

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 10, 2020

CHAPTER _____

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

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.



Article – Alcoholic Beverages
Section 12–2105
Annotated Code of Maryland
(2016 Volume and 2019 Supplement)

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

Article – Alcoholic Beverages

4–604.

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

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

(2) for offenses as provided in this article.

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

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

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

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

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

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

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

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

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

(7) willful failure of a license holder to:

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

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

(8) on-premises possession of an alcoholic beverage that a license holder is 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.

1 12-2105.

2 (A) THIS SECTION DOES NOT APPLY TO A LICENSE ISSUED UNDER §
3 12-1001, § 12-1001.1, § 12-1001.2, § 12-1001.3, § 12-1002, § 12-1002.1, § 12-1003,
4 OR § 12-1006 OF THIS TITLE.

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

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

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

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

21 (1) GIVE THE LICENSE HOLDER NOTICE OF:

22 (I) THE SUSPENSION; AND

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

25 (2) POST NOTICE OF THE HEARING ONLINE; AND

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
29 1, 2020.