

HOUSE BILL 1234

A2

2lr2627
CF SB 648

By: **Delegate Kerr**

Introduced and read first time: February 11, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County – Alcoholic Beverages Act of 2022**

3 FOR the purpose of repealing certain obsolete provisions of law relating to temporary
4 alcoholic beverages licenses in Frederick County; repealing certain duplicative
5 requirements relating to alcohol awareness and crowd control training for certain
6 licenses in the county; repealing certain county residency requirements for certain
7 license holders in the county; repealing certain county residency requirements for
8 certain license holders in the county and substituting a State residency requirement;
9 repealing the requirement that an application for an alcoholic beverages license in
10 the county include certain petitions of support signed by certain individuals; altering
11 a certain notice requirement that the Board of License Commissioners for Frederick
12 County must abide by before holding certain hearings; altering the period of time
13 when a certain application to renew an annual license can be filed; altering the dates
14 by which the Board may issue certain renewed licenses; and generally relating to
15 alcoholic beverages licenses in Frederick County.

16 BY repealing

17 Article – Alcoholic Beverages

18 Section 20–1001.3(f), 20–1002(f), 20–1003.1(g), 20–1307, 20–1308, 20–1314,
19 20–1315, and 20–1316

20 Annotated Code of Maryland

21 (2016 Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,

23 Article – Alcoholic Beverages

24 Section 20–102, 20–1001.3(a), 20–1002(a), 20–1003.1(a), 20–1010(a), 20–1011(a),
25 20–1014(a), 20–1015(a), and 20–1903

26 Annotated Code of Maryland

27 (2016 Volume and 2021 Supplement)

28 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Alcoholic Beverages
2 Section 20–1001.3(g), 20–1002(g), 20–1003.1(h), 20–1005, 20–1010(b), 20–1011(b),
3 20–1014(b), 20–1015(b), 20–1401, 20–1404(a), 20–1502, 20–1601(a), and
4 20–1801
5 Annotated Code of Maryland
6 (2016 Volume and 2021 Supplement)

7 BY adding to
8 Article – Alcoholic Beverages
9 Section 20–1406, 20–1407, 20–1803, and 20–1804
10 Annotated Code of Maryland
11 (2016 Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That Section(s) 20–1307, 20–1308, 20–1314, 20–1315, and 20–1316 of Article – Alcoholic
14 Beverages of the Annotated Code of Maryland be repealed.

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

17 **Article – Alcoholic Beverages**

18 20–102.

19 This title applies only in Frederick County.

20 20–1001.3.

21 (a) There is a barbershop beer and wine license.

22 [(f) The establishment for which a barbershop license is issued is subject to the
23 alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903
24 of this title.]

25 [(g)] (F) The annual license fee is \$100.

26 20–1002.

27 (a) There is a beauty salon beer and wine license.

28 [(f) The establishment for which a beauty salon license is issued is subject to the
29 alcohol awareness training requirements under § 4–505 of this article, subject to § 20–1903
30 of this title.]

31 [(g)] (F) The annual license fee is \$100.

1 20–1003.1.

2 (a) There is a Class CT (cinema/theater) (on–sale) beer, wine, and liquor license.

3 [(g) (1) A license holder shall:

4 (i) obtain a crowd control training certificate from a program that is
5 certified by the State; and

6 (ii) while selling beer, wine, and liquor, have one certified crowd
7 control manager on the licensed premises for every 250 individuals present.

8 (2) Notwithstanding § 20–1903(a) of this title, a license holder shall require
9 one individual who has completed a certified alcohol awareness program to be on the
10 licensed premises at all times when alcohol is being served.]

11 [(h) (G) The annual license fee is \$1,500.

12 20–1005.

13 (a) There is a Class C (country and golf club) license.

14 (b) [(1) An application for the license shall be signed by the president and two
15 other officers of the country and golf club.

16 (2) At least two of the signers shall be residents of the county.

17 (c) The Board may issue the license for use by a country and golf club that
18 maintains a regular or championship golf course with at least nine holes.

19 [(d) (C) The license authorizes the license holder to sell beer, wine, and liquor
20 at retail to members and their guests for on–premises consumption.

21 [(e) (D) The license holder may sell beer, wine, and liquor during the hours and
22 days as set out for a Class C beer, wine, and liquor license under § 20–2005 of this title.

23 [(f) (E) The annual license fee is \$1,500.

24 20–1010.

25 (a) There is a Class C (private business club) beer, wine, and liquor license.

26 (b) [(1) Three officers of the private business club shall apply for the license.

27 [(2) At least two of the officers shall be residents of the county.]

1 20-1011.

2 (a) There is a Class C (private country club) beer, wine, and liquor license.

3 (b) **[(1)]** Three officers of the private country club shall apply for the license.

