

# HOUSE BILL 1063

A2

3lr1485  
CF SB 654

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By: **Harford County Delegation**

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Class HC (Health Club) License**

3 FOR the purpose of establishing a Class HC (health club) beer, ~~and wine, and liquor~~ license  
4 in Harford County; authorizing the Board of License Commissioners for Harford  
5 County to issue the license to a person that sells certain health club services;  
6 exempting the holder of the license from certain distance requirements related to  
7 places of worship and schools; and generally relating to alcoholic beverages licenses  
8 in Harford County.

9 BY renumbering

10 Article – Alcoholic Beverages  
11 Section 22–1004 and 22–1004.1  
12 to be Section 22–1004.1 and 22–1004.2, respectively  
13 Annotated Code of Maryland  
14 (2016 Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Alcoholic Beverages  
17 Section 22–102  
18 Annotated Code of Maryland  
19 (2016 Volume and 2022 Supplement)

20 BY adding to

21 Article – Alcoholic Beverages  
22 Section 22–1004

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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.



1 Annotated Code of Maryland  
2 (2016 Volume and 2022 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article – Alcoholic Beverages  
5 Section 22–1602  
6 Annotated Code of Maryland  
7 (2016 Volume and 2022 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
9 That Section(s) 22–1004 and 22–1004.1 of Article – Alcoholic Beverages of the Annotated  
10 Code of Maryland be renumbered to be Section(s) 22–1004.1 and 22–1004.2, respectively.

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

13 **Article – Alcoholic Beverages**

14 22–102.

15 This title applies only in Harford County.

16 **22–1004.**

17 **(A) THERE IS:**

18 **(1) A 6–DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, AND LIQUOR**  
19 **LICENSE; AND**

20 **(2) A 7–DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, AND LIQUOR**  
21 **LICENSE.**

22 **(B) THE BOARD MAY ISSUE THE 6–DAY OR THE 7–DAY LICENSE TO A PERSON**  
23 **WHO:**

24 **(1) SELLS HEALTH CLUB SERVICES, AS DEFINED IN § 14–12B–01 OF**  
25 **THE COMMERCIAL LAW ARTICLE;**

26 **(2) HAS A HEALTH CLUB FACILITY THAT OFFERS:**

27 **(I) AN INDOOR OR OUTDOOR SWIMMING POOL; OR**

28 **(II) PICKLEBALL COURTS;**

29 **~~(2)~~ (3) HAS AT LEAST 150 MEMBERS WHO PAY DUES; AND**

1           ~~(3)~~ (4)           OWNS OR LEASES REAL PROPERTY IN THE COUNTY FOR USE  
2 AS A FOR-PROFIT OR NONPROFIT HEALTH CLUB FACILITY.

3           (C)   (1)   THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL  
4 BEER, AND WINE, ~~AND LIQUOR~~ FROM MONDAY THROUGH SATURDAY ~~FOR~~  
5 ~~CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB~~  
6 ~~FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA  
7 AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

8           (2)   THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL  
9 BEER, AND WINE, ~~AND LIQUOR~~ FROM MONDAY THROUGH SUNDAY ~~FOR~~  
10 ~~CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB~~  
11 ~~FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA  
12 AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

13           (D)   THE 6-DAY LICENSE HOLDER AND THE 7-DAY LICENSE HOLDER MAY  
14 SELL BEER, AND WINE, ~~AND LIQUOR~~ FOR ON-PREMISES CONSUMPTION ~~DURING THE~~  
15 ~~HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE~~  
16 ~~UNDER § 22-2004(F) OF THIS TITLE~~ FROM 1 P.M. TO 9 P.M.

17           (E)   THE LICENSE HOLDER SHALL PURCHASE BEER AND WINE FROM AN  
18 AUTHORIZED AND LICENSED WHOLESALER.

19           (F)   THE LICENSE HOLDER SHALL PROVIDE PREPACKAGED FOOD OR  
20 SNACKS AT ALL TIMES WHEN BEER AND WINE ARE SOLD.

21           ~~(E)~~ (G)       (1)   THE ANNUAL FEE FOR THE 6-DAY LICENSE IS \$1,300.

22                   (2)   THE ANNUAL FEE FOR THE 7-DAY LICENSE IS \$1,400.

23 22-1602.

