

# HOUSE BILL 509

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HB 965/19 – ECM

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By: **Delegates Mosby, Attar, Boyce, Bridges, Conaway, McIntosh, Smith, and Wells**  
Introduced and read first time: January 27, 2020  
Assigned to: Economic Matters

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## A BILL ENTITLED

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 a certain alcoholic beverages license  
5 if the executive secretary has probable cause to believe that the license holder has  
6 failed to take reasonable measures to prevent certain acts of violence on certain  
7 property; requiring the Board, if the executive secretary immediately suspends a  
8 license under this Act, to give the license holder certain notice and hold a certain  
9 hearing within a certain period of time; making certain conforming changes; and  
10 generally relating to grounds for the suspension of alcoholic beverages licenses in  
11 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 2019 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 2019 Supplement)

22 BY adding to  
23 Article – Alcoholic Beverages  
24 Section 12–2105  
25 Annotated Code of Maryland  
26 (2016 Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Alcoholic Beverages**

3 4–604.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (8) on–premises possession of an alcoholic beverage that a license holder is  
28 not licensed to sell;

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

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

6 (11) violation of § 4–605 of this subtitle.

7 12–102.

8 This title applies only in Baltimore City.

9 12–2101.

10 (a) [The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of  
 11 Local Licenses”)] **SECTION 4–602 (“POWER OF LOCAL LICENSING BOARD”)** of Division  
 12 I of this article [apply] **APPLIES** in the City without exception or variation[:

13 (1) § 4–602 (“Power of local licensing board”);

14 (2) § 4–603 (“Revocation and suspension procedures”); and

15 (3) § 4–604 (“Grounds for revocation or suspension”)].

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

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

21 **(1) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”),**  
 22 **SUBJECT TO § 12–2105 OF THIS SUBTITLE;**

23 **(2) § 4–604 (“GROUNDS FOR REVOCATION OR SUSPENSION”),**  
 24 **SUBJECT TO § 12–2105 OF THIS SUBTITLE; AND**

25 **(3) § 4–606 (“Effects of revocation”)** [of Division I of this article applies in  
 26 the City], subject to § 12–2104 of this subtitle.

27 **12–2105.**

28 **(A) THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED UNDER §**  
 29 **12–1001, § 12–1001.1, § 12–1001.2, § 12–1002, § 12–1002.1, § 12–1003, OR § 12–1006**  
 30 **OF THIS TITLE.**

1           **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN ADDITION TO THE**  
2 **GROUND FOR SUSPENSION IN § 4-604 OF DIVISION I OF THIS ARTICLE, THE**  
3 **EXECUTIVE SECRETARY OF THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF**  
4 **THE EXECUTIVE SECRETARY HAS PROBABLE CAUSE TO BELIEVE THAT THE LICENSE**  
5 **HOLDER FAILED TO TAKE REASONABLE MEASURES TO PREVENT AN ACT OF**  
6 **VIOLENCE THAT RESULTED IN DEATH OR SERIOUS BODILY INJURY FROM**  
7 **OCCURRING:**

8           **(1) WITH RESPECT TO A LICENSED PREMISES LOCATED IN A UNIT**  
9 **BLOCK WHERE FIVE OR MORE LICENSED PREMISES ARE LOCATED, ON THE**  
10 **LICENSED PREMISES OF THE LICENSE HOLDER; OR**

11           **(2) WITH RESPECT TO A LICENSED PREMISES NOT DESCRIBED UNDER**  
12 **ITEM (1) OF THIS SUBSECTION, ON THE LICENSED PREMISES OF THE LICENSE**  
13 **HOLDER OR ANY PREMISES IMMEDIATELY ADJACENT TO THE LICENSED PREMISES**  
14 **THAT ARE OWNED OR LEASED BY THE LICENSE HOLDER.**

15           **(C) IF THE EXECUTIVE SECRETARY OF THE BOARD IMMEDIATELY**  
16 **SUSPENDS A LICENSE, THE BOARD SHALL:**

17           **(1) GIVE THE LICENSE HOLDER NOTICE OF:**

18                   **(I) THE SUSPENSION; AND**

19                   **(II) THE DATE AND TIME OF A HEARING ON THE SUSPENSION AT**  
20 **WHICH THE LICENSE HOLDER MAY BE HEARD AND PRESENT EVIDENCE;**

21           **(2) POST NOTICE OF THE HEARING ONLINE; AND**

22           **(3) HOLD THE HEARING WITHIN 5 BUSINESS DAYS AFTER THE**  
23 **SUSPENSION IS IMPOSED.**

24           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
25 1, 2020.