

HOUSE BILL 1241

A2

1r2747
CF 1r2749

By: **Frederick County Delegation**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages – Class B Licenses – Off-Premises**
3 **Consumption**

4 FOR the purpose of authorizing the holders of certain Class B licenses that authorize the
5 sale of alcoholic beverages at a restaurant in Frederick County to sell certain
6 alcoholic beverages for off-premises consumption or delivery under certain
7 circumstances; altering the application of a certain provision on delivery of alcoholic
8 beverages in the county; establishing certain requirements for the sale and delivery
9 of alcoholic beverages for off-premises consumption in the county; requiring the
10 license holder to register with the Board of License Commissioners for Frederick
11 County in a certain manner; requiring certain alcoholic beverages sold or delivered
12 for off-premises consumption to be packaged in a certain manner; requiring delivery
13 of certain alcoholic beverages to be made by the license holder or an employee of the
14 license holder; prohibiting delivery of certain alcoholic beverages to certain premises
15 or addresses; and generally relating to alcoholic beverages in Frederick County.

16 BY repealing and reenacting, without amendments,
17 Article – Alcoholic Beverages
18 Section 20–102, 20–602, and 20–803
19 Annotated Code of Maryland
20 (2016 Volume and 2020 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Alcoholic Beverages
23 Section 20–902, 20–904, and 20–1901
24 Annotated Code of Maryland
25 (2016 Volume and 2020 Supplement)

26 BY adding to
27 Article – Alcoholic Beverages
28 Section 20–1904

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2016 Volume and 2020 Supplement)

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

5 **Article – Alcoholic Beverages**

6 20–102.

7 This title applies only in Frederick County.

8 20–602.

9 (a) There is a Class B beer license.

10 (b) (1) Subject to paragraph (2) of this subsection, the license authorizes the
11 license holder to sell beer at retail at a hotel or restaurant at the place described in the
12 license for on– and off–premises consumption.

13 (2) (i) This paragraph does not apply to a license holder that held the
14 license on December 31, 1993, or to a person who has a permit for a building that was under
15 construction on that date.

16 (ii) Except for recreational use premises such as bowling alleys and
17 pool halls, the area normally used as a restaurant for the preparation and consumption of
18 food and beverages on the licensed premises may not occupy less than 80% of the total area
19 of the licensed premises.

20 (c) The annual license fee is \$130.

21 20–803.

22 (a) There is a Class B beer and wine license.

23 (b) The license authorizes the license holder to sell beer and wine at a hotel or
24 restaurant, at retail, at the place described in the license, for on– and off–premises
25 consumption.

26 (c) (1) This subsection does not apply to:

27 (i) a license holder licensed on or before December 31, 1993;

28 (ii) a person who had a permit for a building under construction on
29 December 31, 1993; or

30 (iii) a recreational establishment, such as a bowling alley or pool hall.

1 (2) The area of the licensed premises normally used as a restaurant for the
2 preparation and consumption of food and beverages may not occupy less than 80% of the
3 square footage of the premises.

4 (d) The annual license fee is \$160.

5 20–902.

6 (a) There is a Class B license in the Ballenger (23rd) election district.

7 (b) The Board may issue the license for use by a luxury–type restaurant that has:

8 (1) a capital investment of at least \$250,000 for dining room facilities and
9 kitchen equipment, not including the cost of land, buildings, or leases; and

10 (2) seating for at least 28 individuals.

11 (c) The license authorizes the sale of beer, wine, and liquor for:

12 **(1) on–premises consumption; AND**

13 **(2) OFF–PREMISES CONSUMPTION IN ACCORDANCE WITH § 20–1904**
14 **OF THIS TITLE.**

15 (d) The license holder may sell beer, wine, and liquor during the hours and days
16 as set out under § 20–2006(d) of this title.

17 (e) The annual license fee is \$1,500.

18 (f) The Board shall define “luxury–type restaurant” by regulation.

19 20–904.

20 (a) There is a Class B beer, wine, and liquor hotel or restaurant license.

21 (b) The Board may issue the license for use by a hotel that:

22 (1) is an establishment for the accommodation of the public providing
23 service ordinarily found in hotels;

24 (2) contains:

25 (i) at least 25 rooms;

26 (ii) a lobby with a registration and mail desk; and

1 (iii) seating facilities and a dining room that serves full-course meals
2 at least twice daily and that has a regular seating at tables, not including seats at bars or
3 counters, for 28 or more individuals; and

4 (3) is operated in a facility that:

5 (i) is valued for State and local assessment and taxation at not less
6 than \$20,000; and

7 (ii) has personal property valued for State and local assessment and
8 taxation at not less than \$3,000.

9 (c) (1) Subject to paragraph (2) of this subsection, the Board may issue the
10 license for use by a restaurant that:

11 (i) serves full-course meals at least twice daily;

12 (ii) has regular seating at tables, not including seats at bars or
13 counters, for 28 or more individuals;

14 (iii) is operated in a facility valued for State and local assessment and
15 taxation at not less than \$40,000; and

16 (iv) has personal property valued for State and local assessment and
17 taxation at not less than \$5,000.

18 (2) (i) This subsection does not apply to or affect any license holder that
19 had the license on December 31, 1993, or to a person who has a permit for a building that
20 was under construction on that date.

21 (ii) The area normally used as a restaurant for the preparation and
22 consumption of food and beverages shall occupy at least 80% of the square foot area of the
23 licensed premises, except for premises used for recreation, such as a bowling alley or pool
24 hall.