24           (a)   This section does not apply to:

25                   (1)   a license in effect on July 1, 1975, or the issuance or transfer of a Class  
26 B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

27                   (2)   a license in effect on July 1, 1977;

28                   (3)   the renewal, transfer, or upgrading of a license, unless the license is  
29 transferred to a new location; and

30                   (4)   the issuance of:

1 (i) a 1-day license that is to be used on the premises of a place of  
2 worship or school;

3 (ii) **A CLASS HC (HEALTH CLUB) LICENSE;**

4 **(III)** a Class GC (golf course) license;

5 ~~[(iii)]~~ **(IV)** a Class CCFA (continuing care facility) license;

6 ~~[(iv)]~~ **(V)** a Class ALP (assisted living program) license; and

7 ~~[(v)]~~ **(VI)** a gift basket permit.

8 (b) (1) (i) Except as provided in paragraph (2) of this subsection and  
9 subsection (c) of this section, the Board may not issue a license for an establishment that  
10 is within 300 feet of a place of worship.

11 (ii) The distance from the establishment to the place of worship is to  
12 be measured from the nearest point of the building of the establishment to the nearest point  
13 of the building of the place of worship.

14 (2) Paragraph (1) of this subsection does not apply to the issuance of:

15 (i) a 1-day license for use in a building;

16 (ii) a license issued to a hotel, motel, restaurant, club, caterer,  
17 brewery, or distillery in a municipality; and

18 (iii) a Class H beer, wine, and liquor license issued to a caterer for  
19 use in a banquet facility in an establishment if:

20 1. the construction of the establishment was completed after  
21 July 1, 1991; and

22 2. the establishment is used for emergency operations by a  
23 volunteer fire company.

24 (c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may  
25 waive the distance restrictions from a place of worship and issue a license on a  
26 case-by-case basis.

27 (2) Before the Board decides whether to waive the distance restrictions  
28 from a place of worship under paragraph (1) of this subsection:

29 (i) a public hearing shall be held by the governing body of:

1                   1.     if the establishment is located in a municipality, the  
2 municipality where the establishment is located; or

3                   2.     if the establishment is located outside the boundaries of a  
4 municipality, the county;

5                   (ii)    the governing body shall make a recommendation to the Board  
6 regarding whether the distance restrictions should be waived; and

7                   (iii)  after receiving a recommendation:

8                   1.     in favor of the waiver, the Board shall hold a public  
9 hearing; or

10                  2.     to deny a waiver, the Board shall deny the waiver.

11                  (3)    In making a decision whether to waive the distance restrictions from a  
12 place of worship, the Board shall consider:

13                  (i)     comments received from members and leaders of the place of  
14 worship; and

15                  (ii)    comments made at the public hearing held by the Board.

16                  (d)    (1)    (i)     Except as provided in paragraph (2) of this subsection, the Board  
17 may not issue a license to a business establishment that is within 1,000 feet of a public or  
18 private school building.

19                  (ii)    The distance from the establishment to the public or private  
20 school is to be measured from the nearest point of the building of the establishment to the  
21 nearest point of the building of the school.

22                  (2)    The Board may issue a license to a business establishment in Harford  
23 County and in a municipality in Harford County if the business establishment is not located  
24 within 300 feet of a public or private school.

25                  (3)    A decision of the County Board of Education to locate a public school  
26 building within 1,000 feet of the premises of a license holder may not be the basis to revoke  
27 or deny the renewal, transfer, or upgrading of the license.

28                  (e)    (1)    Subject to paragraphs (2) and (3) of this subsection, the Board may  
29 waive the distance restrictions from a public or private school building and issue a Class B  
30 (on-sale) restaurant license or a Class B cafe license on a case-by-case basis.

31                  (2)    Before the Board decides whether to waive the distance restrictions  
32 from a public or private school building under paragraph (1) of this subsection:

- 1 (i) a public hearing shall be held by the governing body of:
- 2 1. if the restaurant is located in a municipality, the
- 3 municipality where the restaurant is located; or
- 4 2. if the restaurant is located outside the boundaries of a
- 5 municipality, the county where the restaurant is located;
- 6 (ii) the governing body shall make a recommendation to the Board
- 7 regarding whether the distance restrictions should be waived; and
- 8 (iii) after receiving the recommendation, the Board shall hold a
- 9 public hearing.
- 10 (3) In making a decision whether to waive the distance restrictions from a
- 11 public or private school building, the Board shall take into consideration:
- 12 (i) the recommendation from the governing body;
- 13 (ii) comments received from parents whose children attend the
- 14 public or private school; and
- 15 (iii) comments made at the public hearing held by the Board.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July

17 1, 2023.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.