

SENATE BILL 648

A2

(2lr2730)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by ~~Senators Young and Hough~~ Senator Young

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Frederick County – Senator Ronald Young 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.

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.

Italics indicate opposite chamber/conference committee amendments.



1 BY repealing

2 Article – Alcoholic Beverages

3 Section 20–1001.3(f), 20–1002(f), 20–1003.1(g), 20–1307, 20–1308, 20–1314,
4 20–1315, and 20–1316

5 Annotated Code of Maryland

6 (2016 Volume and 2021 Supplement)

7 BY repealing and reenacting, without amendments,

8 Article – Alcoholic Beverages

9 Section 20–102, 20–1001.3(a), 20–1002(a), 20–1003.1(a), 20–1010(a), 20–1011(a),
10 20–1014(a), 20–1015(a), and 20–1903

11 Annotated Code of Maryland

12 (2016 Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Alcoholic Beverages

15 Section 20–1001.3(g), 20–1002(g), 20–1003.1(h), 20–1005, 20–1010(b), 20–1011(b),
16 20–1014(b), 20–1015(b), 20–1401, ~~20–1404(a)~~, 20–1502, 20–1601(a), and
17 20–1801

18 Annotated Code of Maryland

19 (2016 Volume and 2021 Supplement)

20 BY adding to

21 Article – Alcoholic Beverages

22 Section ~~20–1406, 20–1407~~, 20–1803, and 20–1804

23 Annotated Code of Maryland

24 (2016 Volume and 2021 Supplement)

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27 Beverages of the Annotated Code of Maryland be repealed.

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

30 **Article – Alcoholic Beverages**

31 20–102.

32 This title applies only in Frederick County.

33 20–1001.3.

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

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

4 [(g) (F) The annual license fee is \$100.
5 20–1002.

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

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

10 [(g) (F) The annual license fee is \$100.
11 20–1003.1.

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

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

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

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

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

21 [(h) (G) The annual license fee is \$1,500.
22 20–1005.

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

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

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

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

1 **[(d)] (C)** The license authorizes the license holder to sell beer, wine, and liquor
2 at retail to members and their guests for on-premises consumption.

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

5 **[(f)] (E)** The annual license fee is \$1,500.
6 20-1010.

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

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

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

10 20-1011.

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

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

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

14 20-1014.

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

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

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

19 20-1015.

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

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

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

24 20-1401.

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

- 1 (1) § 4-102 (“Applications to be filed with local licensing board”);
- 2 (2) ~~§~~ 4-104 (“Application on behalf of corporation or club”);
- 3 (3) § 4-105 (“Application on behalf of limited liability company”);
- 4 (4)~~§~~ 4-106 (“Payment of notice expenses”);
- 5 ~~§(5) (3)~~ § 4-108 (“Application form required by Comptroller”);
- 6 ~~§(6) (4)~~ § 4-109 (“Required information on application — In general”);
- 7 ~~§(7) (5)~~ § 4-111 (“Payment of license fees”);
- 8 ~~§(8) (6)~~ § 4-112 (“Disposition of license fees”);
- 9 ~~§(9) (7)~~ § 4-113 (“Refund of license fees”); and
- 10 ~~§(10) (8)~~ § 4-114 (“Fees for licenses issued for less than 1 year”).

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

15 (1) **§ 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), WHICH**
 16 **IS SUPERSEDED BY § 20-1404 OF THIS SUBTITLE; AND**

17 ~~(2) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),~~
 18 ~~WHICH IS SUPERSEDED BY § 20-1406 OF THIS SUBTITLE;~~

19 ~~(3) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY~~
 20 ~~COMPANY”), WHICH IS SUPERSEDED BY § 20-1407 OF THIS SUBTITLE; AND~~

21 ~~(4) (2) § 4-110 (“REQUIRED INFORMATION ON APPLICATION –~~
 22 ~~PETITION OF SUPPORT”).~~

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

25 (1) § 4-107] **SECTION 4-107 (“Criminal history records check”) OF**
 26 **DIVISION I OF THIS ARTICLE APPLIES IN THE COUNTY,** subject to §§ 20-1402 and
 27 20-1403 of this subtitle]; and

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

~~20-1404.~~

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

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

~~(3) One of the three individuals shall:~~

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

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

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

~~20-1406.~~

~~(A) THIS SECTION APPLIES TO:~~

~~(1) A CORPORATION; AND~~

~~(2) A CLUB, WHETHER INCORPORATED OR UNINCORPORATED.~~

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

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

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

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

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

1 ~~(D) IN A CLOSE CORPORATION, AT LEAST ONE INDIVIDUAL STOCKHOLDER~~
2 ~~MAY APPLY FOR A LICENSE IF:~~

3 ~~(1) THE CLOSE CORPORATION DOES NOT HAVE OFFICERS OR~~
4 ~~DIRECTORS; AND~~

5 ~~(2) THERE IS AN AFFIRMATIVE VOTE OF A MAJORITY OF THE~~
6 ~~STOCKHOLDERS.~~

7 ~~(E) AN APPLICATION FOR A CORPORATION OR A CLUB LICENSE SHALL~~
8 ~~INCLUDE:~~

9 ~~(1) THE NAME AND ADDRESS OF EACH OFFICER;~~

10 ~~(2) THE NAME AND ADDRESS OF THE CORPORATION OR CLUB; AND~~

11 ~~(3) THE SIGNATURES OF THE PRESIDENT OR VICE PRESIDENT OF THE~~
12 ~~CORPORATION OR CLUB AND OF THE THREE OFFICERS TO WHOM THE LICENSE~~
13 ~~SHALL BE ISSUED.~~

14 ~~20-1407.~~

15 ~~(A) (1) A LICENSE FOR THE USE OF A LIMITED LIABILITY COMPANY~~
16 ~~SHALL BE APPLIED FOR AND ISSUED TO AUTHORIZED PERSONS OF THE LIMITED~~
17 ~~LIABILITY COMPANY, AS INDIVIDUALS.~~

18 ~~(2) (i) ALL OF THE AUTHORIZED INDIVIDUALS SHALL APPLY FOR~~
19 ~~THE LICENSE, IF THE LIMITED LIABILITY COMPANY HAS FEWER THAN THREE~~
20 ~~AUTHORIZED INDIVIDUALS.~~

21 ~~(ii) THREE AUTHORIZED INDIVIDUALS SHALL APPLY FOR THE~~
22 ~~LICENSE, IF THE LIMITED LIABILITY COMPANY HAS THREE OR MORE AUTHORIZED~~
23 ~~INDIVIDUALS.~~

24 ~~(3) AT LEAST ONE OF THE AUTHORIZED INDIVIDUALS SHALL:~~

25 ~~(i) BE A RESIDENT OF THE STATE AT THE TIME THE~~
26 ~~APPLICATION IS FILED; AND~~

27 ~~(ii) REMAIN A RESIDENT OF THE STATE FOR THE DURATION OF~~
28 ~~TIME THE LICENSE IS IN EFFECT.~~

29 ~~(B) AN APPLICATION FOR A LIMITED LIABILITY COMPANY LICENSE SHALL~~
30 ~~INCLUDE:~~

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

3 ~~(2) THE NAME AND ADDRESS OF THE LIMITED LIABILITY COMPANY.~~

4 20-1502.

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

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

11 20-1601.

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

- 14 (i) Class A (off-sale) beer license;
 15 (ii) Class A (off-sale) beer and wine license; and
 16 (iii) Class A (off-sale) beer, wine, and liquor license.

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

19 20-1801.

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

23 (1) § 4-402 (“ELIGIBILITY FOR RENEWAL; PROCESS”);

24 (2) § 4-403 (“RENEWAL APPLICATION”);

25 (3) § 4-405 (“CONTENTS OF RENEWAL APPLICATION”);

26 (4) § 4-406 (“PROTESTS”);

27 (5) § 4-407 (“DENIAL OF RENEWAL APPLICATION”);

1 **(6) § 4-409 (“MULTIPLE LICENSES”); AND**

2 **(7) § 4-410 (“CHAIN STORE, SUPERMARKET, OR DISCOUNT HOUSE”).**

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

5 **(1) § 4-404 (“FILING PERIOD FOR RENEWAL APPLICATION”), WHICH**
6 **IS SUPERSEDED BY § 20-1803 OF THIS SUBTITLE; AND**

7 **(2) § 4-408 (“ISSUANCE OF RENEWED LICENSES”), WHICH IS**
8 **SUPERSEDED BY § 20-1804 OF THIS SUBTITLE.**

9 **20-1803.**

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

12 **20-1804.**

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

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

16 **(C) IF AN EXPIRING LICENSE IS SUBJECT TO AN ORDER OF RESTRICTION OR**
17 **SUSPENSION, THE BOARD SHALL ISSUE THE CORRESPONDING LICENSE RENEWAL**
18 **SUBJECT TO THE SAME ORDER.**

19 **20-1903.**

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

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

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

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

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

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

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
6 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.