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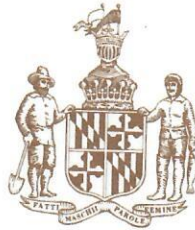
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Frederick County

Budget and Taxation Committee
Chair, Executive Nominations Committee

Senate Chair, Joint Subcommittee on
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March 4, 2022

SUPPORT SB650

Frederick County - Alcoholic Beverages License - Population

Dear Chair Pinsky, Vice Chair Kagan, and distinguished members of the Senate Education, Health, and Environmental Affairs Committee,

SB650 is a Frederick County Delegation bill that corrects the Frederick County Class A liquor license population formula by repealing the phrase “major fraction”. This repeal will only affect Frederick County liquor laws.

Frederick County Class B licenses (restaurants) population formula is one (1) license per 4,000 individuals, or major fraction, in each election district. Prior to 2016 Frederick County Class A licenses (package stores) population formula was one (1) license per 4,000 individuals in each election district (attachment 1).

In 2016 Code revisions consolidated two separate sections of law dealing with Class A and Class B liquor licenses (attachment 2). There is no history of the MGA granting Frederick County Class A the “major fraction” language. The consolidation of the two sections of law inadvertently created a substantial change in law for Class A licenses by granting them “major fraction” in the population calculation.

The current interpretation of “Major Fraction” is 2,001 individuals. Prior to the 2016 consolidation an election district of 6,001 persons would have been allowed one (1) Class A licenses. After the 2016 consolidation, the same district is allowed two (2) Class A licenses. Thus, without action from the Maryland General Assembly a substantive change was created.

I ask that you vote favorably on **SB650** to correct this mistake in law and avoid potential litigation.

Respectfully,

Ronald N. Young

Art. 2B, § 9-210

ALCOHOLIC BEVERAGES

(c) *Premises under construction.* — When application for a liquor license is made to sell alcoholic beverages in a building which is not completed, the Board of License Commissioners may give tentative approval of the application on the basis of plans and specifications accompanying the application. Upon completion of the building in accordance with the plans and specifications, the Board may issue the license.

(d) *Proximity to churches or schools.* — (1) Except as provided in paragraphs (2) and (3) of this subsection, the Board of License Commissioners may not issue any license to sell alcoholic beverages in any building the nearest wall of which measured in a direct line is within 500 feet of the property line of any school accredited by the State Board of Education.

(2) This subsection is not applicable in the event the school locates its building within 500 feet of any licensed premises after the licensed premises are located there.

(3) This subsection does not apply to a Class B (on-sale) beer, wine and liquor license that is issued for a premises located in a municipal corporation in Charles County.

(e) *Exceptions.* — Subsections (c) and (d) do not apply to or affect or prohibit, in any manner, the renewal or transfer of any license issued prior to June 1, 1959. (1989, ch. 5, § 15; 1992, ch. 425; 1996, ch. 10, § 3; 2001, ch. 29, § 6; ch. 444; 2009, ch. 732.)

Effect of amendments. — Chapter 732, Acts 2009, effective July 1, 2009, reenacted (a) without change; in (d)(1) and (d)(2) deleted "church or other place of worship or any" or variant preceding "school".

§ 9-210. Dorchester County.

(a) *Proximity of premises to schools or churches.* — Except as provided in subsection (b) of this section, in Dorchester County, a new license may not be granted to sell any alcoholic beverage in a building with a wall within 300 feet in a direct line of the nearest point of the main building of a public or nonpublic kindergarten, elementary, or secondary school, or church or other place of worship.

(b) *Exceptions.* — Subsection (a) of this section does not apply to:

(1) The granting of a license for a premises located within the restricted distance if a license to sell alcoholic beverages on the premises existed as of October 1, 1996;

(2) An application for a Class B (on-sale) beer, wine and liquor license for a premises in Cambridge or Secretary; or

(3) A premises issued a special or temporary license. (An. Code, 1951, § 47; 1947, ch. 501, § 44; 1989, ch. 5, § 15; 1996, ch. 366; 2007, ch. 374; 2009, chs. 50, 51.)

Effect of amendments. — Chapters 50 and 51, Acts 2009, effective July 1, 2009, substituted "in a building with a wall within 300 feet in a direct line of the nearest point of the main building of a public or nonpublic kindergarten, elementary, or secondary school, or church or other place of worship" for "on any premises located within 300 feet of a church or public school" in (a); and added (b)(2) and (b)(3) and made related changes.

§ 9-211. Frederick County — General provisions.

(a) *Applicability.* — This section applies only in Frederick County.

(b) *Number of licenses issued.* — (1) There may not be issued more than one Class B on-sale beer license, nor more than one Class B on-sale beer and light wine license, for each unit of 4,000 people, or major fraction, in any one election district.

