

HOUSE BILL 1461

A2

2lr0817

By: **Howard County Delegation**

Introduced and read first time: February 24, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Consideration of Factors for Issuance**
3 **of Licenses**

4 **Ho. Co. 11–22**

5 FOR the purpose of requiring the Board of License Commissioners for Howard County and
6 the Appointed Alcoholic Beverage Hearing Board in Howard County to give
7 particular consideration to a certain factor when deciding whether to approve an
8 application and issue a license; requiring the Hearing Board to include a certain
9 factor in its written decision findings when determining whether to issue a new Class
10 A license; and generally relating to alcoholic beverages licenses in Howard County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 23–102 and 23–209(a)
14 Annotated Code of Maryland
15 (2016 Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 23–1501 and 23–1503
19 Annotated Code of Maryland
20 (2016 Volume and 2021 Supplement)

21 BY adding to
22 Article – Alcoholic Beverages
23 Section 23–1509
24 Annotated Code of Maryland
25 (2016 Volume and 2021 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 23–209.

7 (a) The Board of License Commissioners or the Hearing Board may issue licenses.

8 23–1501.

9 (a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local
10 Licenses”) of Division I of this article apply in the county without exception or variation:

11 (1) § 4–205 (“Chain store, supermarket, or discount house”);

12 (2) § 4–206 (“Limitations on retail sales floor space”);

13 (3) § 4–207 (“Licenses issued to minors”);

14 (4) § 4–209 (“Hearing”);

15 (5) [§ 4–210 (“Approval or denial of license application”);

16 (6)] § 4–211 (“License forms; effective date; expiration”); and

17 [(7)] **(6)** § 4–213 (“Replacement licenses”).

18 (b) Section 4–214 (“Waiting periods after denial of license applications”) of
19 Division I of this article does not apply in the county and is superseded by § 23–1507 of this
20 subtitle.

21 (c) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local
22 Licenses”) of Division I of this article apply in the county:

23 (1) § 4–202 (“Authority of local licensing boards”), subject to § 23–1502 of
24 this subtitle;

25 (2) § 4–203 (“Prohibition against issuing multiple licenses to individual or
26 for use of entity”), subject to § 23–1504 of this subtitle;

27 (3) § 4–204 (“Prohibition against issuing multiple licenses for same
28 premises”), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

1 (4) § 4-208 (“Notice of license application required”), subject to § 23-1505
2 of this subtitle; [and]

3 (5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),
4 SUBJECT TO § 23-1509 OF THIS SUBTITLE; AND

5 [(5)] (6) § 4-212 (“License not property”), in addition to § 23-1506 of this
6 subtitle.

7 23-1503.

8 In determining whether to approve an application for any new Class A license, the
9 Hearing Board shall include in its written decision findings as to:

10 (1) each of the factors set forth under § 4-210(a) of this article; AND

11 (2) THE CONSIDERATION OF THE AVOIDANCE OF THE
12 OVERCONCENTRATION OF LICENSES IN NEIGHBORHOODS, PARTICULARLY
13 NEIGHBORHOODS OF POVERTY, AS REQUIRED UNDER § 23-1509 OF THIS SUBTITLE.

14 23-1509.

15 BEFORE THE BOARD OR THE HEARING BOARD ISSUES A LICENSE, THE BOARD
16 OR THE HEARING BOARD SHALL GIVE PARTICULAR CONSIDERATION TO THE
17 AVOIDANCE OF THE OVERCONCENTRATION OF LICENSES IN NEIGHBORHOODS,
18 PARTICULARLY NEIGHBORHOODS OF POVERTY.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
20 apply only prospectively and may not be applied or interpreted to have any effect on or
21 application to an issuance or renewal of a license before the effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
23 1, 2022.