25 (3) (i) The license holder may remove tables and chairs to accommodate
26 additional patrons at not more than four special events held in the restaurant in a calendar
27 year.

28 (ii) A restaurant that removes its tables and chairs for a special
29 event:

30 1. shall give notice to the Board at least 1 week before the
31 event;

32 2. shall store the removed tables and chairs in an

1 appropriate location in the restaurant and in a manner that does not block the exits of the
2 restaurant; and

3 3. may not allow into the restaurant more than the
4 maximum number of occupants that the County Fire Marshal allows.

5 (d) (1) The license issued for a hotel or restaurant:

6 (i) authorizes the sale of beer, wine, and liquor for on-premises
7 consumption where meals are prepared and served; and

8 (ii) prohibits sales for consumption anywhere else **ON-PREMISES**,
9 including at a bar or counter.

10 (2) The license issued for a restaurant authorizes the sale for off-premises
11 consumption of beverages [with an alcoholic content of not more than 14.5%] **IN**
12 **ACCORDANCE WITH § 20-1904 OF THIS TITLE.**

13 (e) The Board may issue not more than 10 licenses to the same license holder.

14 (f) The license holder may sell beer, wine, and liquor during the hours and days
15 as set out for a Class B beer, wine, and liquor license under § 20-2005(b) of this title.

16 (g) The annual license fee is:

17 (1) \$1,500 for a restaurant; and

18 (2) \$2,000 for a hotel.

19 20-1901.

20 (a) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
21 Holders”) of Division I of this article apply in the county without exception or variation:

22 (1) § 4-502 (“Storage of alcoholic beverages”);

23 (2) § 4-503 (“Solicitations and sales outside of licensed premises”);

24 (3) § 4-506 (“Evidence of purchaser’s age”); **AND**

25 (4) [§ 4-507 (“Retail delivery of alcoholic beverages”); and

26 (5)] § 4-508 (“Display of license”).

27 (b) The following sections of Title 4, Subtitle 5 (“Conduct of Local License
28 Holders”) of Division I of this article apply in the county:

1 (1) § 4-504 (“Employment of underage individuals”), subject to § 20-1902
2 of this subtitle; [and]

3 (2) § 4-505 (“Alcohol awareness program”), subject to § 20-1903 of this
4 subtitle; AND

5 (3) § 4-507 (“RETAIL DELIVERY OF ALCOHOLIC BEVERAGES”),
6 SUBJECT TO § 20-1904 OF THIS SUBTITLE.

7 **20-1904.**

8 (A) THIS SECTION APPLIES ONLY TO A CLASS B LICENSE THAT AUTHORIZES
9 THE SALE OF ALCOHOLIC BEVERAGES AT A RESTAURANT FOR ON-PREMISES
10 CONSUMPTION OR FOR ON- AND OFF-PREMISES CONSUMPTION.

11 (B) A LICENSE HOLDER UNDER THIS SECTION MAY SELL ANY ALCOHOLIC
12 BEVERAGES AUTHORIZED UNDER ITS LICENSE, INCLUDING, IF AUTHORIZED, A
13 MIXED DRINK OR COCKTAIL, IN A SEALED OR CLOSED CONTAINER FOR
14 OFF-PREMISES CONSUMPTION OR DELIVERY IF:

15 (1) THE ALCOHOLIC BEVERAGE IS PURCHASED ALONG WITH
16 PREPARED FOOD OTHER THAN PREPACKAGED SNACKS;

17 (2) THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE:

18 (I) IS AT LEAST 21 YEARS OF AGE;

19 (II) PROVIDES VALID IDENTIFICATION AS PROOF OF AGE; AND

20 (III) IF THE SALE IS FOR DELIVERY, PROVIDES ANY
21 DOCUMENTATION THAT THE BOARD REQUIRES;

22 (3) THE LICENSE HOLDER HAS REGISTERED AND RECEIVED WRITTEN
23 AUTHORIZATION FROM THE BOARD TO SELL ALCOHOLIC BEVERAGES AUTHORIZED
24 UNDER ITS LICENSE FOR OFF-PREMISES CONSUMPTION OR DELIVERY;

25 (4) EACH ALCOHOLIC BEVERAGE SOLD FOR OFF-PREMISES
26 CONSUMPTION OR DELIVERY IS:

27 (I) PROVIDED IN THE MANUFACTURER’S ORIGINAL SEALED
28 CONTAINER OR IN A CONTAINER CLOSED WITH A CAP, CORK, SEAL, OR LID WITH NO
29 HOLES FOR STRAWS OR SIPPING; AND

1 **(II) SOLD OR DELIVERED NOT LATER THAN 11 P.M.;**

2 **(5) THE DELIVERY OF AN ALCOHOLIC BEVERAGE IS MADE FROM THE**
3 **LICENSED PREMISES ONLY BY THE LICENSE HOLDER OR THE HOLDER'S EMPLOYEE**
4 **TO THE INDIVIDUAL PURCHASING THE ALCOHOLIC BEVERAGE; AND**

5 **(6) THE ALCOHOLIC BEVERAGE IS NOT DELIVERED TO:**

6 **(I) ANOTHER PREMISES LICENSED TO SELL ALCOHOLIC**
7 **BEVERAGES; OR**

8 **(II) AN ADDRESS LOCATED OUTSIDE THE COUNTY.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
10 1, 2021.