

HOUSE BILL 1271

A2

2lr2954

By: **Delegates Jameson, Barnes, and Feldman**

Introduced and read first time: February 13, 2012

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Alcoholic Beverages – Multiple Licenses – Chain Stores and Out-of-State**
3 **Licenses**

4 FOR the purpose of specifying that a business establishment may not be considered a
5 chain store for purposes of certain provisions of the alcoholic beverages law
6 under certain circumstances; repealing certain prohibitions against issuing
7 certain alcoholic beverages licenses in certain counties to a person who holds an
8 alcoholic beverages license issued in another state or Washington, D.C.;
9 increasing the number of certain alcoholic beverages licenses that may be issued
10 to an individual for certain purposes; limiting the number of licenses that may
11 be issued for a certain purpose; making technical and conformity changes; and
12 generally relating to alcoholic beverages licenses in the State.

13 BY repealing and reenacting, with amendments,
14 Article 2B – Alcoholic Beverages
15 Section 9–102(a) and (a–1) and 9–107
16 Annotated Code of Maryland
17 (2011 Replacement Volume)

18 BY repealing
19 Article 2B – Alcoholic Beverages
20 Section 9–102(b–3)
21 Annotated Code of Maryland
22 (2011 Replacement Volume)

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

25 **Article 2B – Alcoholic Beverages**

26 9–102.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) No more than one license provided by this article, except by way of
2 renewal or as otherwise provided in this section, shall be issued in any **SINGLE** county
3 or Baltimore City, to any person, or for the use of any partnership, corporation,
4 unincorporated association, or limited liability company, in Baltimore City or any
5 **SINGLE** county of the State.

6 (2) No more than one license shall be issued for the same premises
7 except as provided in §§ 2–201 through 2–208, 2–301, and 6–701 and Title 7.5 of this
8 article.

9 (3) This subsection may not be construed to apply to § 6–201(r)(4),
10 (15), (17), and (18), § 7–101(b) and (c), § 8–202(g)(2)(ii) and (iii), § 8–217(e), § 8–508, §
11 8–902, § 9–217(b–1), or § 12–202 of this article.

12 (a–1) **(1) [A] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A Class**
13 **A, B, or D beer license, beer and wine license, or beer, wine and liquor license, except**
14 **by way of renewal, may not be granted, transferred, or issued to, or for use in**
15 **conjunction with, or upon the premises of any business establishment of the type**
16 **commonly known as chain stores, supermarkets, or discount houses.**

17 **(2)** This subsection does not apply to or affect any business
18 establishment already holding such a license or the possibility of such licensee having
19 the license transferred to a similar type of business establishment.

20 **(3)** Discount houses do not include licensees who sell at discount
21 prices.

22 **(4) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A**
23 **BUSINESS ESTABLISHMENT IS NOT A CHAIN STORE IF THE PERSON HOLDING**
24 **THE LICENSE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION FOR THE**
25 **BUSINESS ESTABLISHMENT:**

26 **(I) HOLDS NOT MORE THAN FIVE LICENSES IN THE STATE**
27 **IN ACCORDANCE WITH § 9–107(A) OF THIS SUBTITLE; OR**

28 **(II) USES A NAME OR TRADEMARK COMMON TO OTHER**
29 **BUSINESSES THAT ARE IN OR OUTSIDE THE STATE.**

30 **[(b–3) (1)** In Allegany County, a Class A or Class D beer, beer and light wine,
31 or beer, wine and liquor license may not be issued, except by way of renewal, to a
32 person, corporation, or limited liability company holding an alcoholic beverages license
33 in any other state or in Washington, D.C.

34 **(2)** In Anne Arundel County, a Class A or Class D beer, beer and light
35 wine, or beer, wine and liquor license may not be issued except by way of renewal to a

1 person, corporation, or limited liability company holding an alcoholic beverage license
2 in any other state or in Washington, D.C.

3 (3) In Baltimore City, a Class A or Class D beer, beer and light wine,
4 or beer, wine and liquor license may not be issued except by way of renewal to a
5 person, corporation, or limited liability company holding an alcoholic beverage license
6 in any other state.

7 (4) In Baltimore County, a Class A or Class D beer, beer and light
8 wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a
9 person, corporation, or limited liability company holding an alcoholic beverages license
10 in any other state or in Washington, D.C.

11 (5) In Calvert County and St. Mary's County, a Class A or Class D
12 beer, beer and light wine, or beer, wine and liquor license may not be issued, except by
13 way of renewal, to a person, corporation, or limited liability company holding an
14 alcoholic beverages license in any other state or in Washington, D.C.

15 (6) In Charles County, a Class A or Class D beer, beer and light wine,
16 or beer, wine and liquor license may not be issued, except by way of renewal, to a
17 person, corporation, or limited liability company holding an alcoholic beverages license
18 in any other state or in Washington, D.C.

19 (7) In Garrett County, a Class A or Class D beer, beer and light wine,
20 or beer, wine and liquor license may not be issued, except by way of renewal, to a
21 person, corporation, or limited liability company holding an alcoholic beverages license
22 in any other state or in Washington, D.C.

23 (8) In Howard County, a Class A or Class D beer, beer and light wine,
24 or beer, wine and liquor license may not be issued, except by way of renewal, to a
25 person, corporation, or limited liability company holding an alcoholic beverages license
26 in any other state or in Washington, D.C.

27 (9) In Washington County, a Class A or Class D beer, beer and light
28 wine, or beer, wine and liquor license may not be issued, except by way of renewal, to a
29 person, corporation, or limited liability company holding an alcoholic beverages license
30 in any other state or in Washington, D.C.]

31 9–107.

32 (a) Except by way of renewal or as provided in § 9–102(j)(4) of this subtitle,
33 no more than [one] FIVE alcoholic beverage [license] LICENSES provided by this
34 article that [is a] ARE Class A, Class C, or Class D [license] LICENSES may be issued
35 in this State to any individual for the use of:

36 (1) That individual in this State; or

1 (2) [For the use of any] **A** partnership, corporation, unincorporated
2 association, or limited liability company in this State.

3 **(B) NOT MORE THAN ONE LICENSE MAY BE ISSUED UNDER SUBSECTION**
4 **(A) OF THIS SECTION FOR THE USE OF AN ESTABLISHMENT THAT DERIVES LESS**
5 **THAN 85% OF REVENUE FROM THE SALE OF ALCOHOLIC BEVERAGES.**

6 **[(b)] (C)** This section may not be construed to abrogate or alter any
7 restrictions on the issuance of any class of license otherwise contained in § 9–102 of
8 this article.

9 **[(c)] (D)** This section may not be construed to prohibit the issuance of any
10 license otherwise expressly permitted under this article.

11 **[(d)] (E)** This section may not be construed to prohibit the issuance of any
12 license to any individual for that individual or for the use of any partnership,
13 corporation, unincorporated association, or limited liability company, if the license is
14 issued for premises which are outdoor amphitheatres, centers for the performing arts,
15 stadiums, or sports arenas.

16 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
17 June 1, 2012.