

HOUSE BILL 1152

A2

1lr0700

By: **Howard County Delegation**

Introduced and read first time: February 8, 2021

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2021

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Class B Beer, Wine, and Liquor License**
3 **– Off-Premises Consumption**

4 **Ho. Co. 04–21**

5 FOR the purpose of authorizing the holder of a certain Class B beer, wine, and liquor license
6 in Howard County to sell beer, wine, and liquor in sealed containers for off-premises
7 consumption, subject to certain requirements; repealing certain provisions that
8 authorize the Board of License Commissioners for Howard County to issue a certain
9 permit to a certain holder of a certain Class B beer, wine, and liquor license; and
10 generally relating to alcoholic beverages in Howard County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 23–102
14 Annotated Code of Maryland
15 (2016 Volume and 2020 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 23–902
19 Annotated Code of Maryland
20 (2016 Volume and 2020 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

23–102.

This title applies only in Howard County.

23–902.

(a) There is a Class B beer, wine, and liquor license.

(b) The Board may issue the license to the owner of a hotel that:

(1) is in a building at least three stories tall that was originally constructed
for hotel purposes;

(2) has a capital investment of at least \$500,000; and

(3) contains:

(i) at least one passenger elevator;

(ii) at least 100 rooms to accommodate the public; and

(iii) a dining room with facilities for preparing and serving regular
meals for at least 125 individuals at one seating.

(c) The license authorizes the license holder to sell [beer, wine, and liquor at
retail] at a hotel or restaurant at the place described in the license:

(1) BEER, WINE, AND LIQUOR AT RETAIL for on–premises consumption;
AND

**(2) BEER, WINE, AND LIQUOR IN SEALED CONTAINERS FOR
OFF–PREMISES CONSUMPTION ONLY TO A PERSON WHO HAS PURCHASED PREPARED
FOOD FROM THE LICENSED PREMISES.**

[(d) (1) There is a beer and wine (B–SBW) off–sale permit.

(2) The Board may issue the permit only to a holder of the Class B beer,
wine, and liquor license that is issued for a restaurant.

(3) A holder of the permit:

(i) may sell beer and wine for off-premises consumption only to persons who have purchased food or alcohol from the licensed premises; and

(ii) may not display or provide shelving for beer or wine for off-premises sales in areas of the establishment that are accessible to the public.

(4) The term of the permit is the same as that of the Class B beer, wine, and liquor license that the applicant holds.

(5) Before the Board may issue the permit:

(i) the applicant shall complete the form that the Board provides; and

(ii) the same advertising, posting of notice, and public hearing requirements as those for Class B licenses shall be met.

(6) Off-sale alcoholic beverages receipts collected under the permit shall be included in the calculation of average daily receipts from the sale of alcoholic beverages in a restaurant under § 1–101 of this article.

(7) A holder of the permit may exercise the privileges of the permit only when the licensed premises is open for business as a restaurant.

(8) The Board may adopt regulations to carry out this subsection, including a limit on the number of permits to be issued.]

(D) (1) THE LICENSE HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING FOR BEER, WINE, OR LIQUOR FOR OFF-PREMISES SALES IN AREAS OF THE ESTABLISHMENT THAT ARE ACCESSIBLE TO THE PUBLIC.

(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED UNDER THE LICENSE SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT UNDER § 1–101 OF THIS ARTICLE.

(3) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION ONLY WHEN THE LICENSED PREMISES IS OPEN FOR BUSINESS AS A HOTEL OR RESTAURANT.

(e) The Comptroller may issue one Class 8 farm brewery license and one Class 7 micro-brewery license to a license holder that holds not more than five Class B and six Class BLX beer, wine, and liquor licenses.

(f) The annual license [fees are:

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1 (1) \$1,000 for the Class B beer, wine, and liquor license; and

2 (2) \$500 for the off-sale beer and wine permit] **FEE IS \$1,000.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.