

# HOUSE BILL 1115

A2

EMERGENCY BILL

2lr2447  
CF SB 771

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By: **Delegate Clippinger**

Introduced and read first time: February 11, 2022

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2022

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Baltimore City —~~46th District~~ — Alcoholic Beverages Licenses — Licenses and**  
3 **Outdoor Table Service Privileges**

4 FOR the purpose of altering certain hours of sale, certain square footage requirements, and  
5 a certain license fee for the holder of a public market license in the 46th alcoholic  
6 beverages district in Baltimore City; authorizing the Board of License  
7 Commissioners for Baltimore City to waive certain distance restrictions for an  
8 application for the transfer of a license into a certain area; extending for a certain  
9 ~~number of years~~ amount of time the expiration date of a ~~date of a~~ dates of certain ~~Class B beer~~  
10 ~~and wine license~~ licenses issued for ~~a certain~~ a certain premises located in ~~a certain area~~ areas;  
11 prohibiting the Board from charging a holder of an alcoholic beverages license a  
12 certain fee if the holder holds a Temporary Outdoor Seating Permit issued by the  
13 Mayor and City Council of Baltimore City; authorizing the Board to grant certain  
14 ancillary license privileges to a holder of an alcoholic beverages license and to alter  
15 certain notice requirements under certain circumstances; and generally relating to  
16 alcoholic beverages ~~licenses~~ in Baltimore City.

17 BY repealing and reenacting, without amendments,  
18 Article – Alcoholic Beverages  
19 Section 12–102 and 12–1002.1(a) and (e)  
20 Annotated Code of Maryland  
21 (2016 Volume and 2021 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Alcoholic Beverages

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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.



1 Section ~~12-1002.1(e)~~ 12-1002.1(d), (g), and (h), 12-1605(a), and 12-2204  
2 Annotated Code of Maryland  
3 (2016 Volume and 2021 Supplement)

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

6 **Article – Alcoholic Beverages**

7 12-102.

8 This title applies only in Baltimore City.

9 12-1002.1.

10 (a) There is a public market license.

11 (d) (1) The license authorizes the license holder to sell, for on- or off-premises  
12 consumption:

13 (i) beer;

14 (ii) wine; and

15 (iii) liquor, when served as an ingredient in mixed drinks that may  
16 be purchased for at least \$5 each.

17 (2) (i) Subject to subparagraph (ii) of this paragraph and subsection  
18 (e)(6) of this section, the license holder may designate vendors within the public market to  
19 sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable  
20 market space covering not more than [20%] 25% of the total square footage of floor space  
21 of the licensed premises.

22 (ii) Except as provided in subsection (e)(3) of this section, an  
23 individual vendor may sell alcoholic beverages in an area covering not more than 1,000  
24 square feet of floor space.

25 (3) (i) The license holder shall submit to the Board the same  
26 information about each vendor that the Board requires of an applicant for a license.

27 (ii) The Board shall apply to the Central Repository for a State and  
28 national criminal history records check for each vendor authorized to sell alcoholic  
29 beverages.

30 (iii) A vendor authorized to sell alcoholic beverages or an individual  
31 who is designated by the vendor and employed in a supervisory capacity is required to be:

1           1.     certified by an approved alcohol awareness program; and

2           2.     present when alcoholic beverages are consumed.

3           (4)   (i)     Subject to subparagraph (ii) of this paragraph, monthly receipts  
4 from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly  
5 receipts of the market.

6                     (ii)   The only nonalcoholic beverage items that may be counted in the  
7 calculation required under subparagraph (i) of this paragraph are items sold in the public  
8 market that are not provided as part of an off-premises catering service.

9           (e)   (1)     The license holder may designate a vendor to sell alcoholic beverages  
10 allowed under subsection (d)(1) of this section for on-premises consumption at a restaurant  
11 in the premises formerly occupied by an establishment for which a Class D (7-day) beer  
12 and wine license was issued.

13                     (2)     The restaurant shall have average daily receipts from the sale of food  
14 that are at least 65% of the total daily receipts of the restaurant.

15                     (3)     The vendor designated for the restaurant may sell alcoholic beverages  
16 in an area exceeding 1,000 square feet of floor space.

17                     (4)     The hours of sale for alcoholic beverages at the restaurant are from 9  
18 a.m. to 1 a.m. the following day, Monday through Sunday.

19                     (5)     The privilege to sell alcoholic beverages at the restaurant may not be  
20 transferred to another location.

21                     (6)     The premises of the restaurant do not count toward the limit on the  
22 total square footage of floor space in which alcoholic beverages may be sold in the public  
23 market under subsection (d)(2)(i) of this section.

24           (g)    Except as provided under subsection (e)(4) of this section, the hours of sale of  
25 alcoholic beverages for on-premises consumption are:

26                     (1)     from 11:30 a.m. to ~~[10 p.m.]~~ **11 P.M.** Monday through Thursday;

27                     (2)     from 11:30 a.m. to ~~[11:30 p.m.]~~ **MIDNIGHT** on Friday;

28                     (3)     from 9 a.m. to ~~[11:30 p.m.]~~ **MIDNIGHT** on Saturday; and

29                     (4)     from 9 a.m. to ~~[9 p.m.]~~ **11 P.M.** on Sunday.

30           (h)    The annual license fee is:

31                     (1)     subject to item (2) of this subsection, ~~[\$7,500]~~ **\$6,000**; or

1           (2)   \$3,500, if the applicant for the license obtains and extinguishes one  
2 Class A, Class B, Class D, or Class B–D–7 license issued for use in ward 23, precinct 1 of  
3 the 46th alcoholic beverages district.

