

HOUSE BILL 460

A2

2lr2169
CF 2lr1876

By: **Delegate Guyton**

Introduced and read first time: January 20, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages Licenses – Transfers**

3 FOR the purpose of authorizing the Board of License Commissioners for Baltimore County
4 to approve the transfer of a Class B or Class D license in Election District 15 existing
5 on a certain date to another election district under certain circumstances; limiting
6 the number of license transfers that the Board may authorize from Election District
7 15; repealing as obsolete a transfer schedule of Class B and Class D licenses from
8 Election District 15; altering requirements related to the issuance of a Class B
9 Service Bar (SB) license; and generally relating to alcoholic beverages in Baltimore
10 County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 13–102
14 Annotated Code of Maryland
15 (2016 Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 13–1604
19 Annotated Code of Maryland
20 (2016 Volume and 2021 Supplement)

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

23 **Article – Alcoholic Beverages**

24 13–102.

25 This title applies only in Baltimore County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 13–1604.

2 (a) (1) Subject to paragraph (2) of this subsection, the Board may approve the
3 transfer of a Class B or Class D license in existence in Election District 15 on [May 1, 2012]
4 **JUNE 1, 2022**, to another election district if:

5 (i) the approval occurs anytime from [May 1, 2012] **JUNE 1, 2022**,
6 to [April 30, 2017] **MAY 31, 2025**, both inclusive; and

7 (ii) on the date of the approval, the number of licenses in existence
8 in the election district to which the license is to be transferred is not greater than 25% more
9 than the number of licenses that would otherwise exist in that election district, based on
10 the rule of the Board that limits the total number of licenses available in an election district
11 by population.

12 (2) (i) The Board may not authorize the transfer of more than [25] **FIVE**
13 Class B or Class D licenses in existence on [May 1, 2012] **JUNE 1, 2022**, out of Election
14 District 15.

15 (ii) Not more than two licenses may be transferred under this
16 subsection into any single election district [each year from May 1, 2012, to April 30, 2017,
17 both inclusive].

18 [(b) (1) In accordance with this subsection, the Board shall:

19 (i) approve the transfer of Class B or Class D licenses from Election
20 District 15 to any other election district in the county; or

21 (ii) issue new Class B Service Bar (SB) beer and wine licenses under
22 subsection (c) of this section.

23 (2) On or before April 30, 2013, the Board shall:

24 (i) approve the transfer of five Class B or Class D licenses under
25 subsection (a) of this section or § 13–1705 or § 13–1707 of this title; or

26 (ii) if five licenses are not transferred, issue new Class B Service Bar
27 (SB) licenses so that the number of licenses transferred or issued since May 1, 2012, totals
28 five.

29 (3) On or before April 30, 2014, the Board shall:

30 (i) approve the transfer of Class B or Class D licenses under
31 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
32 number of licenses transferred or issued since May 1, 2012, totals at least 10; or

1 (ii) if the number of licenses transferred under item (i) of this
2 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
3 cumulative number of licenses transferred or issued since May 1, 2012, equals 10.

4 (4) On or before April 30, 2015, the Board shall:

5 (i) approve the transfer of Class B or Class D licenses under
6 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
7 number of licenses transferred or issued since May 1, 2012, totals at least 15; or

8 (ii) if the number of licenses transferred under item (i) of this
9 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
10 cumulative number of licenses transferred or issued since May 1, 2012, equals 15.

11 (5) On or before April 30, 2016, the Board shall:

12 (i) approve the transfer of Class B or Class D licenses under
13 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
14 number of licenses transferred or issued since May 1, 2012, totals at least 20; or

15 (ii) if the number of licenses transferred under item (i) of this
16 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
17 cumulative number of licenses transferred or issued since May 1, 2012, equals 20.

18 (6) On or before April 30, 2017, the Board shall:

19 (i) approve the transfer of Class B or Class D licenses under
20 subsection (a) of this section or § 13–1705 or § 13–1707 of this title so that the cumulative
21 number of licenses issued or transferred since May 1, 2012, totals at least 25; or

22 (ii) if the number of licenses transferred under item (i) of this
23 paragraph is not sufficient, issue new Class B Service Bar (SB) licenses so that the
24 cumulative number of licenses issued or transferred since May 1, 2012, equals 25.

25 (7) In any year, if the Board approves the transfer of more Class B or Class
26 D licenses than are needed to meet the minimum total required for that year, the excess
27 will be counted against the minimum total required for the next year.

28 (8) The date a license is transferred under this subsection is the date of
29 final, nonappealable approval of the application for a new license or for license transfer by
30 the Board.

31 (c)] (B) (1) A Class B Service Bar (SB) beer and wine license may be issued
32 only in compliance with this subsection.

33 (2) A Class B Service Bar (SB) license allows:

(i) sales of beer and wine for on-premises consumption; and

(ii) alcoholic beverages to be served to patrons only as part of a meal.

(3) A Class B Service Bar (SB) license may be used only in the operation of a restaurant, as defined by the Board and this article, that:

(i) has table service; and

(ii) maintains average daily receipts from the sale of food of at least 60% of the total daily receipts of the establishment.

(4) A Class B Service Bar (SB) license does not allow service to a customer who is standing or accepting delivery of purchased food or beverage items other than while seated at a table.

(5) (i) Except as provided in subparagraph (ii) of this paragraph, the proposed restaurant for which a Class B Service Bar (SB) license is sought shall comply with the zoning ordinances of the county, including allowing seating for not fewer than 30 customers and not more than 100 customers.

(ii) The license may not be used in conjunction with the viewing of televised sporting events or the use of live bands, disc jockeys, karaoke, or any other form of live entertainment.

(6) A Class B or D license transferred under subsection (a) of this section or a Class B Service Bar (SB) license issued under this subsection may not thereafter be transferred from the licensed premises or converted to another class of license.

[(7) Not more than one Class B Service Bar (SB) license may be issued in any one election district per year.

(8) A Class B Service Bar (SB) license may not be issued for use on premises or a location for which any on-sale license has been issued within 2 years before the application for the Class B Service Bar (SB) license is filed.

(9) A person may not have a direct or indirect interest as defined in § 13-1606 of this subtitle in more than one Class B Service Bar (SB) license.]

[(d)] (C) The annual fee for a Class B Service Bar (SB) beer and wine license is \$5,000.

[(e)] (D) (1) When a license is transferred from Election District 15 to another election district under this section, the license does not continue to exist in Election District 15.

1 (2) Subject to the 25% allowance authorized in subsection (a)(1)(ii) of this
2 section, the Board shall consider a license transferred under this section to be a regular
3 license and not an exception license for determining the total number of licenses available
4 in an election district based on the rule of the Board.

5 **[(f)] (E)** (1) The Board:

6 (i) shall convert a Class D license that is transferred from Election
7 District 15 to any other election district to a Class B license; and

8 (ii) may not thereafter transfer the Class B license from the licensed
9 premises or convert the license to another class of license.

10 (2) The Board may not transfer from a licensed premises or convert a
11 license to another class of license:

12 (i) a new license issued by the Board based on an increase in
13 population under the rule of the Board limiting the total number of licenses available by
14 population; or

15 (ii) a license that has been revoked and reissued by the Board.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2022.