4 **[(2)]** At least two of the officers shall be residents of the county.]

5 20-1014.

6 (a) There is a Class C (theater) beer and wine license.

7 (b) **[(1)]** The president and two other officers of the theater shall sign the
8 application for the license.

9 **[(2)]** Two of the signers shall be residents of the county.]

10 20-1015.

11 (a) There is a Class C (Weinberg Center) beer, wine, and liquor license.

12 (b) **[(1)]** The president and two other officers of the Weinberg Center for the Arts
13 shall sign the application for the license.

14 **[(2)]** At least two of the officers shall be residents of the county.]

15 20-1401.

16 (a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
17 of Division I of this article apply in the county without exception or variation:

18 (1) § 4-102 (“Applications to be filed with local licensing board”);

19 (2) **[(5)] (3)** § 4-104 (“Application on behalf of corporation or club”);

20 (3) § 4-105 (“Application on behalf of limited liability company”);

21 **[(4)] (2)** § 4-106 (“Payment of notice expenses”);

22 **[(5)] (3)** § 4-108 (“Application form required by Comptroller”);

23 **[(6)] (4)** § 4-109 (“Required information on application — In general”);

24 **[(7)] (5)** § 4-111 (“Payment of license fees”);

25 **[(8)] (6)** § 4-112 (“Disposition of license fees”);

1 ~~[(9)] (7)~~ § 4–113 (“Refund of license fees”); and

2 ~~[(10)] (8)~~ § 4–114 (“Fees for licenses issued for less than 1 year”).

3 (b) [Section 4–103 (“Application on behalf of partnership”) of Division I of this
4 article does not apply in the county and is superseded by § 20–1404 of this subtitle] **THE**
5 **FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 1 (“APPLICATIONS FOR LOCAL**
6 **LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:**

7 **(1) § 4–103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH**
8 **IS SUPERSEDED BY § 20–1404 OF THIS SUBTITLE;**

9 **(2) § 4–104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),**
10 **WHICH IS SUPERSEDED BY § 20–1406 OF THIS SUBTITLE;**

11 **(3) § 4–105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY**
12 **COMPANY”), WHICH IS SUPERSEDED BY § 20–1407 OF THIS SUBTITLE; AND**

13 **(4) § 4–110 (“REQUIRED INFORMATION ON APPLICATION – PETITION**
14 **OF SUPPORT”).**

15 (c) [The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
16 of Division I of this article apply in the county:

17 (1) § 4–107] **SECTION 4–107 (“Criminal history records check”) OF**
18 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY,** subject to §§ 20–1402 and
19 20–1403 of this subtitle[; and

20 (2) § 4–110 (“Required information on application — Petition of support”),
21 subject to § 20–1405 of this subtitle].

22 20–1404.

23 (a) (1) A license for the use of a partnership shall be applied for and issued to
24 three individuals.

25 (2) The three individuals are not required to be partners but shall be
26 authorized in writing to act for the partnership.

27 (3) One of the three individuals shall:

28 **(I)** be a resident [and registered voter] of the [county] **STATE** at the
29 time the application is filed; **AND**

1 **(II) REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF**
2 **THE TIME THE LICENSE IS IN EFFECT.**

3 (4) The names of each partner shall be stated on the application.

4 **20-1406.**

5 **(A) THIS SECTION APPLIES TO:**

6 **(1) A CORPORATION; AND**

7 **(2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.**

8 **(B) (1) EXCEPT AS PROVIDED IN SUBSECTIONS (C) AND (D) OF THIS**
9 **SECTION, A LICENSE ON BEHALF OF A CORPORATION OR CLUB SHALL BE APPLIED**
10 **FOR AND ISSUED TO THREE OFFICERS OF THE CORPORATION OR CLUB AS**
11 **INDIVIDUALS.**

12 **(2) AT LEAST ONE OF THE THREE OFFICERS SHALL:**

13 **(I) BE A RESIDENT OF THE STATE AT THE TIME THE**
14 **APPLICATION IS FILED; AND**

15 **(II) REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF**
16 **TIME THE LICENSE IS IN EFFECT.**

17 **(C) IF A CORPORATION HAS FEWER THAN THREE OFFICERS OR DIRECTORS,**
18 **ALL OFFICERS OR DIRECTORS SHALL APPLY FOR A LICENSE.**

19 **(D) IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER**
20 **MAY APPLY FOR A LICENSE IF:**

21 **(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR**
22 **DIRECTORS; AND**

23 **(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE**
24 **STOCKHOLDERS.**

25 **(E) AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL**
26 **INCLUDE:**

27 **(1) THE NAME AND ADDRESS OF EACH OFFICER;**

28 **(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND**

1 **(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE**
2 **CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE**
3 **SHALL BE ISSUED.**

