

# HOUSE BILL 536

A2

EMERGENCY BILL  
ENROLLED BILL

(0lr3178)

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by ~~Delegates Saab, Chisholm, and Howard~~ Anne Arundel County  
Delegation

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Anne Arundel County – Liquor Licenses – Transfer of License**

3 FOR the purpose of authorizing the Board of License Commissioners for Anne Arundel  
4 County to allow ~~a license holder~~ an approved applicant to transfer an alcoholic  
5 beverages license to other premises within ~~the same tax assessment district as~~ a  
6 certain distance of the premises for which the license was issued under certain  
7 circumstances; providing for the application of this Act; making this Act an  
8 emergency measure; and generally relating to alcoholic beverages in Anne Arundel  
9 County.

10 BY repealing and reenacting, without amendments,

11 Article – Alcoholic Beverages

12 Section 11–102 and 11–1701(b)

13 Annotated Code of Maryland

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 (2016 Volume and 2019 Supplement)

2 BY repealing and reenacting, with amendments,  
3 Article – Alcoholic Beverages  
4 Section 11–1702  
5 Annotated Code of Maryland  
6 (2016 Volume and 2019 Supplement)

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

9 **Article – Alcoholic Beverages**

10 11–102.

11 This title applies only in Anne Arundel County.

12 11–1701.

13 (b) The following sections of Title 4, Subtitle 3 (“Transfer of Local Licenses;  
14 Substitution of Names on License”) of Division I of this article apply in the county:

15 (1) § 4–302 (“Transfer of place of business; transfer of license and  
16 inventory”), subject to § 11–1702 of this subtitle;

17 (2) § 4–305 (“Filing fee and endorsement”), subject to § 11–1703 of this  
18 subtitle; and

19 (3) § 4–306 (“Substitution of names of officers on license”), subject to  
20 § 11–1706 of this subtitle.

21 11–1702.

22 (a) (1) Subject to subsection (b) of this section, the Board may not approve an  
23 application for the transfer of a license unless:

24 (i) all obligations of the transferor pertaining to the licensed  
25 establishment have been paid; or

26 (ii) an arrangement concerning debts and obligations satisfactory to  
27 the transferor’s creditors has been made.

28 (2) Paragraph (1) of this subsection also applies to approval of an  
29 application for a new license if the Board believes that the application is being used to avoid  
30 provisions regarding the transfer of a license.

31 (b) The Board is not bound by subsection (a) of this section unless:

1 (1) a creditor submits a claim, under affidavit, to the Board before the  
2 hearing held on the transfer; and

3 (2) the claim involves an indebtedness incurred in the operation of the  
4 licensed premises.

5 (C) ~~ON~~ WITHIN 1 YEAR AFTER THE DATE OF FINAL APPROVAL BY THE  
6 BOARD, AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS ON  
7 TRANSFERS OF LICENSES, ~~A LICENSE HOLDER~~ AN APPROVED APPLICANT MAY  
8 TRANSFER THE LICENSE TO OTHER PREMISES ~~IN THE SAME TAX ASSESSMENT~~  
9 ~~DISTRICT~~ WITHIN ONE-HALF MILE IF THE PREMISES FOR WHICH THE LICENSE WAS  
10 ISSUED IS:

11 (1) SUBSTANTIALLY DESTROYED BY FIRE, EXPLOSION, OR  
12 CATASTROPHE;

13 (2) TAKEN BY CONDEMNATION; ~~OR~~

14 (3) TAKEN BY THE EXERCISE OF THE POWER OF EMINENT DOMAIN; OR

15 (4) NO LONGER LEASED BY THE LICENSE HOLDER DUE TO THE DELAY  
16 OF A COURT CASE OR OTHER ADMINISTRATIVE PROCESS DELAY.

17 SECTION 2. AND BE IT FURTHER ENACTED, That *this Act shall be construed to*  
18 *apply retroactively and shall be applied to and interpreted to affect any application for an*  
19 *alcoholic beverages license submitted on or after January 1, 2013.*

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
21 measure, is necessary for the immediate preservation of the public health or safety, has  
22 been passed by a ye and nay vote supported by three-fifths of all the members elected to  
23 each of the two Houses of the General Assembly, and shall take effect from the date it is  
24 enacted.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.