

HOUSE BILL 1152

A2

11r0700

By: **Howard County Delegation**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2021

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Class B Beer, Wine, and Liquor License**
3 **– Off-Premises Consumption**

4 **Ho. Co. 04–21**

5 FOR the purpose of authorizing the holder of a certain Class B beer, wine, and liquor license
6 in Howard County to sell beer, wine, and liquor in sealed containers for off–premises
7 consumption, subject to certain requirements; repealing certain provisions that
8 authorize the Board of License Commissioners for Howard County to issue a certain
9 permit to a certain holder of a certain Class B beer, wine, and liquor license; and
10 generally relating to alcoholic beverages in Howard County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 23–102
14 Annotated Code of Maryland
15 (2016 Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 23–902
19 Annotated Code of Maryland
20 (2016 Volume and 2020 Supplement)

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

3 **Article – Alcoholic Beverages**

4 23–102.

5 This title applies only in Howard County.

6 23–902.

7 (a) There is a Class B beer, wine, and liquor license.

8 (b) The Board may issue the license to the owner of a hotel that:

9 (1) is in a building at least three stories tall that was originally constructed
10 for hotel purposes;

11 (2) has a capital investment of at least \$500,000; and

12 (3) contains:

13 (i) at least one passenger elevator;

14 (ii) at least 100 rooms to accommodate the public; and

15 (iii) a dining room with facilities for preparing and serving regular
16 meals for at least 125 individuals at one seating.

17 (c) The license authorizes the license holder to sell [beer, wine, and liquor at
18 retail] at a hotel or restaurant at the place described in the license:

19 (1) **BEER, WINE, AND LIQUOR AT RETAIL** for on–premises consumption;

20 **AND**

21 (2) **BEER, WINE, AND LIQUOR IN SEALED CONTAINERS FOR**
22 **OFF–PREMISES CONSUMPTION ONLY TO A PERSON WHO HAS PURCHASED PREPARED**
23 **FOOD FROM THE LICENSED PREMISES.**

24 [(d) (1) There is a beer and wine (B–SBW) off–sale permit.

25 (2) The Board may issue the permit only to a holder of the Class B beer,
26 wine, and liquor license that is issued for a restaurant.

27 (3) A holder of the permit:

1 (i) may sell beer and wine for off-premises consumption only to
2 persons who have purchased food or alcohol from the licensed premises; and

3 (ii) may not display or provide shelving for beer or wine for
4 off-premises sales in areas of the establishment that are accessible to the public.

5 (4) The term of the permit is the same as that of the Class B beer, wine,
6 and liquor license that the applicant holds.

7 (5) Before the Board may issue the permit:

8 (i) the applicant shall complete the form that the Board provides;
9 and

10 (ii) the same advertising, posting of notice, and public hearing
11 requirements as those for Class B licenses shall be met.

12 (6) Off-sale alcoholic beverages receipts collected under the permit shall
13 be included in the calculation of average daily receipts from the sale of alcoholic beverages
14 in a restaurant under § 1-101 of this article.

15 (7) A holder of the permit may exercise the privileges of the permit only
16 when the licensed premises is open for business as a restaurant.

17 (8) The Board may adopt regulations to carry out this subsection, including
18 a limit on the number of permits to be issued.]

19 **(D) (1) THE LICENSE HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING**
20 **FOR BEER, WINE, OR LIQUOR FOR OFF-PREMISES SALES IN AREAS OF THE**
21 **ESTABLISHMENT THAT ARE ACCESSIBLE TO THE PUBLIC.**

22 **(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED**
23 **UNDER THE LICENSE SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY**
24 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT UNDER §**
25 **1-101 OF THIS ARTICLE.**

26 **(3) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
27 **OFF-PREMISES CONSUMPTION ONLY WHEN THE LICENSED PREMISES IS OPEN FOR**
28 **BUSINESS AS A HOTEL OR RESTAURANT.**

29 (e) The Comptroller may issue one Class 8 farm brewery license and one Class 7
30 micro-brewery license to a license holder that holds not more than five Class B and six
31 Class BLX beer, wine, and liquor licenses.

32 (f) The annual license [fees are:

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1 (1) \$1,000 for the Class B beer, wine, and liquor license; and

2 (2) \$500 for the off-sale beer and wine permit] **FEE IS \$1,000.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.