

Chapter 405

(House Bill 258)

AN ACT concerning

Caroline and Queen Anne's County Counties – Alcoholic Beverages Licenses – Residency Requirement

FOR the purpose of ~~removing the requirement~~ requiring that a certain applicant for an alcoholic beverages license in Caroline County be a resident of the State rather than a resident of the county; requiring that a certain applicant for an alcoholic beverages license in Queen Anne's County be a resident of ~~Queen Anne's County~~ the State rather than a resident of the county; and generally relating to alcoholic beverages licenses in Caroline and Queen Anne's County counties.

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages
Section 4–109(a), ~~15–102~~, and 27–102
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages
Section ~~15–1401~~, 27–1401(c), and 27–1402
Annotated Code of Maryland
(2016 Volume and 2022 Supplement)

BY adding to

Article – Alcoholic Beverages
Section 15–1407
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

4–109.

(a) A license application shall state:

- (1) the class of license for which the applicant is applying;
- (2) the name and address of the applicant and how long the applicant has resided at that address;

- (3) that at least one applicant is a citizen of the United States;
- (4) that the applicant is a resident of the jurisdiction in which the applicant proposes to operate under the license for which the applicant is applying;
- (5) the age and sex of the applicant;
- (6) the birth place of the applicant, and if the applicant is a naturalized citizen, the date and place the applicant was naturalized;
- (7) a description of the place for which the license is sought, including:
 - (i) the street and number, if practicable, or other description that definitively locates the place; and
 - (ii) a description of the portion of the building in which the business will be conducted;
- (8) the name of the owner of the location where the business to be licensed is to be conducted;
- (9) that the applicant has never been convicted of a felony;
- (10) whether the applicant has ever been found guilty of violating a law in the State governing the sale of alcoholic beverages or the prevention of gambling;
- (11) that the applicant has a financial interest in the business to be conducted under the license;
- (12) that the applicant has not had a license for the sale of alcoholic beverages revoked;
- (13) that the applicant or a person on behalf of whom the application is filed does not have a financial interest in any other place of business in the jurisdiction for which an alcoholic beverage license has been applied for or issued;
- (14) whether the applicant has been found guilty of violating a State or federal law;
- (15) whether the applicant has held a license for the sale of alcoholic beverages and, if so, the name of the state and the location where the license was held;
- (16) that during the term of the license, a person other than the applicant will not have a financial interest in the license or in the business to be conducted under the license;

(17) that a manufacturer, brewer, distiller, or wholesaler, directly or indirectly, does not have a financial interest in the premises or business of the applicant;

(18) that after receipt of a license, the applicant will not convey or grant an interest in the location or business to a manufacturer, brewer, distiller, or wholesaler, except as authorized under this article;

(19) that, except for the purchase of alcoholic beverages, when applying for the license, the applicant does not have indebtedness or other financial obligation to a manufacturer, brewer, distiller, or wholesaler;

(20) that after the license is issued, the applicant will not incur, directly or indirectly, indebtedness or other financial obligation other than for the purchase of alcoholic beverages to a manufacturer, brewer, distiller, or wholesaler; and

(21) that, if issued a license, the applicant will conform to all laws and regulations relating to the business in which the applicant proposes to engage.

15-102.

This title applies only in Caroline County.

15-1401.

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

(1) § 4-102 (“Applications to be filed with local licensing board”);

(2) [§ 4-103 (“Application on behalf of partnership”);

(3) § 4-104 (“Application on behalf of corporation or club”);

(4) § 4-105 (“Application on behalf of limited liability company”);

(5) § 4-106 (“Payment of notice expenses”);

[(6) (3)] § 4-108 (“Application form required by Comptroller”);

[(7)] § 4-110 (“Required information on application — Petition of support”);

[(8) (4)] § 4-111 (“Payment of license fees”);

[(9) (5)] § 4-112 (“Disposition of license fees”);

~~[(10)] (6)~~ § 4-113 (“Refund of license fees”); and

~~[(11)] (7)~~ § 4-114 (“Fees for licenses issued for less than 1 year”).

(B) SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION – PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE COUNTY.

~~[(b)] (C)~~ The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”) of Division I of this article apply in the county:

(1) § 4-107 (“Criminal history records check”), in addition to §§ 15-1402 through 15-1405 of this subtitle; [and]

(2) § 4-109 (“Required information on application — In general”), in addition to § 15-1406 of this subtitle AND SUBJECT TO § 15-1407 OF THIS SUBTITLE;

(3) § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT TO § 15-1407 OF THIS SUBTITLE;

(4) § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”), SUBJECT TO § 15-1407 OF THIS SUBTITLE; AND

(5) § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY COMPANY”), SUBJECT TO § 15-1407 OF THIS SUBTITLE.

15-1407.

(A) AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE IS FILED, AT LEAST ONE OF THE APPLICANTS SHALL BE A RESIDENT OF THE STATE.

(B) THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF THE APPLICANTS REMAINS A RESIDENT OF THE STATE.

27-102.

This title applies only in Queen Anne’s County.

27-1401.

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

(1) § 4-103 (“Application on behalf of partnership”), subject to § 27-1402 of this subtitle;

(2) § 4-104 (“Application on behalf of corporation or club”), subject to § 27-1403 of this subtitle;

(3) § 4-105 (“Application on behalf of limited liability company”), subject to § 27-1403 of this subtitle; and

(4) § 4-109 (“Required information on application — In general”), subject to ~~[§ 27-1404]~~ **§§ 27-1402 AND 27-1404** of this subtitle.

27-1402.

~~An applicant [on behalf of a partnership may not be issued a Class A beer, wine, and liquor license unless the owners of 75% of the interest in the partnership are residents of the county at the time the application is filed]~~

(A) AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES LICENSE NEED NOT BE A RESIDENT OF THE COUNTY IS FILED, AT LEAST ONE OF THE APPLICANTS SHALL BE A RESIDENT OF THE STATE.

(B) THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF THE APPLICANTS REMAINS A RESIDENT OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved by the Governor, May 3, 2023.