

HOUSE BILL 509

A2
HB 965/19 – ECM

0lr1508

By: **Delegates Mosby, Attar, Boyce, Bridges, Conaway, McIntosh, Smith, and Wells**
Introduced and read first time: January 27, 2020
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages Licenses – Grounds for Suspension**

3 FOR the purpose of authorizing the executive secretary of the Baltimore City Board of
4 License Commissioners to immediately suspend a certain alcoholic beverages license
5 if the executive secretary has probable cause to believe that the license holder has
6 failed to take reasonable measures to prevent certain acts of violence on certain
7 property; requiring the Board, if the executive secretary immediately suspends a
8 license under this Act, to give the license holder certain notice and hold a certain
9 hearing within a certain period of time; making certain conforming changes; and
10 generally relating to grounds for the suspension of alcoholic beverages licenses in
11 Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 4–604 and 12–102
15 Annotated Code of Maryland
16 (2016 Volume and 2019 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 12–2101
20 Annotated Code of Maryland
21 (2016 Volume and 2019 Supplement)

22 BY adding to
23 Article – Alcoholic Beverages
24 Section 12–2105
25 Annotated Code of Maryland
26 (2016 Volume and 2019 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 That the Laws of Maryland read as follows:

2 **Article – Alcoholic Beverages**

3 4–604.

4 (a) A local licensing board may revoke or suspend a license:

5 (1) for any reason to promote the peace or safety of the community in which
6 the premises are located; or

7 (2) for offenses as provided in this article.

8 (b) A local licensing board shall revoke or suspend a license for:

9 (1) conviction of the license holder for violation of this article or a provision
10 of the Tax – General Article that relates to the alcoholic beverage tax;

11 (2) willful failure or refusal of the license holder to comply with:

12 (i) this article or provisions of the Tax – General Article that relate
13 to the alcoholic beverage tax; or

14 (ii) a regulation that may be adopted under this article or under
15 provisions of the Tax – General Article that relate to the alcoholic beverage tax;

16 (3) making a material false statement in an application for a license;

17 (4) two or more convictions within 2 years of an agent or employee of a
18 license holder for on–premises violations of this article or provisions of the Tax – General
19 Article that relate to the alcoholic beverage tax;

20 (5) on–premises possession by a retail dealer of an alcoholic beverage on
21 which the tax imposed by § 5–102 of the Tax – General Article has not been paid;

22 (6) violation of § 2–216 or § 2–315 of this article;

23 (7) willful failure of a license holder to:

24 (i) keep the records required under this article or under provisions
25 of the Tax – General Article that relate to the alcoholic beverage tax; or

26 (ii) allow inspection of the records by an authorized person;

27 (8) on–premises possession of an alcoholic beverage that a license holder is
28 not licensed to sell;

(9) revocation or suspension of a permit issued to a license holder by the federal Alcohol and Tobacco Tax and Trade Bureau or for conviction of violating a federal law relating to alcoholic beverages;

(10) failure to furnish bond as required by this article within 15 days after notice from the Comptroller; or

(11) violation of § 4-605 of this subtitle.

12-102.

This title applies only in Baltimore City.

12-2101.

(a) [The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”)] **SECTION 4-602 (“POWER OF LOCAL LICENSING BOARD”)** of Division I of this article [apply] **APPLIES** in the City without exception or variation[:

(1) § 4-602 (“Power of local licensing board”);

(2) § 4-603 (“Revocation and suspension procedures”); and

(3) § 4-604 (“Grounds for revocation or suspension”)].

(b) Section 4-605 (“Nudity and sexual displays”) of Division I of this article does not apply in the City and is superseded by § 12-2102 of this subtitle.

(c) [Section] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

(1) § 4-603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO § 12-2105 OF THIS SUBTITLE;

(2) § 4-604 (“GROUNDS FOR REVOCATION OR SUSPENSION”), SUBJECT TO § 12-2105 OF THIS SUBTITLE; AND

(3) § 4-606 (“Effects of revocation”) [of Division I of this article applies in the City], subject to § 12-2104 of this subtitle.

12-2105.

(A) THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED UNDER § 12-1001, § 12-1001.1, § 12-1001.2, § 12-1002, § 12-1002.1, § 12-1003, OR § 12-1006 OF THIS TITLE.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, IN ADDITION TO THE GROUNDS FOR SUSPENSION IN § 4-604 OF DIVISION I OF THIS ARTICLE, THE EXECUTIVE SECRETARY OF THE BOARD MAY IMMEDIATELY SUSPEND A LICENSE IF THE EXECUTIVE SECRETARY HAS PROBABLE CAUSE TO BELIEVE THAT THE LICENSE HOLDER FAILED TO TAKE REASONABLE MEASURES TO PREVENT AN ACT OF VIOLENCE THAT RESULTED IN DEATH OR SERIOUS BODILY INJURY FROM OCCURRING:

(1) WITH RESPECT TO A LICENSED PREMISES LOCATED IN A UNIT BLOCK WHERE FIVE OR MORE LICENSED PREMISES ARE LOCATED, ON THE LICENSED PREMISES OF THE LICENSE HOLDER; OR

(2) WITH RESPECT TO A LICENSED PREMISES NOT DESCRIBED UNDER ITEM (1) OF THIS SUBSECTION, ON THE LICENSED PREMISES OF THE LICENSE HOLDER OR ANY PREMISES IMMEDIATELY ADJACENT TO THE LICENSED PREMISES THAT ARE OWNED OR LEASED BY THE LICENSE HOLDER.

(C) IF THE EXECUTIVE SECRETARY OF THE BOARD IMMEDIATELY SUSPENDS A LICENSE, THE BOARD SHALL:

(1) GIVE THE LICENSE HOLDER NOTICE OF:

(I) THE SUSPENSION; AND

(II) THE DATE AND TIME OF A HEARING ON THE SUSPENSION AT WHICH THE LICENSE HOLDER MAY BE HEARD AND PRESENT EVIDENCE;

(2) POST NOTICE OF THE HEARING ONLINE; AND

(3) HOLD THE HEARING WITHIN 5 BUSINESS DAYS AFTER THE SUSPENSION IS IMPOSED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2020.