

# HOUSE BILL 795

A2

7lr2531  
CF 7lr2530

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By: ~~Delegate Impallaria~~ Harford County Delegation

Introduced and read first time: February 3, 2017

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2017

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

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Waiver From School Distance**  
3 **Restrictions**

4 FOR the purpose of altering the circumstances under which the Board of License  
5 Commissioners for Harford County may issue a waiver from certain school distance  
6 restrictions for certain alcoholic beverages licenses; requiring certain hearings to be  
7 held, certain recommendations to be made, and certain recommendations and  
8 comments to be considered before a certain waiver can be issued; and generally  
9 relating to alcoholic beverages in Harford County.

10 BY repealing and reenacting, without amendments,  
11 Article – Alcoholic Beverages  
12 Section 22–102  
13 Annotated Code of Maryland  
14 (2016 Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Alcoholic Beverages  
17 Section 22–1602  
18 Annotated Code of Maryland  
19 (2016 Volume and 2016 Supplement)

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

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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.



**Article – Alcoholic Beverages**

1  
2 22–102.

3 This title applies only in Harford County.

4 22–1602.

5 (a) This section does not apply to:

6 (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class  
7 B (on–sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

8 (2) a license in effect on July 1, 1977;

9 (3) the renewal, transfer, or upgrading of a license, unless the license is  
10 transferred to a new location; and

11 (4) the issuance of:

12 (i) a 1–day license that is to be used on the premises of a place of  
13 worship or school;

14 (ii) a Class GC (golf course) license; and

15 (iii) a Class CCFA (continuing care facility) license.

16 (b) (1) (i) Except as provided in paragraph (2) of this subsection, the Board  
17 may not issue a license for an establishment that is within 300 feet of a place of worship.

18 (ii) The distance from the establishment to the place of worship is to  
19 be measured from the nearest point of the building of the establishment to the nearest point  
20 of the building of the place of worship.

21 (2) Paragraph (1) of this subsection does not apply to the issuance of:

22 (i) a 1–day license for use in a building;

23 (ii) a license issued to a hotel, motel, restaurant, club, or caterer in  
24 a municipality; and

25 (iii) a Class H beer, wine, and liquor license issued to a caterer for  
26 use in a banquet facility in an establishment if:

27 1. the construction of the establishment was completed after  
28 July 1, 1991; and

1                                   2.     the establishment is used for emergency operations by a  
2 volunteer fire company.

3           (c)   (1)   (i)    Except as provided in paragraph (2) of this subsection, the Board  
4 may not issue a license to a business establishment that is within 1,000 feet of a public or  
5 private school building.

6                                   (ii)   The distance from the establishment to the public or private  
7 school is to be measured from the nearest point of the building of the establishment to the  
8 nearest point of the building of the school.

9                                   (2)   The Board may issue a license to a business establishment in Harford  
10 County and in a municipality in Harford County if the business establishment is not located  
11 within 300 feet of a public or private school.

12                                   (3)   A decision of the County Board of Education to locate a public school  
13 building within 1,000 feet of the premises of a license holder may not be the basis to revoke  
14 or deny the renewal, transfer, or upgrading of the license.

15           (d)   **(1)   The SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,**  
16 **THE** Board may waive the distance restrictions from a public or private school building and  
17 issue a Class B (on-sale) restaurant license [if:

18                                   (1)   the restaurant is located in a community shopping center that contains:

19   (i)   six or more retail uses;

20   (ii)  six or more retail and service uses; or

21   (iii) a gross floor area of more than 20,000 square feet; and

22                                   (2)   the Board takes into account comments received from parents whose  
23 children attend the public or private school] **OR A CLASS B CAFE LICENSE ON A**  
24 **CASE-BY-CASE BASIS.**

25                                   **(2)   BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE**  
26 **DISTANCE RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING UNDER**  
27 **PARAGRAPH (1) OF THIS SUBSECTION:**

28                                   **(I)   A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING**  
29 **BODY OF:**

30   **1.   IF THE RESTAURANT IS LOCATED IN A MUNICIPALITY,**  
31 **THE MUNICIPALITY WHERE THE RESTAURANT IS LOCATED; OR**

1                                   **2. IF THE RESTAURANT IS LOCATED OUTSIDE THE**  
2 **BOUNDARIES OF A MUNICIPALITY, THE COUNTY WHERE THE RESTAURANT IS**  
3 **LOCATED;**

4                                   **(II) THE GOVERNING BODY SHALL MAKE A RECOMMENDATION**  
5 **TO THE BOARD REGARDING WHETHER THE DISTANCE RESTRICTIONS SHOULD BE**  
6 **WAIVED; AND**

7                                   **(III) AFTER RECEIVING THE RECOMMENDATION, THE BOARD**  
8 **SHALL HOLD A PUBLIC HEARING.**

9                                   **(3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE**  
10 **RESTRICTIONS FROM A PUBLIC OR PRIVATE SCHOOL BUILDING, THE BOARD SHALL**  
11 **TAKE INTO CONSIDERATION:**

12                                   **(I) THE RECOMMENDATION FROM THE GOVERNING BODY;**

13                                   **(II) COMMENTS RECEIVED FROM PARENTS WHOSE CHILDREN**  
14 **ATTEND THE PUBLIC OR PRIVATE SCHOOL; AND**

15                                   **(III) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE**  
16 **BOARD.**

17                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
18 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.