

SENATE BILL 662

A2

(5lr3069)

ENROLLED BILL

— Finance/Economic Matters —

Introduced by **Senator Ferguson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – ~~46th Alcoholic Beverages District~~ Alcoholic Beverages**
3 **Licenses – Alterations**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore City to
5 provide a certain waiver from certain requirements for a restaurant within a certain
6 bounded area in the 46th alcoholic beverages district; expanding the class of license
7 to which a certain requirement for a memorandum of understanding applies to
8 include any alcoholic beverages license in Baltimore City; authorizing the Board to
9 issue a certain alcoholic beverages license for a certain location in the 40th alcoholic
10 beverages district; requiring a memorandum of understanding between a certain
11 licensee and a community association within a certain bounded area in the 46th
12 alcoholic beverages district before the Board of ~~License Commissioners for Baltimore~~
13 ~~City~~ may issue a license in or transfer a license to the bounded area; extending for a
14 certain amount of time the expiration of ~~a certain license~~ licenses in the 46th
15 alcoholic beverages district for the purpose of transfer; providing an exception to a

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.

Italics indicate opposite chamber/conference committee amendments.



certain prohibition against the Board allowing a certain license transfer under certain circumstances; and generally relating to alcoholic beverages licenses in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages and Cannabis
Section 12–102 and 12–1603(a) and (b)
Annotated Code of Maryland
(2024 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 12–104, 12–1406(b), 12–1603(c)(17) and (18), and 12–1605(b)(5)
Annotated Code of Maryland
(2024 Replacement Volume)

BY adding to
Article – Alcoholic Beverages and Cannabis
Section 12–1603(c)(19)
Annotated Code of Maryland
(2024 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 1026 of the Acts of the General Assembly of 2024
Section 2

BY repealing and reenacting, with amendments,
Chapter 1027 of the Acts of the General Assembly of 2024
Section 2

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

Article – Alcoholic Beverages and Cannabis

12–102.

This title applies only in Baltimore City.

12–104.

(a) To be considered a restaurant, an establishment shall meet the requirements of this section.

(b) An establishment shall have average daily receipts from the sale of food that are at least 40% of its total daily receipts.

(c) The Board may not consider as food an ingredient or a garnish used with or mixed with an alcoholic beverage that is prepared and served for on-premises consumption.

(d) (1) The Board may waive the food requirement specified under subsection (b) of this section for a restaurant:

(I) owned and operated by a nonprofit organization in the area bounded by South Ellwood Avenue on the west, Bank Street on the north, South Bouldin Street on the east, and Fleet Street on the south; OR

(II) OPERATED IN THE AREA BOUNDED BY SOUTH EDEN STREET ON THE WEST, BANK STREET ON THE NORTH, SOUTH SPRING STREET ON THE EAST, AND EASTERN AVENUE ON THE SOUTH.

(2) For a license that meets the qualifications under paragraph (1) of this subsection, the Board may approve an expansion of the licensed premises onto a noncontiguous property with a second separate use permit issued by the City, if the second separate use permit specifically refers to the alcoholic beverages license at the primary location.

12-1406.

(b) If a community association and an applicant for the issuance or renewal of [a Class B, B-D-7, or D] AN alcoholic beverages license have entered into a memorandum of understanding that expressly acknowledges the authority of the Board under this article, the Board may make the issuance or renewal of the license conditional on the substantial compliance of the applicant with the memorandum of understanding.

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 2022.

(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:

(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; [and]

(18) a Class B beer, wine, and liquor license for a restaurant on the even side of the 400 block of West 29th Street in the 40th alcoholic beverages district if:

(i) the applicant executes a memorandum of understanding with the Greater Remington Improvement Association; and

(ii) the Board waives a minimum seating requirement under item (1)(ii)2 of this subsection; AND

(19) A CLASS C BEER, WINE, AND LIQUOR LICENSE ON THE ODD SIDE OF THE 800 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) THE APPLICANT DOES NOT TRANSFER THE LICENSE TO A DIFFERENT LOCATION;

(III) ALCOHOLIC BEVERAGES ARE SERVED ONLY TO PATRONS INDOORS;

(IV) ALCOHOLIC BEVERAGES SALES BEGIN NOT EARLIER THAN 10 A.M. AND END NOT LATER THAN 9 P.M.;

(V) THE APPLICANT PROVIDES NOT MORE THAN TWO 12-OUNCE OFFERINGS OF BEER, TWO 6-OUNCE OFFERINGS OF WINE BY THE GLASS, OR TWO 1.5-OUNCE OFFERINGS OF LIQUOR FOR ON-PREMISES CONSUMPTION BY A PATRON WHILE THE PATRON IS PROVIDED A BARBERING SERVICE REGULATED UNDER TITLE 4, SUBTITLE 5 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

**(VI) THE BOARD WAIVES ANY REQUIREMENTS THAT SALES CAN
BE MADE ONLY TO MEMBERS AND THE GUESTS OF MEMBERS; AND**

**(VII) THE APPLICANT EXECUTES A MEMORANDUM OF
UNDERSTANDING WITH THE MOUNT VERNON – BELVEDERE ASSOCIATION.**

12–1605.

