

SENATE BILL 734

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4lr2762
CF HB 635

By: **Harford County Senators**

Introduced and read first time: January 31, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2024

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Performing Arts Nonprofit**
3 **Organization License**

4 FOR the purpose of repealing the performing arts theater beer and wine license in Harford
5 County; establishing in Harford County a performing arts nonprofit organization
6 license that authorizes the holder to sell or serve beer, wine, and liquor at certain
7 locations for on–premises consumption; requiring the holder of the license to comply
8 with certain record–keeping and reporting requirements; and generally relating to
9 alcoholic beverages licenses in Harford County.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages and Cannabis
12 Section 22–102
13 Annotated Code of Maryland
14 (2016 Volume and 2023 Supplement)

15 BY repealing
16 Article – Alcoholic Beverages and Cannabis
17 Section 22–1005.2
18 Annotated Code of Maryland
19 (2016 Volume and 2023 Supplement)

20 BY adding to
21 Article – Alcoholic Beverages and Cannabis
22 Section 22–1005.2

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.



Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages and Cannabis
Section 22–1501(b)(2)
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)

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

Article – Alcoholic Beverages and Cannabis

22–102.

This title applies only in Harford County.

[22–1005.2.

(a) In this section, “performing arts theater” means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage or the showing of movies or films.

(b) There is a performing arts theater beer and wine license.

(c) The Board may issue the license for use on the premises of a performing arts theater operated by a nonprofit organization.

(d) The license authorizes the holder to sell or serve beer and wine at retail for on–premises consumption.

(e) The license holder may sell or serve beer and wine:

(1) 1 hour before and after a performance;

(2) during a performance;

(3) during an intermission; and

(4) during a reception 1 hour before or 1 hour after a performance.

(f) The license may not be transferred to another location.

(g) The license holder shall purchase beer and wine from an authorized and licensed wholesaler.

(h) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license that applies to the performing arts theater.

(i) The license holder shall serve or offer for sale snacks at all times when beer and wine are sold.

(j) The annual license fee is \$500.]

22-1005.2.

(A) IN THIS SECTION, “PERFORMING ARTS NONPROFIT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT ORGANIZES THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS.

(B) THERE IS A PERFORMING ARTS NONPROFIT ORGANIZATION BEER, WINE, AND LIQUOR LICENSE.

(C) THE BOARD MAY ISSUE THE LICENSE TO A PERFORMING ARTS NONPROFIT ORGANIZATION.

(D) (1) THE LICENSE AUTHORIZES THE HOLDER TO SELL OR SERVE BEER, WINE, AND LIQUOR AT RETAIL FOR ON-PREMISES CONSUMPTION AT UP TO THREE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION.

(2) THE LOCATIONS DESIGNATED AT THE TIME OF APPLICATION MUST:

(I) BE SUITABLE FOR THE PRODUCTION OF PLAYS, ACTS, DRAMAS, CONCERTS, OR SIMILAR EVENTS BY INDIVIDUALS PERFORMING ON A STAGE OR THE SHOWING OF FILMS; AND

(II) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.

(3) THE LICENSE HOLDER MAY ALTER THE AUTHORIZED LOCATIONS EACH TIME THE LICENSE IS RENEWED.

(E) THE LICENSE HOLDER MAY SELL OR SERVE BEER, WINE, AND LIQUOR:

(1) 1 HOUR BEFORE AND AFTER A PERFORMANCE;

(2) DURING A PERFORMANCE;

(3) DURING AN INTERMISSION; AND

(4) DURING A RECEPTION WITHIN 1 HOUR BEFORE OR AFTER A PERFORMANCE.

(F) THE LICENSE MAY NOT BE TRANSFERRED TO ANOTHER LOCATION NOT IDENTIFIED ON THE APPLICATION.

(G) THE LICENSE HOLDER SHALL PURCHASE BEER, WINE, AND LIQUOR FROM A RETAIL LICENSE HOLDER OR AN AUTHORIZED AND LICENSED WHOLESALER.

