

## Chapter 396

**(House Bill 1063)**

AN ACT concerning

**Harford County – Alcoholic Beverages – Class HC (Health Club) License**

FOR the purpose of establishing a Class HC (health club) beer, ~~and wine, and liquor~~ license in Harford County; authorizing the Board of License Commissioners for Harford County to issue the license to a person that sells certain health club services; exempting the holder of the license from certain distance requirements related to places of worship and schools; and generally relating to alcoholic beverages licenses in Harford County.

BY renumbering

Article – Alcoholic Beverages

Section 22–1004 and 22–1004.1

to be Section 22–1004.1 and 22–1004.2, respectively

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Alcoholic Beverages

Section 22–102

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 22–1004

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,

Article – Alcoholic Beverages

Section 22–1602

Annotated Code of Maryland

(2016 Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 22–1004 and 22–1004.1 of Article – Alcoholic Beverages of the Annotated Code of Maryland be renumbered to be Section(s) 22–1004.1 and 22–1004.2, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Alcoholic Beverages**

22-102.

This title applies only in Harford County.

22-1004.

**(A) THERE IS:**

(1) A 6-DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, ~~AND LIQUOR~~ LICENSE; AND

(2) A 7-DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, ~~AND LIQUOR~~ LICENSE.

**(B) THE BOARD MAY ISSUE THE 6-DAY OR THE 7-DAY LICENSE TO A PERSON WHO:**

(1) SELLS HEALTH CLUB SERVICES, AS DEFINED IN § 14-12B-01 OF THE COMMERCIAL LAW ARTICLE;

(2) HAS A HEALTH CLUB FACILITY THAT OFFERS:

(I) AN INDOOR OR OUTDOOR SWIMMING POOL; OR

(II) PICKLEBALL COURTS;

~~(2)~~ (3) HAS AT LEAST 150 MEMBERS WHO PAY DUES; AND

~~(3)~~ (4) OWNS OR LEASES REAL PROPERTY IN THE COUNTY FOR USE AS A FOR-PROFIT OR NONPROFIT HEALTH CLUB FACILITY.

(C) (1) THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, AND WINE, ~~AND LIQUOR~~ FROM MONDAY THROUGH SATURDAY ~~FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

(2) THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, AND WINE, ~~AND LIQUOR~~ FROM MONDAY THROUGH SUNDAY ~~FOR CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

**(D) THE 6-DAY LICENSE HOLDER AND THE 7-DAY LICENSE HOLDER MAY SELL BEER, AND WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE UNDER § 22-2004(F) OF THIS TITLE FROM 1 P.M. TO 9 P.M.**

**(E) THE LICENSE HOLDER SHALL PURCHASE BEER AND WINE FROM AN AUTHORIZED AND LICENSED WHOLESALER.**

**(F) THE LICENSE HOLDER SHALL PROVIDE PREPACKAGED FOOD OR SNACKS AT ALL TIMES WHEN BEER AND WINE ARE SOLD.**

~~(E)~~ **(G) (1) THE ANNUAL FEE FOR THE 6-DAY LICENSE IS \$1,300.**

**(2) THE ANNUAL FEE FOR THE 7-DAY LICENSE IS \$1,400.**

22-1602.

(a) This section does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1-day license that is to be used on the premises of a place of worship or school;

(ii) **A CLASS HC (HEALTH CLUB) LICENSE;**

**(III)** a Class GC (golf course) license;

**[(iii)] (IV)** a Class CCFA (continuing care facility) license;

**[(iv)] (V)** a Class ALP (assisted living program) license; and

**[(v)] (VI)** a gift basket permit.

(b) (1) (i) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(2) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1-day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, caterer, brewery, or distillery in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and

2. the establishment is used for emergency operations by a volunteer fire company.

(c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a place of worship and issue a license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a place of worship under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the establishment is located in a municipality, the municipality where the establishment is located; or

2. if the establishment is located outside the boundaries of a municipality, the county;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving a recommendation:

1. in favor of the waiver, the Board shall hold a public hearing; or

2. to deny a waiver, the Board shall deny the waiver.

(3) In making a decision whether to waive the distance restrictions from a place of worship, the Board shall consider:

(i) comments received from members and leaders of the place of worship; and

(ii) comments made at the public hearing held by the Board.

(d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

(e) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license or a Class B cafe license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a public or private school building under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the restaurant is located in a municipality, the municipality where the restaurant is located; or

2. if the restaurant is located outside the boundaries of a municipality, the county where the restaurant is located;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving the recommendation, the Board shall hold a public hearing.

(3) In making a decision whether to waive the distance restrictions from a public or private school building, the Board shall take into consideration:

(i) the recommendation from the governing body;

(ii) comments received from parents whose children attend the public or private school; and

(iii) comments made at the public hearing held by the Board.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

**Approved by the Governor, May 3, 2023.**