SENATE BILL 771

A2 2lr2445 CF HB 1115

By: Senator Ferguson

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2022

CHAPTER

1 AN ACT concerning

2 Baltimore City - 46th District - Alcoholic Beverages Licenses

- 3 FOR the purpose of altering certain hours of sale, certain square footage requirements, and a certain license fee for the holder of a public market license in the 46th alcoholic 4 5 beverages district in Baltimore City; authorizing the Board to waive certain distance 6 restrictions for an application for the transfer of a license into a certain area; 7 extending for a certain number of years amount of time the expiration date of a dates 8 of certain Class B beer and wine license licenses issued for a certain premises located 9 in a certain area areas; and generally relating to alcoholic beverages licenses in 10 Baltimore City.
- 11 BY repealing and reenacting, without amendments,
- 12 Article Alcoholic Beverages
- 13 Section 12–102 and 12–1002.1(a) and (e)
- 14 Annotated Code of Maryland
- 15 (2016 Volume and 2021 Supplement)
- 16 BY repealing and reenacting, with amendments,
- 17 Article Alcoholic Beverages
- 18 Section 12-1002.1(g) <u>12-1002.1(d)</u>, (g), and (h), 12-1605(a), and 12-2204
- 19 Annotated Code of Maryland
- 20 (2016 Volume and 2021 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

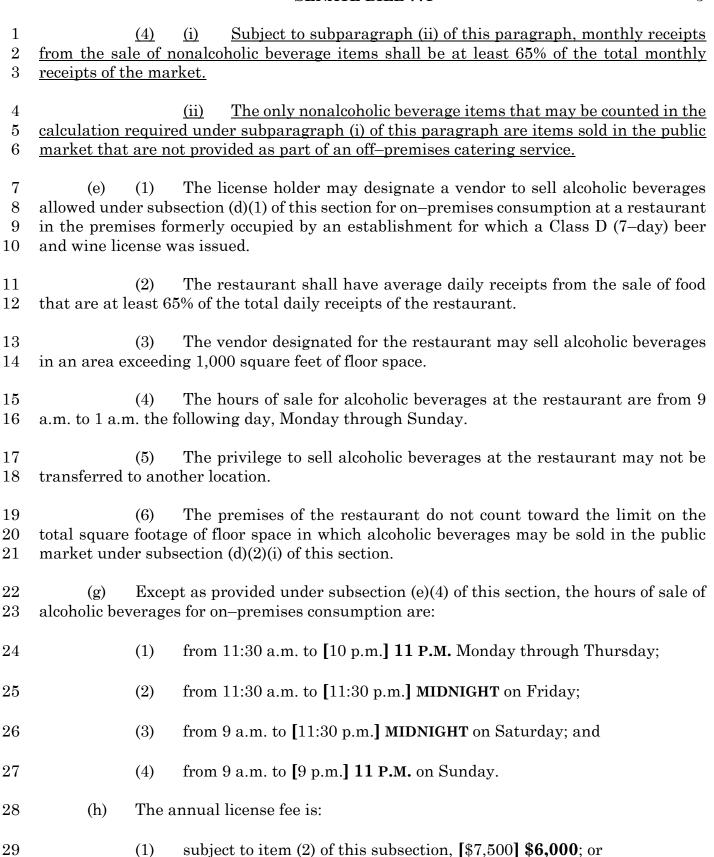
[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

