

Chapter 374

(House Bill 1221)

AN ACT concerning

Baltimore City – Alcoholic Beverages – 40th Alcoholic Beverages District

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue certain licenses in certain areas of the 40th alcoholic beverages district in Baltimore City under certain circumstances; prohibiting certain license holders in certain areas of the 40th alcoholic beverages district from selling alcoholic beverages at certain times of the day; and generally relating to alcoholic beverages in Baltimore City.

BY repealing and reenacting, without amendments,
 Article – Alcoholic Beverages
 Section 12–102 and 12–1603(a) and (b)
 Annotated Code of Maryland
 (2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
 Article – Alcoholic Beverages
 Section 12–1002.1, 12–1603(c) and 12–2005(d)
 Annotated Code of Maryland
 (2016 Volume and 2021 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–1002.1.

- (a) There is a public market license.
- (b) The Board may issue the license only to an operator of an enclosed public market that:
- (1) has a capital investment of at least \$5,000,000; and
 - (2) is located in an area surrounded by:

(I) 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; **OR**

(II) NORTH PACA STREET ON THE WEST, WEST SARATOGA STREET ON THE NORTH, NORTH EUTAW STREET ON THE EAST, AND WEST FAYETTE STREET ON THE SOUTH, IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT.

(c) Ownership of the license is transferable only to the Baltimore Public Markets Corporation.

(d) (1) The license authorizes the license holder to sell, for on- or off-premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each.

(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% of the total square footage of floor space of the licensed premises.

(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.

(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.

(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.

(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:

1. certified by an approved alcohol awareness program; and
2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off-premises catering service.

(e) (1) The license holder may designate a vendor to sell alcoholic beverages allowed under subsection (d)(1) of this section for on-premises consumption at a restaurant in the premises formerly occupied by an establishment for which a Class D (7-day) beer and wine license was issued.

(2) The restaurant shall have average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant.

(3) The vendor designated for the restaurant may sell alcoholic beverages in an area exceeding 1,000 square feet of floor space.

(4) The hours of sale for alcoholic beverages at the restaurant are from 9 a.m. to 1 a.m. the following day, Monday through Sunday.

(5) The privilege to sell alcoholic beverages at the restaurant may not be transferred to another location.

(6) The premises of the restaurant do not count toward the limit on the total square footage of floor space in which alcoholic beverages may be sold in the public market under subsection (d)(2)(i) of this section.

(f) A license holder or vendor may not:

(1) participate in or publicize, in or outside the public market, a pub crawl authorized under § 12-1101.1 of this title; or

(2) except for an event closed to the public, including a rehearsal dinner, wedding reception, corporate function, or retirement party, allow an open bar to be operated by a vendor.

(g) Except as provided under subsection (e)(4) of this section, the hours of sale of alcoholic beverages for on-premises consumption are:

(1) from 11:30 a.m. to 10 p.m. Monday through Thursday;

(2) from 11:30 a.m. to 11:30 p.m. on Friday;

(3) from 9 a.m. to 11:30 p.m. on Saturday; and

(4) from 9 a.m. to 9 p.m. on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, \$7,500; or

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

(i) The Board shall adopt regulations to carry out this section, including regulations concerning the following activities in a public market:

(1) the conduct of vendors;

(2) the conduct of license holders within the public market;

(3) the holding of events that are closed to the public; and

(4) the maintaining of a common seating area.

12–1603.

(a) The alcoholic beverages districts described in this section at all times are coterminous with the legislative districts in the Legislative Districting Plan of 2012.

(b) Except as provided in subsection (c) of this section, the Board may not issue a new license in:

(1) the 40th alcoholic beverages district;

(2) the 41st alcoholic beverages district;

(3) the 43rd alcoholic beverages district;

(4) the 44th alcoholic beverages district; and

(5) the 45th alcoholic beverages district.

(c) The Board may issue:

(1) in the alcoholic beverages districts specified in subsection (b) of this section:

(i) a 1–day license; or

- (ii) a Class B beer, wine, and liquor license to a restaurant that:
 - 1. has a minimum capital investment, not including the cost of land and buildings, of \$200,000 for restaurant facilities; and
 - 2. has a minimum seating capacity of 75 individuals;
- (2) a Class C beer, wine, and liquor license in the 45th alcoholic beverages district;
- (3) a Class C beer, wine, and liquor license in ward 5, precinct 1 of the 44th alcoholic beverages district;
- (4) a Class C beer, wine, and liquor license in the 200 block of West Saratoga Street in ward 4, precinct 3 of the 40th alcoholic beverages district;
- (5) If the applicant executes a memorandum of understanding with the Charles North Community Association, a Class C beer, wine, and liquor license to a club in the area bounded by North Charles Street on the west, East Lafayette Avenue on the north, North Lovegrove Street on the east, and East Lanvale Street on the south in the 45th alcoholic beverages district;
- (6) a Class B–D–7 license in the unit block of West North Avenue in the 45th alcoholic beverages district;
- (7) two Class B–D–7 licenses in the 2100 block of North Charles Street in the 43rd alcoholic beverages district;
- (8) two Class B–D–7 licenses in the 2100 block of Maryland Avenue in the 43rd alcoholic beverages district;
- (9) subject to the requirements under subsection (e) of this section, four Class B–D–7 licenses in the 43rd alcoholic beverages district;
- (10) a Class B–D–7 license in the 5400 block of Harford Road in the 45th alcoholic beverages district if:
 - (i) average daily receipts from the sale of food are at least 65% of the applicant’s total daily receipts;
 - (ii) the applicant executes a memorandum of understanding with a community association;
 - (iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(11) a Class B–D–7 license in the 4800 block of Harford Road in the 45th alcoholic beverages district if:

