

Chapter 389

(House Bill 886)

AN ACT concerning

Baltimore City – 40th District – Alcoholic Beverages

FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to issue a Class C beer, wine, and liquor license in a certain area 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 day; authorizing the Board to issue a Class A-7 beer, wine, and liquor license in a certain area of the 40th alcoholic beverages district in Baltimore City under certain circumstances; providing that a certain license may be issued and an existing license may be moved to a building that is within a certain distance of a place of worship or school under certain circumstances; 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)~~, 12-1603(a) and (b), and 12-1605(a)(1)

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 12-1603(c)(14) and (15), 12-1605(a)(2), and 12-2005(d)

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 12-1603(c)(16) and (17)

Annotated Code of Maryland

(2016 Volume and 2022 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.

12-1603.

(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:

(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; ~~AND~~

(16) A CLASS C BEER, WINE, AND LIQUOR LICENSE IN THE 3600 BLOCK OF HICKORY AVENUE IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT TO A HOLDER OF A CLASS C BEER AND LIGHT WINE LICENSE; AND

(17) A CLASS A-7 BEER, WINE, AND LIQUOR LICENSE IN THE 1200 BLOCK OF WEST NORTH AVENUE IN THE 40TH ALCOHOLIC BEVERAGES DISTRICT, IF:

(I) THE APPLICANT EXECUTES A MEMORANDUM OF UNDERSTANDING WITH THE PENN NORTH COMMUNITY ASSOCIATION;

(II) ALCOHOLIC BEVERAGES ARE SOLD ONLY AS PART OF A GIFT BASKET OR FLORAL ARRANGEMENT; AND

(III) THE APPLICANT DOES NOT HOLD OR APPLY FOR A CLASS BWLT BEER, WINE, AND LIQUOR (ON-PREMISES) TASTING LICENSE.

12-1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) A CLASS A-7 BEER, WINE, AND LIQUOR LICENSE ISSUED UNDER § 12-1603(C)(17) OF THIS SUBTITLE;

(II) a Class B beer and wine license outside the 46th legislative district;

~~[(ii)]~~ (III) a Class B beer, wine, and liquor license outside the 46th legislative district;

~~[(iii)]~~ (IV) a Class B-D-7 license in the Old Goucher Revitalization District under § 12-1603(e) of this subtitle;

~~[(iv)]~~ (V) a Class C beer and wine license; and

~~[(v)]~~ (VI) a Class C beer, wine, and liquor license.

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:
 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
 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] **1000** 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, 2023.

Approved by the Governor, May 3, 2023.