

HOUSE BILL 312

A2
HB 962/20 – ECM

(PRE-FILED)

11r0857
CF 11r1038

By: **Delegate Reilly**

Requested: October 5, 2020

Introduced and read first time: January 13, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Assisted Living Program License**

3 FOR the purpose of establishing an assisted living program beer, wine, and liquor license
4 in Harford County; authorizing the Board of License Commissioners for Harford
5 County to issue the license to a manager of a certain assisted living program; limiting
6 the number of licenses the Board may issue to a person; authorizing the license
7 holder to provide beer and wine for on-premises consumption by a resident or guest
8 of a resident; authorizing the license holder to store liquor, prepare mixed drinks,
9 and serve liquor or mixed drinks under certain circumstances; specifying the hours
10 the license holder may provide or serve alcoholic beverages; requiring the license
11 holder to require certain individuals to have completed certain alcohol awareness
12 training; authorizing an employee of the assisted living program who is at least a
13 certain age to serve alcoholic beverages or assist in preparing mixed drinks;
14 specifying the license fee; requiring the license to be applied for by and issued to the
15 manager of an assisted living program; exempting an applicant for the license from
16 certain pecuniary interest requirements; providing that certain distance
17 requirements do not apply to the issuance of the license; defining a certain term; and
18 generally relating to alcoholic beverages licenses in Harford County.

19 BY renumbering

20 Article – Alcoholic Beverages
21 Section 22–1001
22 to be Section 22–1001.1
23 Annotated Code of Maryland
24 (2016 Volume and 2020 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Alcoholic Beverages
27 Section 22–102 and 22–1602(b), (c), and (d)
28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2016 Volume and 2020 Supplement)

2 BY adding to

3 Article – Alcoholic Beverages
4 Section 22–1001 and 22–1405(c)
5 Annotated Code of Maryland
6 (2016 Volume and 2020 Supplement)

7 BY repealing and reenacting, with amendments,

8 Article – Alcoholic Beverages
9 Section 22–1405(a) and 22–1602(a)
10 Annotated Code of Maryland
11 (2016 Volume and 2020 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Health – General
14 Section 19–1801
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
18 That Section(s) 22–1001 of Article – Alcoholic Beverages of the Annotated Code of Maryland
19 be renumbered to be Section(s) 22–1001.1.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
21 as follows:

22 **Article – Alcoholic Beverages**

23 22–102.

24 This title applies only in Harford County.

25 **22–1001.**

26 (A) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING
27 STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

28 (B) THERE IS A CLASS ALP (ASSISTED LIVING PROGRAM) BEER, WINE, AND
29 LIQUOR LICENSE.

30 (C) (1) THE BOARD MAY ISSUE THE LICENSE TO A MANAGER OF AN
31 ASSISTED LIVING PROGRAM THAT:

32 (I) IS LICENSED BY THE DEPARTMENT OF HUMAN SERVICES
33 UNDER § 19–1804.1 OF THE HEALTH – GENERAL ARTICLE; AND

1 (II) MAY BE OPERATED UNDER A MANAGEMENT AGREEMENT.

2 (2) THE BOARD MAY ISSUE A MAXIMUM OF FIVE CLASS ALP
3 LICENSES TO A PERSON.

4 (D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO:

5 (1) PROVIDE BEER AND WINE FOR ON-PREMISES CONSUMPTION BY A
6 RESIDENT OR A GUEST OF A RESIDENT OF THE ASSISTED LIVING PROGRAM; AND

7 (2) (I) STORE LIQUOR THAT HAS BEEN PURCHASED BY A RESIDENT
8 IN A SECURE LOCKER THAT IS ACCESSIBLE ONLY TO INDIVIDUALS AT LEAST 21
9 YEARS OLD;

10 (II) PREPARE MIXED DRINKS USING LIQUOR THAT HAS BEEN
11 PURCHASED BY A RESIDENT AND MIXERS PROVIDED BY THE RESIDENT OR LICENSE
12 HOLDER; AND

13 (III) SERVE LIQUOR THAT HAS BEEN PURCHASED BY A
14 RESIDENT, OR A MIXED DRINK THAT IS PREPARED USING A RESIDENT'S LIQUOR, TO
15 A RESIDENT OR GUEST OF A RESIDENT FOR ON-PREMISES CONSUMPTION.