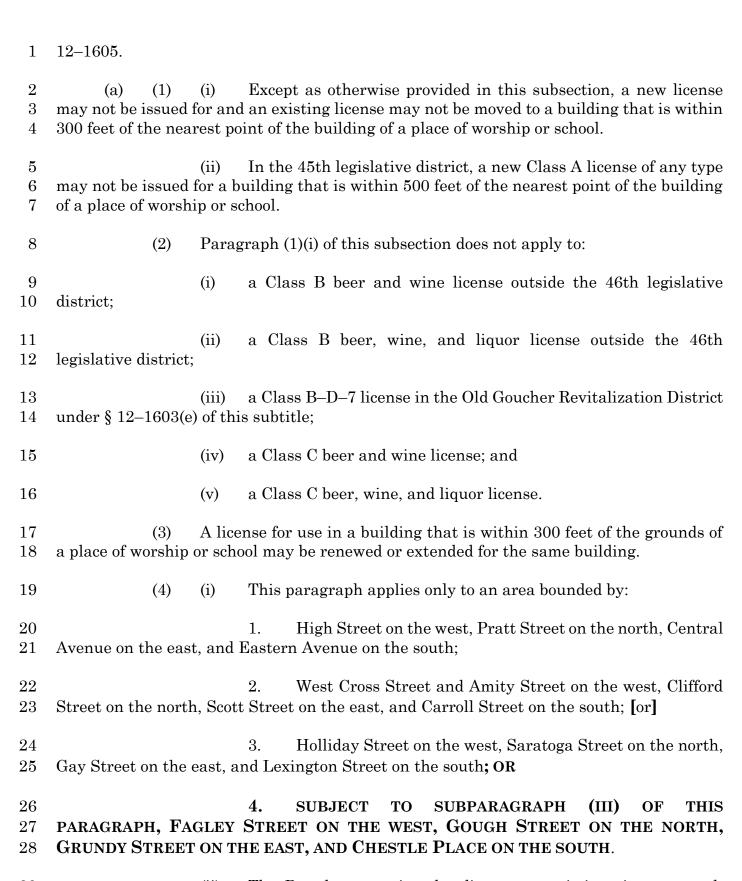
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



| 1 | Article - Alcoholic Beverages |
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| 2 | 12–102. |
| 3 | This title applies only in Baltimore City. |
| 4 | 12–1002.1. |
| 5 | (a) There is a public market license. |
| 6 7 | (d) (1) The license authorizes the license holder to sell, for on— or off—premises consumption: |
| 8 | (i) beer; |
| 9 | (ii) wine; and |
| 10 11 | (iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each. |
| 12 13 14 15 16 | (2) (i) Subject to subparagraph (ii) of this paragraph and subsection (e)(6) of this section, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than [20%] 25% of the total square footage of floor space of the licensed premises. |
| 17 18 19 | (ii) Except as provided in subsection (e)(3) of this section, an individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space. |
| 20 21 | (3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license. |
| 22 23 24 | (ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages. |
| 25 26 | (iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be: |
| 27 | 1. certified by an approved alcohol awareness program; and |
| 28 | 2. present when alcoholic beverages are consumed. |



30 (2) \$3,500, if the applicant for the license obtains and extinguishes one 31 Class A, Class B, Class D, or Class B–D–7 license issued for use in ward 23, precinct 1 of 32 the 46th alcoholic beverages district.



29 (ii) The Board may waive the distance restrictions in paragraph 30 (1)(i) of this subsection for an application for the transfer of a license into an area specified 31 in subparagraph (i) of this paragraph if:

| 1 | 1. the application is approved by: |
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| 2 | A. each community association representing the area; |
| 3 | B. each business association in the area; and |
| 4 5 6 | C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and |
| 7 8 | 2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area. |
| 9 10 11 | (III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS PARAGRAPH IF: |
| 12 13 | 1. THE PROPOSED LOCATION OF THE ESTABLISHMENT IS IN AN AREA THAT IS ZONED "RESIDENTIAL"; OR |
| 14 15 | 2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A CLASS A LICENSE OF ANY TYPE. |
| 16 | 12–2204. |
| 17 18 19 20 21 | Unless transferred to another location, a Class B (7-day) beer and wine license issued for a premises located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1, [2022] 2024 . |
| 22 23 24 25 | SECTION 2. AND BE IT FURTHER ENACTED, That a Class B–D–7 license issued for a premises in the 1171–1173 block of Hamburg Street shall be considered unexpired until the end of July 1, 2023, for the purposes of being transferred to another owner at the same location, notwithstanding § 12–1705 of the Alcoholic Beverages Article. |
| 26 27 | SECTION $\stackrel{2}{=}$ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect |