

HOUSE BILL 1052

A2

4lr1706
CF SB 1100

By: **Delegates Clippinger, Edelson, and R. Lewis**

Introduced and read first time: February 7, 2024

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – 46th Alcoholic Beverages District –**
3 **Revisions**

4 FOR the purpose of providing that, in the 46th alcoholic beverages district in Baltimore
5 City, a certain license may be issued and an existing license may be moved to a
6 building that is within a certain distance of a place of worship or school under certain
7 circumstances; authorizing the Board of License Commissioners for Baltimore City
8 to waive a certain requirement for a certain license holder that operates a restaurant
9 to remain open after hours; extending for a certain amount of time the expiration of
10 an alcoholic beverages license for the purpose of a transfer; authorizing a certain
11 license conversion under certain circumstances; and generally relating to alcoholic
12 beverages licenses in the 46th alcoholic beverages district in Baltimore City.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages and Cannabis
15 Section 12–102 and 12–1604.1
16 Annotated Code of Maryland
17 (2016 Volume and 2023 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages and Cannabis
20 Section 12–1605(b) and 12–2007
21 Annotated Code of Maryland
22 (2016 Volume and 2023 Supplement)

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.



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

Article – Alcoholic Beverages and Cannabis

12–102.

This title applies only in Baltimore City.

12–1604.1.

(a) This section applies only to a license holder of a Class D beer and light wine license for use in the 46th alcoholic beverages district.

(b) (1) A license holder who holds a valid Class D beer and light wine license may apply to the Board to convert the license to a Class D beer, wine, and liquor license if the license holder:

(i) 1. maintains average daily receipts from the sale of food that are at least 51% of its total daily receipts;

2. executes a memorandum of understanding with the relevant local neighborhood association as determined by the Board;

3. operates a location with not more than 75 seats; and

4. pays a special transfer fee of \$15,000, in addition to any fees required under § 12–1704 of this title; or

(ii) 1. holds a license that was originally issued by the Board under § 12–1604(i) of this subtitle; and

2. pays a special transfer fee of \$15,000, in addition to any fees required under § 12–1704 of this title.

(2) If a Class D beer and light wine license is converted to a Class D beer, wine, and liquor license under paragraph (1) of this subsection, the Class D beer, wine, and liquor license:

(i) may not be transferred to a new location; and

(ii) is subject to the requirements of paragraph (1) of this subsection.

(c) A holder of a license converted under this section may sell beer, wine, and liquor Monday through Sunday from 6 a.m. until 1 a.m. the following day.

(d) An application to convert a Class D beer and light wine license under

subsection (b)(1) of this section is a transfer subject to the provisions of § 12-1701 of this title.

12-1605.

(b) (1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;

2. ward 22, precinct 1;

3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04-697 on June 23, 2004; [or]

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street;

5. SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE, NORTH ON SOUTH HIGHLAND AVENUE TO BANK STREET, THEN WEST ON BANK STREET TO SOUTH CLINTON STREET, THEN SOUTH ON SOUTH CLINTON STREET TO EASTERN AVENUE, THEN EAST ON EASTERN AVENUE BACK TO THE INTERSECTION OF EASTERN AVENUE AND SOUTH HIGHLAND AVENUE; OR

6. SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE AREA THAT IS BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF EASTERN AVENUE AND SOUTH NEWKIRK STREET, EAST ON EASTERN AVENUE TO OLDHAM STREET, THEN SOUTH ON OLDHAM STREET TO FLEET STREET, THEN WEST ON FLEET STREET TO SOUTH NEWKIRK STREET, THEN NORTH ON SOUTH NEWKIRK STREET BACK TO THE INTERSECTION OF SOUTH NEWKIRK STREET AND EASTERN AVENUE.

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school;
or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

(4) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION ONLY IF THE BOARD:

(I) HAS EXECUTED A MEMORANDUM OF UNDERSTANDING WITH A COMMUNITY ASSOCIATION IN THE AREA SPECIFIED IN PARAGRAPH (1)(II)5 OF THIS SUBSECTION REGARDING THE NATURE OF THE ESTABLISHMENT; AND

(II) ENFORCES THE MEMORANDUM OF UNDERSTANDING AGAINST ANY LICENSE HOLDER THAT OBTAINS A LICENSE UNDER PARAGRAPH (1)(II)5 OF THIS SUBSECTION AND SEEKS TO RENEW OR TRANSFER THE LICENSE.

(5) FOR AN ESTABLISHMENT THAT IS WITHIN 300 FEET OF THE NEAREST POINT OF A PLACE OF WORSHIP OR SCHOOL, THE BOARD MAY ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN PARAGRAPH (1)(II)6 OF THIS SUBSECTION ONLY IF THE LICENSE HOLDER HAS RECEIVED A LETTER OF SUPPORT FROM A PLACE OF WORSHIP OR SCHOOL THAT IS WITHIN THE BOUNDED AREA.

12-2007.

(a) Except as provided in subsection (b) of this section, a licensed premises shall end all operations, including the serving of alcoholic beverages and food and providing entertainment, at the closing hour for that class of licensed premises specified in this title.

(b) (1) The Board may grant an exemption for remaining open after hours to:

(i) a holder of a Class B restaurant license, only for serving food to patrons seated for dining;

(ii) a pharmacy that fills prescriptions; or

(iii) a holder of a Class D beer, wine, and liquor license that operates a restaurant, if:

1. it is used only for serving food to patrons seated in a dining room that is not adjacent to a bar; and

2. the restaurant is located in the 46th Legislative District in the Legislative Districting Plan of 2022.

(2) A pharmacy that receives an exemption under paragraph (1) of this subsection may also sell products other than alcohol after normal closing hours.

(3) A hotel that holds a Class B license and that serves food to seated customers or for private functions or guest rooms may continue to provide food service.

(4) THE BOARD MAY WAIVE THE REQUIREMENT IN PARAGRAPH (1)(III)1 OF THIS SUBSECTION THAT A DINING ROOM NOT BE ADJACENT TO A BAR.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 12–1705 of the Alcoholic Beverages and Cannabis Article, a Class B–D–7 license issued for a premises on the 2800 block of O'Donnell Street shall be considered unexpired until the end of July 1, 2024, for the purpose of completing a transfer of ownership at the same location.

(b) Notwithstanding § 12–1604.1 of the Alcoholic Beverages and Cannabis Article, a holder of a Class D beer and light wine license on the 3200 block of Eastern Avenue may apply to the Board to convert to a Class D beer, wine, and liquor license if the license holder meets each requirement in § 12–1604.1 except for the requirement to maintain average daily receipts from the sale of food that are at least 51% of the total daily receipts.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of July 31, 2025, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.