

Chapter 765

(House Bill 1575)

AN ACT concerning

Baltimore County – Alcoholic Beverages – Multiple Class B Licenses

FOR the purpose of authorizing the Board of License Commissioners for Baltimore County to allow a person to obtain a certain interest in one or more licenses issued in another jurisdiction or state and a certain number of Class B beer, wine, and liquor licenses that the Board issues; repealing ~~a requirement~~ requirements that a restaurant for which a certain license is issued have a certain minimum dining seating capacity and a certain cocktail lounge or bar seating capacity; altering the percentage of sales in alcoholic beverages that a restaurant for which a certain license is issued is required to have; requiring a restaurant for which a certain second or subsequent license is issued to have a certain minimum capital investment for restaurant facilities; altering the off-sale privileges of a certain license; and generally relating to Class B beer, wine, and liquor licenses issued in Baltimore County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 13-102
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 13-1606
Annotated Code of Maryland
(2016 Volume and 2017 Supplement)

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

Article – Alcoholic Beverages

13-102.

This title applies only in Baltimore County.

13-1606.

(a) The Board may allow a person to obtain a direct or indirect interest in:

(1) **IN ADDITION TO ONE OR MORE LICENSES ISSUED IN ANOTHER JURISDICTION OR STATE**, not more than 12 Class B (on-sale — hotels and restaurants) beer, wine, and liquor licenses; or

(2) if one of the restaurants for which a license is issued is located in the Liberty Road Commercial Revitalization District as defined by the County Council on October 18, 1999, not more than 13 Class B (on-sale — hotels and restaurants) beer, wine, and liquor licenses.

(b) A restaurant described in subsection (a) of this section shall:

(1) meet the requirements of the regulations of the Board regarding the availability and issuance of licenses;

(2) meet the definition requirements of “restaurant” established under the regulations of the Board;

(3) ~~have a minimum dining seating capacity of 100 individuals;~~

~~(4)~~ [have a cocktail lounge or bar area seating capacity that does not exceed 25% of the dining seating capacity; and

(5)] have not more than ~~40%~~ 49% of sales in alcoholic beverages in connection with the business; **AND**

~~(5) (4)~~ **FOR A SECOND OR SUBSEQUENT LICENSE, HAVE A MINIMUM CAPITAL INVESTMENT OF \$250,000 FOR RESTAURANT FACILITIES.**

(c) An indirect interest is presumed to exist between two persons, if the persons:

(1) have a common parent company;

(2) are parties to a franchise agreement, licensing agreement, or concession agreement;

(3) are part of a chain of businesses that is commonly owned and operated;

(4) share a director, stockholder, partner, or member;

(5) share a director, stockholder, partner, or member of a parent or subsidiary;

(6) share, directly or indirectly, profit from the sale of alcoholic beverages;

or

(7) share a trade name, trademark, logo or theme, or mode of operation identifiable by the public.

(d) A **SECOND OR SUBSEQUENT** license described in subsection (a) of this section does not confer an off-sale privilege.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 15, 2018.