

# SENATE BILL 792

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CF HB 1319

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By: **Senator Hayes**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2019

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

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Related Event Promoter’s Permit**

3 FOR the purpose of creating a related event promoter’s permit in Baltimore City;  
4 authorizing the Baltimore City Board of License Commissioners to issue a related  
5 event promoter’s permit to a certain applicant who has submitted an application to  
6 the Board not less than a certain number of days before a certain date; requiring a  
7 holder of a State caterer’s license to obtain a certain license from the Board before  
8 the holder may act as a participating license holder at a certain event; requiring an  
9 applicant to take certain actions before being granted the related event promoter’s  
10 permit; requiring certain license holders to sign and date a certain application and  
11 pay a certain fee; specifying that an individual who applies for and obtains a related  
12 event promoter’s permit is not required to be a resident of or a registered voter in  
13 Baltimore City; requiring the Board to take a certain action within a certain time  
14 period; specifying that the permit authorizes the holder to conduct a related event;  
15 requiring a related event to be held on certain premises; specifying the duration of a  
16 permit; specifying a certain application fee and permit fee; establishing certain  
17 penalties; defining certain terms; providing for the termination of this Act; and  
18 generally relating to related event promoter’s permits in Baltimore City.

19 BY repealing and reenacting, without amendments,  
20 Article – Alcoholic Beverages  
21 Section 12–102  
22 Annotated Code of Maryland  
23 (2016 Volume and 2018 Supplement)

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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 BY adding to  
2 Article – Alcoholic Beverages  
3 Section 12–1102.2  
4 Annotated Code of Maryland  
5 (2016 Volume and 2018 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Alcoholic Beverages  
8 Section 12–2802  
9 Annotated Code of Maryland  
10 (2016 Volume and 2018 Supplement)

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

13 **Article – Alcoholic Beverages**

14 12–102.

15 This title applies only in Baltimore City.

16 **12–1102.2.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) “CIAA BASKETBALL TOURNAMENT” MEANS THE ANNUAL  
20 BASKETBALL TOURNAMENT OF THE CENTRAL INTERCOLLEGIATE ATHLETIC  
21 ASSOCIATION.

22 (3) (I) “RELATED EVENT” MEANS AN EVENT IN WHICH:

23 1. A LICENSE HOLDER PARTICIPATES IN A  
24 COORDINATED PROMOTION WITH A THIRD–PARTY PROMOTER TO SELL OR PROVIDE  
25 ALCOHOLIC BEVERAGES DURING A SPECIFIED TIME; AND

26 2. AT LEAST 75 INDIVIDUALS ARE REASONABLY  
27 ANTICIPATED TO PARTICIPATE.

28 (II) “RELATED EVENT” INCLUDES A CONCERT, AN  
29 ENTERTAINMENT EVENT, A HAPPY HOUR, OR A PARTY.

30 (4) “RELATED EVENT PROMOTER” MEANS AN INDIVIDUAL, A  
31 FOR–PROFIT ORGANIZATION, OR A NONPROFIT ORGANIZATION THAT PROMOTES A

1 SOCIAL EVENT AROUND THE SAME TIME AND LOCATION AS THE CIAA BASKETBALL  
2 TOURNAMENT.

3 (B) THERE IS A RELATED EVENT PROMOTER'S PERMIT.

4 (C) (1) A RELATED EVENT PROMOTER OR A PARTICIPATING LICENSE  
5 HOLDER ON BEHALF OF A RELATED EVENT PROMOTER SHALL APPLY FOR A PERMIT  
6 FROM THE BOARD BEFORE THE RELATED EVENT PROMOTER MAY PUBLICIZE, SELL  
7 TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE A RELATED EVENT.

8 (2) A HOLDER OF A STATE CATERER'S LICENSE SHALL OBTAIN A  
9 CLASS C PER DIEM BEER, BEER AND WINE, OR BEER, WINE, AND LIQUOR LICENSE  
10 FROM THE BOARD BEFORE THE HOLDER MAY ACT AS A PARTICIPATING LICENSE  
11 HOLDER AT A RELATED EVENT.

