURRING ON:~~

13 ~~(1) THE LICENSED PREMISES;~~

14 ~~(2) ANY PREMISES IMMEDIATELY ADJACENT TO THE LICENSED~~  
 15 ~~PREMISES THAT ARE OWNED OR LEASED BY THE LICENSE HOLDER; OR~~

16 ~~(3) ANY PUBLIC PROPERTY IMMEDIATELY ADJACENT TO THE~~  
 17 ~~LICENSED PREMISES.~~

18 (1) WITH RESPECT TO A LICENSED PREMISES LOCATED IN A UNIT  
 19 BLOCK WHERE FIVE OR MORE LICENSED PREMISES ARE LOCATED, ON THE  
 20 LICENSED PREMISES OF THE LICENSE HOLDER; OR

21 (2) WITH RESPECT TO A LICENSED PREMISES NOT DESCRIBED UNDER  
 22 ITEM (1) OF THIS SUBSECTION, ON THE LICENSED PREMISES OF THE LICENSE  
 23 HOLDER OR ANY PREMISES IMMEDIATELY ADJACENT TO THE LICENSED PREMISES  
 24 THAT ARE OWNED OR LEASED BY THE LICENSE HOLDER.

25 (C) IF THE EXECUTIVE SECRETARY OF THE BOARD IMMEDIATELY  
 26 SUSPENDS A LICENSE, THE BOARD SHALL:

27 (1) GIVE THE LICENSE HOLDER NOTICE OF THE SUSPENSION AND A  
 28 HEARING ON THE SUSPENSION AT WHICH THE LICENSE HOLDER MAY BE HEARD AND  
 29 PRESENT EVIDENCE;

30 (2) POST NOTICE OF THE HEARING ONLINE; AND

31 (3) HOLD THE HEARING WITHIN 5 BUSINESS DAYS AFTER THE  
 32 SUSPENSION IS IMPOSED.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.