(i) average daily receipts from the sale of food are at least 65% of the applicant’s total daily receipts;

(ii) the applicant executes a memorandum of understanding with a community association;

(iii) the applicant does not create a separate package goods department;

(iv) alcoholic beverages are served to patrons seated at tables; and

(v) alcoholic beverages are served only with meals to patrons provided with outdoor table service;

(12) a Class B–D–7 license on the eastern side of the 400 block of North Howard Street in the 40th alcoholic beverages district if:

(i) the applicant does not convert the license to a different license class;

(ii) alcoholic beverages are served outdoors only to patrons seated at tables or standing in a courtyard area;

(iii) the applicant does not allow the off–premises sale of alcoholic beverages;

(iv) alcoholic beverages sales begin no earlier than 10 a.m.; and

(v) the applicant executes memorandums of understanding with the Downtown Partnership of Baltimore and the Market Center Merchants Association; [and]

(13) if the applicant executes a memorandum of understanding with the Bolton Hill Community Association, a Class C beer, wine, and liquor license in the 1200 block of Eutaw Place in the 40th alcoholic beverages district;

(14) A CLASS B–D–7 LICENSE IN THE 700 BLOCK OF WASHINGTON BOULEVARD IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT IF:

(I) AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD ARE AT LEAST 65% OF THE APPLICANT'S TOTAL DAILY RECEIPTS;

(II) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION;

(III) THE APPLICANT DOES NOT CREATE A SEPARATE PACKAGE GOODS DEPARTMENT;

(IV) ALCOHOLIC BEVERAGES ARE SERVED TO PATRONS SEATED AT TABLES; AND

(V) ALCOHOLIC BEVERAGES ARE SERVED ONLY WITH MEALS TO PATRONS PROVIDED WITH OUTDOOR TABLE SERVICE; AND

(15) A CLASS B-D-7 LICENSE IN THE 300 BLOCK OF NORTH CHARLES STREET IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT TO AN ESTABLISHMENT THAT HAS A MINIMUM CAPITAL INVESTMENT, NOT INCLUDING THE COST OF LAND AND BUILDINGS, OF \$50,000 FOR THE ESTABLISHMENT'S FACILITIES.

12-2005.

(d) (1) This subsection does not apply to:

(i) a Class B beer and light wine (restaurant) license;

(ii) a Class B beer, wine, and liquor (restaurant) license issued under § 12-1603(c)(1)(ii) of this title;

(iii) a Class B-BWL (H-M) license;

(iv) a Class C beer and wine license;

(v) a Class C beer, wine, and liquor license;

(vi) an arena license; or

(vii) a marketplace license.

(2) For a license holder in the 40th alcoholic beverages district, the hours of sale for alcoholic beverages may not begin before 10 a.m. or end after 10 p.m.:

(I) within an area bounded [as follows]:

[(i)] 1. from the intersection of Reisterstown Road and Quantico Avenue, northwest on Reisterstown Road to the intersection with Wylie Avenue, northeast on Wylie Avenue to the intersection with Pimlico Road, northwest on Pimlico Road to the intersection with Dupont Avenue, east on Dupont Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Edgecombe Circle North, east on Edgecombe Circle North to the intersection with Finney Avenue, south on Finney Avenue to the intersection with Oakford Avenue, west on Oakford Avenue to the intersection with Pall Mall Road, southeast on Pall Mall Road to the intersection with Loyola Northway, southwest on Loyola Northway to the intersection with Pimlico Road, southeast on Pimlico Road to the intersection with Quantico Avenue, and southwest on Quantico Avenue to the intersection with Reisterstown Road; **AND**

[(ii)] from the intersection of North Monroe Street and Westwood Avenue, north on North Monroe Street to the intersection with West North Avenue, east on West North Avenue to the intersection with Whitelock Street, northeast on Whitelock Street to the intersection with McCulloh Street, southeast on McCulloh Street to the intersection with Gold Street, southwest on Gold Street to the intersection with North Calhoun Street, northwest on North Calhoun Street to the intersection with Westwood Avenue, and west on Westwood Avenue to the intersection with North Monroe Street; and

[(iii)] 2. from the intersection of Millington Avenue with Wilkens Avenue, northwest on Millington Avenue to the intersection with Frederick Avenue, northeast on Frederick Avenue to the intersection with West Pratt Street, east on West Pratt Street to the intersection with South Mount Street, south on South Mount Street to the intersection with Eagle Street, southwest on Eagle Street to the intersection with South Smallwood Street, northwest on South Smallwood Street to the intersection with Wilkens Avenue, and southwest on Wilkens Avenue to the intersection with Millington Avenue;

(II) WITHIN THE AREA OF WEST NORTH AVENUE BETWEEN THE 1300 BLOCK OF WEST NORTH AVENUE AND THE 3200 BLOCK OF WEST NORTH AVENUE, INCLUSIVE; AND

(III) FOR A LICENSE HOLDER WITHIN 250 YARDS IN ANY DIRECTION OF THE AREA DESCRIBED IN ITEM (II) OF THIS PARAGRAPH.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 16, 2022.