12 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
13 THE BOARD MAY GRANT THE PERMIT TO AN APPLICANT WHO SUBMITS AN  
14 APPLICATION TO THE BOARD AS PROVIDED UNDER TITLE 4 OF THIS ARTICLE AT  
15 LEAST 90 DAYS BEFORE THE DATE OF THE RELATED EVENT.

16 (2) BEFORE BEING GRANTED THE PERMIT, AN APPLICANT SHALL:

17 (I) OBTAIN WRITTEN CONSENT FROM A DESIGNEE OF VISIT  
18 BALTIMORE;

19 (II) IF REQUIRED BASED ON THE TYPE OF PREMISES TO BE  
20 USED:

21 1. OBTAIN A SPECIAL EVENT PERMIT FROM THE  
22 BALTIMORE CITY DEPARTMENT OF TRANSPORTATION; AND

23 2. PROVIDE A COPY OF THE SPECIAL EVENT PERMIT TO  
24 THE BOARD; AND

25 (III) PROVIDE A COMPLETED APPLICATION THAT:

26 1. IS DATED AND NOTARIZED, AND SIGNED BY EACH  
27 LICENSE HOLDER THAT WILL PARTICIPATE IN THE RELATED EVENT;

28 2. LISTS EACH PREMISES FOR WHICH THE RELATED  
29 EVENT WILL BE HELD; AND

30 3. IS ACCOMPANIED BY ANY OTHER DOCUMENT THAT  
31 THE BOARD REQUIRES.

1           (3) AN INDIVIDUAL WHO APPLIES FOR AND IS ISSUED THE PERMIT IS  
2 NOT REQUIRED TO BE A RESIDENT OF OR A REGISTERED VOTER IN BALTIMORE  
3 CITY.

4           (4) WITHIN 14 DAYS AFTER RECEIVING AN APPLICATION, THE BOARD  
5 SHALL GRANT OR DENY THE PERMIT OR REQUEST MORE INFORMATION FROM THE  
6 APPLICANT.

7           (5) A PERMIT MAY NOT BE ALTERED WITHIN 30 DAYS BEFORE THE  
8 RELATED EVENT IS SCHEDULED TO TAKE PLACE.

9           (E) THE PERMIT AUTHORIZES THE RELATED EVENT PROMOTER AND  
10 PARTICIPATING LICENSE HOLDER TO CONDUCT A RELATED EVENT.

11           (F) THE PERMIT FOR EACH RELATED EVENT MAY BE IN EFFECT FOR THE  
12 TIME STATED ON THE SPECIAL EVENT PERMIT REQUIRED UNDER SUBSECTION  
13 (D)(2) OF THIS SECTION.

14           (G) THE BOARD MAY ADOPT REGULATIONS ESTABLISHING THE  
15 REQUIREMENTS FOR:

16           (1) CONDUCTING A RELATED EVENT, INCLUDING HEALTH AND  
17 SAFETY STANDARDS TO BE MET BY THE RELATED EVENT PROMOTER AND  
18 PARTICIPATING LICENSE HOLDER; AND

19           (2) PROVIDING PUBLIC NOTICE OF A RELATED EVENT AT THE  
20 PREMISES OF PARTICIPATING LICENSE HOLDERS BY THE RELATED EVENT  
21 PROMOTER OR PARTICIPATING LICENSE HOLDERS.

22           (H) (1) THE APPLICATION FEE IS \$50, PAYABLE ON THE SUBMISSION OF  
23 THE APPLICATION.

24           (2) ~~(H)~~ SUBJECT TO ~~SUBPARAGRAPH (H)~~ PARAGRAPH (3) OF THIS  
25 ~~PARAGRAPH~~ SUBSECTION, THE PERMIT FEE, PAYABLE WHEN THE PERMIT IS  
26 GRANTED, IS:

27                                 ~~1.     \$120; AND~~

28                                 (I) 1.     \$500, IF 75 TO 299 INDIVIDUALS ARE REASONABLY  
29 ANTICIPATED TO PARTICIPATE; OR

30                                 2.     \$1,500, IF 300 OR MORE INDIVIDUALS ARE  
31 REASONABLY ANTICIPATED TO PARTICIPATE; AND

1                   ~~2.~~ **(II) \$100 FOR EACH LICENSE HOLDER THAT**  
2 **PARTICIPATES IN THE RELATED EVENT.**

3                   ~~(H)~~ **(3) ON RECEIPT OF AN APPLICATION, THE BOARD MAY**  
4 **REDUCE THE PERMIT FEE BY NOT MORE THAN 50% IF THE APPLICANT SHOWS THAT**  
5 **THE PROCEEDS FROM THE RELATED EVENT AFTER ADMINISTRATIVE EXPENSES ARE**  
6 **DEDUCTED SHALL BE USED TO BENEFIT AN ORGANIZATION THAT IS EXEMPT FROM**  
7 **TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE.**

8 12-2802.

9           (a) For a violation that is cause for suspension of a license, the Board may:

10                   (1) except as provided in subsections (b) and (c) of this section, for a first  
11 offense, impose a fine not exceeding \$500 or suspend the license or both; or

12                   (2) except as provided in subsection (c) of this section, for each subsequent  
13 offense, impose a fine not exceeding \$3,000 or suspend the license or both.

14           (b) For a first offense of selling alcoholic beverages to an individual under the age  
15 of 21 years, the Board may impose a fine not exceeding \$1,000 or suspend the license or  
16 both.

17           (c) (1) For the offense of publicizing, selling tickets for, organizing, operating,  
18 producing, facilitating, or staging a pub crawl with the knowledge or a reason to know that  
19 a pub crawl promoter's permit required under § 12-1101.1 of this title has not been  
20 obtained, the Board shall impose a fine of not less than \$1,000 and not more than \$3,000  
21 or suspend the license or both.

22                   (2) A person who violates § 12-1101.1 of this title may not be granted a  
23 promoter's permit for at least 1 year.

24           **(D) (1) FOR THE OFFENSE OF PUBLICIZING, SELLING TICKETS FOR,**  
25 **ORGANIZING, OPERATING, PRODUCING, FACILITATING, OR STAGING A RELATED**  
26 **EVENT WITH THE KNOWLEDGE OR A REASON TO KNOW THAT A RELATED EVENT**  
27 **PROMOTER'S PERMIT REQUIRED UNDER § 12-1102.2 OF THIS TITLE HAS NOT BEEN**  
28 **OBTAINED, THE BOARD SHALL IMPOSE A FINE OF NOT LESS THAN \$1,000 AND NOT**  
29 **MORE THAN \$3,000 OR SUSPEND THE LICENSE OR BOTH.**

30                   **(2) A PERSON WHO VIOLATES § 12-1102.2 OF THIS TITLE MAY NOT BE**  
31 **GRANTED A RELATED EVENT PROMOTER'S PERMIT FOR AT LEAST 1 YEAR.**

32           **(E) FOR THE OFFENSE BY A HOLDER OF A STATE CATERER'S LICENSE OF**  
33 **PARTICIPATING IN A CIAA BASKETBALL TOURNAMENT RELATED EVENT WITHOUT**

1 FIRST OBTAINING A CLASS C PER DIEM BEER, BEER AND WINE, OR BEER, WINE, AND  
 2 LIQUOR LICENSE REQUIRED UNDER § 12-1102.2 OF THIS TITLE, THE COMPTROLLER  
 3 SHALL IMPOSE A FINE OF NOT LESS THAN \$1,000 AND NOT MORE THAN \$3,000 OR  
 4 SUSPEND THE STATE CATERER’S LICENSE OR BOTH.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 6 1, 2019. It shall remain effective for a period of 4 years and, at the end of June 30, 2023,  
 7 this Act, with no further action required by the General Assembly, shall be abrogated and  
 8 of no further force and effect.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.