(H) A LICENSE HOLDER MAY NOT SELL OR ISSUE MORE THAN 750 TICKETS TO ANY EVENT OR PERFORMANCE AT WHICH THE HOLDER WILL SELL OR SERVE BEER, WINE, OR LIQUOR.

(I) ISSUANCE OF A LICENSE UNDER THIS SECTION DOES NOT PROHIBIT THE BOARD FROM ISSUING A CLASS C PER DIEM LICENSE TO THE PERFORMING ARTS NONPROFIT ORGANIZATION FOR AN EVENT OUTSIDE THE SCOPE OF THE LICENSE.

(J) THE LICENSE HOLDER SHALL SERVE OR OFFER FOR SALE SNACKS AT ALL TIMES WHEN BEER, WINE, AND LIQUOR ARE SOLD.

(K) (1) THE LICENSE HOLDER SHALL:

(I) KEEP COMPLETE AND ACCURATE RECORDS OF ALL ALCOHOLIC BEVERAGES SOLD, SERVED, AND PURCHASED UNDER THIS SECTION;

(II) ON WRITTEN REQUEST OF THE COMPTROLLER OR THE BOARD, REPORT ON THE FORM THAT THE COMPTROLLER OR THE BOARD REQUIRES INFORMATION RELATING TO THE ALCOHOLIC BEVERAGES THAT ARE THE SUBJECT OF THE RECORDS REQUIRED TO BE KEPT; AND

(III) ON REQUEST OF THE COMPTROLLER OR THE BOARD, MAKE THE REPORT UNDER OATH.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, EACH LICENSE HOLDER SHALL KEEP RECORDS AT THE LOCATION DESIGNATED IN THE LICENSE.

(II) IF THE LICENSE HOLDER IS ALLOWED TO HAVE MORE THAN ONE LOCATION, THE LICENSE HOLDER MAY KEEP THE RECORDS AT THE PRINCIPAL LOCATION.

(III) THE RECORDS SHALL:

1 1. MEET FORM AND CONTENT REQUIREMENTS OF THE
2 COMPTROLLER AND THE BOARD;

3 2. BE PRESERVED FOR AT LEAST 2 YEARS IN A MANNER
4 THAT ENSURES PERMANENCY; AND

5 3. BE MADE AVAILABLE FOR AUDIT OR INSPECTION
6 DURING REGULAR BUSINESS HOURS BY THE COMPTROLLER OR THE BOARD OR A
7 DESIGNEE OF THE COMPTROLLER OR THE BOARD.

8 (3) (I) THE COMPTROLLER MAY WITHOUT A HEARING
9 IMMEDIATELY SUSPEND FOR A MAXIMUM OF 30 DAYS THE LICENSE OF A LICENSE
10 HOLDER WHO FAILS TO COMPLY WITH THIS SUBSECTION.

11 (II) IF A REPORT REQUIRED BY THIS SECTION OR AN
12 INVESTIGATION BY THE BOARD, A BOARD OFFICER, THE COMPTROLLER, OR ANY
13 OTHER PERSON INDICATES THAT THE LICENSE HOLDER IS VIOLATING THIS
14 SECTION, THE BOARD SHALL SUMMON THE LICENSE HOLDER AND CONDUCT A
15 HEARING.

16 (III) IF THE CHARGES AT THE HEARING ARE SUSTAINED, THE
17 BOARD:

18 1. SHALL IMPOSE A FINE OF NOT LESS THAN \$250 AND
19 NOT MORE THAN \$2,000; AND

20 2. MAY SUSPEND OR REVOKE THE LICENSE HOLDER'S
21 LICENSE IMMEDIATELY.

22 ~~(K)~~ (L) THE ANNUAL LICENSE FEE IS \$750.

23 22-1501.

24 (b) The following sections of Title 4, Subtitle 2 ("Issuance or Denial of Local
25 Licenses") of Division I of this article apply in the county:

26 (2) § 4-203 ("Prohibition against issuing multiple licenses to individual or
27 for use of entity"), subject to §§ 22-1503 and 22-1504 of this subtitle and Subtitle 13, Part
28 III [and], Subtitle 16, Part II, AND § 22-1005.2 of this title;

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
30 1, 2024.