4 **20-1407.**

5 **(A) (1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY**
6 **SHALL BE APPLIED FOR AND ISSUED TO AUTHORIZED PERSONS OF THE LIMITED**
7 **LIABILITY COMPANY, AS INDIVIDUALS.**

8 **(2) (I) ALL OF THE AUTHORIZED INDIVIDUALS SHALL APPLY FOR**
9 **THE LICENSE, IF THE LIMITED LIABILITY COMPANY HAS FEWER THAN THREE**
10 **AUTHORIZED INDIVIDUALS.**

11 **(II) THREE AUTHORIZED INDIVIDUALS SHALL APPLY FOR THE**
12 **LICENSE, IF THE LIMITED LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED**
13 **INDIVIDUALS.**

14 **(3) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:**

15 **(I) BE A RESIDENT OF THE STATE AT THE TIME THE**
16 **APPLICATION IS FILED; AND**

17 **(II) REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF**
18 **TIME THE LICENSE IS IN EFFECT.**

19 **(B) AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL**
20 **INCLUDE:**

21 **(1) THE NAME, ADDRESS, AND SIGNATURE OF EACH AUTHORIZED**
22 **INDIVIDUAL TO WHOM THE LICENSE SHALL BE ISSUED; AND**

23 **(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.**

24 **20-1502.**

25 **(A) The Board may fulfill the notice requirement of § 4-208 of this article by**
26 **posting online a completed [application with all submitted documents] HEARING**
27 **SCHEDULE at least 14 days before the hearing date.**

28 **(B) ANY APPLICATION DOCUMENT SUBMITTED IN ACCORDANCE WITH THIS**
29 **SUBTITLE IS SUBJECT TO STATE REQUIREMENTS OF THE PUBLIC INFORMATION**
30 **ACT UNDER TITLE 4 OF THE GENERAL PROVISIONS ARTICLE.**

1 20-1601.

2 (a) (1) For every 4,000 individuals [or major fraction] in an election district,
3 the Board may not issue more than one license in each of the following classes:

- 4 (i) Class A (off-sale) beer license;
- 5 (ii) Class A (off-sale) beer and wine license; and
- 6 (iii) Class A (off-sale) beer, wine, and liquor license.

7 (2) The population of each election district is to be determined by the most
8 recent federal census.

9 20-1801.

10 (A) THE FOLLOWING SECTIONS OF Title 4, Subtitle 4 (“Renewal of Local
11 Licenses”) of Division I of this article [applies] APPLY in the county without exception or
12 variation:

- 13 (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);
- 14 (2) § 4-403 (“RENEWAL APPLICATION”);
- 15 (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);
- 16 (4) § 4-406 (“PROTESTS”);
- 17 (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);
- 18 (6) § 4-409 (“MULTIPLE LICENSES”); AND
- 19 (7) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).

20 (B) THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 4 (“RENEWAL OF
21 LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE DO NOT APPLY IN THE COUNTY:

- 22 (1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”), WHICH
23 IS SUPERSEDED BY § 20-1803 OF THIS SUBTITLE; AND
- 24 (2) § 4-408 (“ISSUANCE OF RENEWED LICENSES”), WHICH IS
25 SUPERSEDED BY § 20-1804 OF THIS SUBTITLE.

26 20-1803.

1 AN APPLICATION TO RENEW AN ANNUAL LICENSE SHALL BE FILED BETWEEN
2 JANUARY 1 AND APRIL 15, INCLUSIVE.

3 20-1804.

4 (A) THE BOARD MAY ISSUE RENEWED LICENSES FOR THE FOLLOWING
5 LICENSE YEAR BETWEEN JANUARY 1 AND MAY 1, INCLUSIVE.

6 (B) ALL RENEWED LICENSES SHALL BE DATED MAY 1.

7 (C) IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR
8 SUSPENSION, THE BOARD SHALL ISSUE THE CORRESPONDING LICENSE RENEWAL
9 SUBJECT TO THE SAME ORDER.

10 20-1903.

11 (a) (1) The individual certified by an approved alcohol awareness program
12 may be absent from the licensed premises for a personal or business reason or an emergency
13 if:

14 (i) the personal or business reason or emergency meets standards
15 that the Board sets by regulation; and

16 (ii) the absence lasts for not more than 2 hours.

17 (2) The Board shall require the license holder to keep a log book on the
18 licensed premises that documents each temporary absence, the length of time of the
19 absence, and the reason for the absence, in the form that the Board requires.

20 (b) A license holder who violates this section is subject to:

21 (1) for a first offense, a \$100 fine; and

22 (2) for each subsequent offense, a fine not exceeding \$500 or a suspension
23 or revocation of the license or both.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2022.