4 12–1605.

5           (a)   (1)   (i)   Except as otherwise provided in this subsection, a new license  
6 may not be issued for and an existing license may not be moved to a building that is within  
7 300 feet of the nearest point of the building of a place of worship or school.

8                       (ii)   In the 45th legislative district, a new Class A license of any type  
9 may not be issued for a building that is within 500 feet of the nearest point of the building  
10 of a place of worship or school.

11           (2)   Paragraph (1)(i) of this subsection does not apply to:

12                       (i)   a Class B beer and wine license outside the 46th legislative  
13 district;

14                       (ii)   a Class B beer, wine, and liquor license outside the 46th  
15 legislative district;

16                       (iii)   a Class B–D–7 license in the Old Goucher Revitalization District  
17 under § 12–1603(e) of this subtitle;

18                       (iv)   a Class C beer and wine license; and

19                       (v)   a Class C beer, wine, and liquor license.

20           (3)   A license for use in a building that is within 300 feet of the grounds of  
21 a place of worship or school may be renewed or extended for the same building.

22           (4)   (i)   This paragraph applies only to an area bounded by:

23                       1.   High Street on the west, Pratt Street on the north, Central  
24 Avenue on the east, and Eastern Avenue on the south;

25                       2.   West Cross Street and Amity Street on the west, Clifford  
26 Street on the north, Scott Street on the east, and Carroll Street on the south; [or]

27                       3.   Holliday Street on the west, Saratoga Street on the north,  
28 Gay Street on the east, and Lexington Street on the south; **OR**

29                       4.   **SUBJECT TO SUBPARAGRAPH (III) OF THIS**  
30 **PARAGRAPH, FAGLEY STREET ON THE WEST, GOUGH STREET ON THE NORTH,**  
31 **GRUNDY STREET ON THE EAST, AND CHESTLE PLACE ON THE SOUTH.**

1 (ii) The Board may waive the distance restrictions in paragraph  
2 (1)(i) of this subsection for an application for the transfer of a license into an area specified  
3 in subparagraph (i) of this paragraph if:

4 1. the application is approved by:

5 A. each community association representing the area;

6 B. each business association in the area; and

7 C. the ordained leader and the board or council for each place  
8 of worship that is within 300 feet of the proposed location of the establishment for which  
9 the license transfer is sought; and

10 2. a memorandum of understanding is executed by the  
11 applicant for the license transfer and each community association in the area.

12 (iii) **THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE**  
13 **TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS**  
14 **PARAGRAPH IF:**

15 1. **THE PROPOSED LOCATION OF THE ESTABLISHMENT**  
16 **IS IN AN AREA THAT IS ZONED “RESIDENTIAL”; OR**

17 2. **THE LICENSE TO BE ISSUED OR TRANSFERRED IS A**  
18 **CLASS A LICENSE OF ANY TYPE.**

19 12–2204.

20 Unless transferred to another location, a Class B (7–day) beer and wine license  
21 issued for a premises located in an area surrounded by Charles Street on the west, East  
22 Cross Street on the north, Light Street on the east, and East Cross Street on the south, in  
23 ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1,  
24 [2022] 2024.

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July~~  
26 ~~1, 2022.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That a Class B–D–7 license issued  
28 for a premises in the 1171–1173 block of Hamburg Street shall be considered unexpired  
29 until the end of July 1, 2023, for the purposes of being transferred to another owner at the  
30 same location, notwithstanding § 12–1705 of the Alcoholic Beverages Article.

31 SECTION 3. AND BE IT FURTHER ENACTED, That:

1           (a) Except as provided in subsection (b)(3) of this section, the Board of License  
2 Commissioners for Baltimore City may not charge a fee to a holder of an alcoholic beverages  
3 license issued by the Board if:

4           (1) the holder of the alcoholic beverages license also holds an unexpired  
5 Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore  
6 City; and

7           (2) the fee is imposed for the ancillary privilege of providing outdoor table  
8 or cafe service in conjunction with the Temporary Outdoor Seating Permit.

9           (b) (1) On application, the Board of License Commissioners for Baltimore City  
10 may consider the request of a holder of an alcoholic beverages license who also holds an  
11 unexpired Temporary Outdoor Seating Permit issued by the Mayor and City Council of  
12 Baltimore City to permanently add to the holder's license the ancillary privilege of  
13 providing outdoor table or cafe service.

14           (2) The Board may:

15           (i) satisfy the notice requirement under § 12-1506(a) of the  
16 Alcoholic Beverages Article by publishing the entire list of applications received under  
17 paragraph (1) of this subsection as a single consolidated list in two newspapers of general  
18 circulation in Baltimore City; and

19           (ii) waive the requirement under § 12-1506(b) of the Alcoholic  
20 Beverages Article to post a notice at the location described in the application.

21           (3) If, in accordance with this subsection, the Board adds to a license  
22 holder's license the ancillary privilege of providing outdoor table or cafe service, the fee  
23 prohibition under subsection (a) of this section does not apply.

24           (4) The Board shall adopt regulations to carry out the provisions of this  
25 subsection.

26           SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency  
27 measure, is necessary for the immediate preservation of the public health or safety, has  
28 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
29 each of the two Houses of the General Assembly, and shall take effect from the date it is  
30 enacted. Section 2 of this Act shall remain effective through June 30, 2023, and, at the end  
31 of June 30, 2023, Section 2 of this Act, with no further action required by the General  
32 Assembly, shall be abrogated and of no further force and effect.