(2) There may not be issued more than one Class A off-sale beer, wine and liquor license, one Class A off-sale beer license, nor more than one Class A off-sale beer and light wine license, for each unit of 4,000 people, in any one election district. For the purposes of this section, the population of each election district shall be as determined by the last federal census.

(c) *Where licenses exceed quota.* — In any election district in which the number of any class of licenses issued as of June 1, 1949, exceeds the quota specified hereinabove, no new licenses of such class shall be issued unless and until the number of licenses of any such class shall have been so reduced by revocation or surrender as to create a vacancy under the particular quota specified hereinabove. For the purposes of this section, a transfer or renewal of an existing license shall in no way be construed to be a new license.

(d) *Class A license not to be issued to certain establishments.* — A Class A alcoholic beverage license may not be granted, transferred, issued to, or for use in conjunction with, or upon the premises of, or upon premises having any drug or pharmaceutical, or other business establishment of the type commonly known as chain stores, supermarkets, franchised establishments, or discount houses. "Franchised establishment" means premises operated under an agreement permitting the sale of a product or service under a name or mark under which the franchisee undertakes to conduct a business or sell a product or service in accordance with the methods and procedures prescribed by the franchisor in the agreement and the franchisor undertakes to assist the franchisee through advertising, promotion, or other services. (An. Code, 1951, § 48; 1949, ch. 555, § 40A; 1955, ch. 247; 1966, ch. 74, § 1; 1969, ch. 99; 1971, ch. 346; 1973, ch. 344; 1974, ch. 633; 1976, ch. 206; 1979, ch. 410; 1989, ch. 5, § 15; 1995, ch. 26.)

Editor's note. — Section 2, ch. 26, Acts 1995, provides that "the required alteration in the ratio of the unit of population in each

election district to the October 1, 1999."

§ 9-211.1. Frede purchases.

In Frederick C may not issue or erages license of that is intended purchase facility sold at retail and door to a purcha off-premises cons ch. 5, § 15; 1996,

§ 9-212. Garret

(a) *License req issued in Garret had an establishe date of applicatio*

(b) *Rules and any other provisio* trol Board may allowing any Cla holic beverages, off-sale consumpt

(c) *License fees censes are exem of license:*

(1) Persons ho prior to July 1, 1

(2) A corporati license that has corporate officers

(3) A nonprofi organization, or ages license, reg corporate officers

(4) A subseque licensee if the su sibling of the dec

(d) *Renewal; d riod for all alcoho June 15 through shall be dated , advance of July ; period shall be c Code, 1951, § 49 1972, ch. 621; 198 § 15.)*

§ 9-213. Harfor

(a) *Applicabili Harford County.*

(b) *Licenses n (i) Except as pro and (8) of this sul*

ALCOHOLIC BEVERAGES

SUBTITLE 16—LICENSING CONDITIONS; MULTIPLE LICENSING PLANS

Historical and Statutory Notes

2016 Legislation

Acts 2016, c. 41, § 2, added Subtitle 16, Licensing Conditions; Multiple Licensing Plans.

Part I. Licensing Conditions

Historical and Statutory Notes

2016 Legislation

Acts 2016, c. 41, § 2, added Part I, Licensing Conditions.

§ 20-1601. License quota in election districts

In general

(a)(1) For every 4,000 individuals or major fraction in an election district, the Board may not issue more than one license in each of the following classes:

- (i) Class A (off-sale) beer license;
- (ii) Class B (on-sale) beer license;
- (iii) Class A (off-sale) beer and wine license;
- (iv) Class B (on-sale) beer and wine license; and
- (v) Class A (off-sale) beer, wine, and liquor license.

(2) The population of each election district is to be determined by the most recent federal census.

Restriction on issuing new licenses

(b)(1) Subject to paragraph (2) of this subsection, in an election district in which the number of licenses in a class that were issued as of June 1, 1949, exceeds the quota specified in subsection (a) of this section, the Board may not issue new licenses in that class.

(2) The Board may issue new licenses in a class when the number of licenses in that class falls below the quota specified in subsection (a) of this section.

Effect of section

(c) This section does not apply to the transfer or renewal of a license.

Added by Acts 2016, c. 41, § 2, eff. July 1, 2016.

Legislative Notes

Revisor's Note (Acts 2016, c. 41):

This section is new language derived without substantive change from former Art. 2B, § 9-211(b) and (c).

In the introductory language of subsection (a)(1) and in subsection (b)(1) and (2) of this section, the references to the "Board" are added to state expressly what was only implicit in the former law, that the Board is the governmental unit that issues licenses.