(b) (5) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)6 of this subsection only if the license holder has received a letter of support from [a] THE place of worship or school that is within the bounded area **AND HAS ENTERED INTO A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION THAT IS WITHIN THE BOUNDED AREA.**

Chapter 1026 of the Acts of 2024

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises on the 2800 block of O'Donnell Street shall be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer of ownership at the same location.

(2) Notwithstanding § 12–1604.1 of the Alcoholic Beverages and Cannabis Article, a holder of a Class D beer and light wine license on the 3200 block of Eastern Avenue may apply to the Board to convert to a Class D beer, wine, and liquor license if the license holder meets each requirement in § 12–1604.1 except for the requirement to maintain average daily receipts from the sale of food that are at least 51% of the total daily receipts.

(3) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 1600 block of Eastern Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and transfer of location to a premises in the 600 block of South Caroline Street.

(4) (i) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B license issued for a premises in the 3500 block of Boston Street shall be considered unexpired until the end of July 1, [2025] **2028**, for the purpose of completing a transfer of ownership and a transfer of location to a premises in the 3600 block of Boston Street.

(ii) If a Class B license transferred to the 3600 block of Boston Street under subparagraph (i) of this paragraph was originally issued as a Class B–D–7 license,

the license holder may apply to the Board to convert the Class B license back to a Class B–D–7 license.

(5) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 600 block of South Luzerne Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year by the licensee.

(b) The Board may not authorize the transfer of a license in ward 24, precinct 5 to a person or a location that has received and retained funding awarded under a legislative bond initiative.

Chapter 1027 of the Acts of 2024

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises on the 2800 block of O'Donnell Street shall be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer of ownership at the same location.

(2) Notwithstanding § 12–1604.1 of the Alcoholic Beverages and Cannabis Article, a holder of a Class D beer and light wine license on the 3200 block of Eastern Avenue may apply to the Board to convert to a Class D beer, wine, and liquor license if the license holder meets each requirement in § 12–1604.1 except for the requirement to maintain average daily receipts from the sale of food that are at least 51% of the total daily receipts.

(3) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 1600 block of Eastern Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of completing a transfer of ownership and transfer of location to a premises in the 600 block of South Caroline Street.

(4) (i) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B license issued for a premises in the 3500 block of Boston Street shall be considered unexpired until the end of July 1, [2025] **2028**, for the purpose of completing a transfer of ownership and a transfer of location to a premises in the 3600 block of Boston Street.

(ii) If a Class B license transferred to the 3600 block of Boston Street under subparagraph (i) of this paragraph was originally issued as a Class B–D–7 license, the license holder may apply to the Board to convert the Class B license back to a Class B–D–7 license.

(5) Notwithstanding § 12–2202 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises in the 600 block of South Luzerne

Avenue shall be considered unexpired until the end of July 1, 2025, for the purpose of being renewed to the current license year by the licensee.

(b) The Board may not authorize the transfer of a license in ward 24, precinct 5 to a person or a location that has received and retained funding awarded under a legislative bond initiative.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class D 6–day beer, wine, and liquor license issued for a premises on the 200 block of East Lexington Street shall be considered unexpired until the end of June 30, 2026, for the purpose of completing a transfer of ownership at the same location, provided the license holder received a letter of support from the Downtown Partnership of Baltimore.

(b) (1) Notwithstanding §§ 12–1703 and 12–1705 of the Alcoholic Beverages and Cannabis Article, five Class B beer, wine, and liquor licenses issued for restaurant premises at Harborplace and expired between January 1, 2021, and January 1, 2025, shall be considered unexpired until the end of June 30, 2030, for the purpose of completing a transfer of ownership at the same location.

(2) Notwithstanding § 12–1703 of the Alcoholic Beverages and Cannabis Article, the most recent license holder shall retain liability for any unpaid personal property taxes due to Baltimore City or to the State.

(3) The Board may not:

(i) require a Class B beer, wine, and liquor license issued under this subsection:

1. to have a minimum capital investment; or

2. to maintain a minimum or maximum seating amount;

(ii) authorize the transfer of a license issued under this subsection to another location; and

(iii) require the most recent license holder to complete a Transfer Authorization or Affidavit of Compliance to complete a transfer of ownership in accordance with this subsection.

(4) At the end of June 30, 2030, a Class B beer, wine, and liquor license issued under this subsection shall expire and be nonrenewable.

~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2025. Section 2 of this Act shall remain effective for a period of 5 years and 1 month

1 and, at the end of June 30, 2030, Section 2 of this Act, with no further action required by the
2 General Assembly, shall be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.