16 (E) THE LICENSE HOLDER MAY PROVIDE OR SERVE BEER, WINE, AND
17 LIQUOR FOR ON-PREMISES CONSUMPTION ON MONDAY THROUGH SUNDAY, FROM 8
18 A.M. TO 2 A.M. THE FOLLOWING DAY.

19 (F) (1) THE LICENSE HOLDER SHALL REQUIRE EACH INDIVIDUAL WHO
20 SERVES BEER, WINE, OR LIQUOR ON THE PREMISES TO HOLD A CERTIFICATE OF
21 COMPLETION FROM AN APPROVED ALCOHOL AWARENESS PROGRAM AS DESCRIBED
22 IN § 4-505 OF THIS ARTICLE.

23 (2) AN EMPLOYEE OF THE ASSISTED LIVING PROGRAM WHO IS AT
24 LEAST 18 YEARS OLD MAY SERVE ALCOHOLIC BEVERAGES OR ASSIST IN PREPARING
25 MIXED DRINKS.

26 (G) THE ANNUAL LICENSE FEE IS \$5,000.

27 22-1405.

28 (a) (1) [A] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A
29 license for the use of a corporation, an unincorporated entity, or a limited liability company
30 shall be applied for by and issued to, as individuals:

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1 (i) three officers holding a financial interest in the corporation; or

2 (ii) three authorized persons holding a financial interest in the
3 limited liability company.

4 (2) One of the three individual applicants who apply for a license shall be
5 a resident of the county.

6 (3) The license shall be in effect so long as the resident applicant remains
7 a resident of the county.

8 (4) For a license issued after July 1, 1984, the resident applicant:

9 (i) 1. for a Class A beer and wine license or a Class A-1 or Class
10 A-2 beer, wine, and liquor license, shall own at least 25% of the total corporation,
11 unincorporated entity, or limited liability company;

12 2. for any type of license other than one specified in item 1 or
13 3 of this item, shall own at least 10% of the total corporation, unincorporated entity, or
14 limited liability company; or

15 3. for a Class C-1, Class C-2, or Class C-3 license, may own
16 any amount or no amount of the total corporation, unincorporated entity, or limited liability
17 company;

18 (ii) shall serve as manager or supervisor; and

19 (iii) shall be physically present on the premises for a substantial
20 amount of time on a daily basis.

21 (5) An application for a license shall:

22 (i) state the name and address of:

23 1. the corporation or unincorporated entity and each officer
24 who holds a financial interest in the corporation or unincorporated entity; or

25 2. the limited liability company and each authorized person
26 who holds a financial interest in the limited liability company; and

27 (ii) be signed by:

28 1. the president or vice president of a corporation or an
29 unincorporated entity and the three officers to whom the license is issued; or

30 2. the three authorized persons of a limited liability company
31 to whom the license is issued.

1 (6) If there are fewer than three officers or directors of a corporation or an
2 unincorporated entity or fewer than three authorized persons of a limited liability company,
3 each officer, director, or authorized person holding a financial interest in the corporation,
4 unincorporated entity, or limited liability company shall apply for the license.

5 (7) If a close corporation does not have officers or directors, one or more
6 resident stockholders who own more than 50% of the stock together may apply for the
7 license.

8 **(C) (1) A CLASS ALP (ASSISTED LIVING PROGRAM) BEER, WINE, AND**
9 **LIQUOR LICENSE SHALL BE APPLIED FOR BY AND ISSUED TO THE MANAGER OF THE**
10 **ASSISTED LIVING PROGRAM.**

11 **(2) THE PECUNIARY INTEREST REQUIREMENTS ESTABLISHED UNDER**
12 **SUBSECTION (A) OF THIS SECTION, INCLUDING STOCK OWNERSHIP AND LIMITED**
13 **LIABILITY COMPANY MEMBERSHIP INTERESTS, DO NOT APPLY TO AN APPLICANT**
14 **FOR A CLASS ALP (ASSISTED LIVING PROGRAM) BEER, WINE, AND LIQUOR LICENSE.**

15 22-1602.

16 (a) This section does not apply to:

17 (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class
18 B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

19 (2) a license in effect on July 1, 1977;

20 (3) the renewal, transfer, or upgrading of a license, unless the license is
21 transferred to a new location; and

22 (4) the issuance of:

23 (i) a 1-day license that is to be used on the premises of a place of
24 worship or school;

25 (ii) a Class GC (golf course) license; [and]

26 (iii) a Class CCFA (continuing care facility) license; AND

27 **(IV) A CLASS ALP (ASSISTED LIVING PROGRAM) LICENSE.**

28 (b) (1) (i) Except as provided in paragraph (2) of this subsection and
29 subsection (c) of this section, the Board may not issue a license for an establishment that
30 is within 300 feet of a place of worship.

1 (ii) The distance from the establishment to the place of worship is to
2 be measured from the nearest point of the building of the establishment to the nearest point
3 of the building of the place of worship.

4 (2) Paragraph (1) of this subsection does not apply to the issuance of:

5 (i) a 1-day license for use in a building;

6 (ii) a license issued to a hotel, motel, restaurant, club, caterer,
7 brewery, or distillery in a municipality; and

8 (iii) a Class H beer, wine, and liquor license issued to a caterer for
9 use in a banquet facility in an establishment if:

10 1. the construction of the establishment was completed after
11 July 1, 1991; and

12 2. the establishment is used for emergency operations by a
13 volunteer fire company.

14 (c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may
15 waive the distance restrictions from a place of worship and issue a license on a
16 case-by-case basis.

17 (2) Before the Board decides whether to waive the distance restrictions
18 from a place of worship under paragraph (1) of this subsection:

19 (i) a public hearing shall be held by the governing body of:

20 1. if the establishment is located in a municipality, the
21 municipality where the establishment is located; or

22 2. if the establishment is located outside the boundaries of a
23 municipality, the county;

24 (ii) the governing body shall make a recommendation to the Board
25 regarding whether the distance restrictions should be waived; and

26 (iii) after receiving a recommendation:

27 1. in favor of the waiver, the Board shall hold a public
28 hearing; or

29 2. to deny a waiver, the Board shall deny the waiver.

30 (3) In making a decision whether to waive the distance restrictions from a
31 place of worship, the Board shall consider:

1 (i) comments received from members and leaders of the place of
2 worship; and

3 (ii) comments made at the public hearing held by the Board.

4 (d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board
5 may not issue a license to a business establishment that is within 1,000 feet of a public or
6 private school building.

7 (ii) The distance from the establishment to the public or private
8 school is to be measured from the nearest point of the building of the establishment to the
9 nearest point of the building of the school.

10 (2) The Board may issue a license to a business establishment in Harford
11 County and in a municipality in Harford County if the business establishment is not located
12 within 300 feet of a public or private school.

13 (3) A decision of the County Board of Education to locate a public school
14 building within 1,000 feet of the premises of a license holder may not be the basis to revoke
15 or deny the renewal, transfer, or upgrading of the license.

16 **Article – Health – General**

17 19–1801.

18 In this subtitle:

19 (1) “Assisted living program” means a residential or facility-based
20 program that provides housing and supportive services, supervision, personalized
21 assistance, health-related services, or a combination thereof that meets the needs of
22 individuals who are unable to perform or who need assistance in performing the activities
23 of daily living or instrumental activities of daily living in a way that promotes optimum
24 dignity and independence for the individuals.

25 (2) “Assisted living program” does not include:

26 (i) A nursing home, as defined under § 19–1401 of this title;

27 (ii) A State facility, as defined under § 10–101 of this article;

28 (iii) A program licensed by the Department under Title 7 or Title 10
29 of this article;

30 (iv) A hospice care program regulated by the Department under
31 Subtitle 9 of this title;

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- 1 (v) Services provided by family members;
- 2 (vi) Services provided in an individual's own home; or
- 3 (vii) A program certified by the Department of Human Services under
4 Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential
5 Environment Program.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2021.