

HOUSE BILL 938

A2

2lr1374
CF SB 543

By: **Delegates Tarrant, Branch, Glenn, Harrison, Mitchell, Oaks, and Stukes**
Introduced and read first time: February 10, 2012
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Licensed Premises – Extended Hours**

3 FOR the purpose of authorizing in Baltimore City certain premises, equipped with
4 certain kitchen facilities and utensils and for which a Class B–D–7 license and
5 an adult entertainment license have been issued, to continue certain operations
6 after a certain time; prohibiting a patron from consuming alcoholic beverages
7 after a certain time; specifying a certain fee; making a certain technical
8 correction; and generally relating to the sale of alcoholic beverages in Baltimore
9 City.

10 BY repealing and reenacting, with amendments,
11 Article 2B – Alcoholic Beverages
12 Section 11–304(d) and 11–305(b)(1)
13 Annotated Code of Maryland
14 (2011 Replacement Volume)

15 BY repealing and reenacting, without amendments,
16 Article 2B – Alcoholic Beverages
17 Section 11–305(a)
18 Annotated Code of Maryland
19 (2011 Replacement Volume)

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

22 **Article 2B – Alcoholic Beverages**

23 11–304.

24 (d) (1) Except as provided in this subsection, this section does not apply to
25 premises conducted on New Year’s Day by on–sale licensees in Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) **[In] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
2 **SUBSECTION, IN Baltimore City, a licensed premises shall cease all operations,**
3 **including the serving of alcoholic beverages or food and providing entertainment, at**
4 **the closing hour for that class of licensed premises specified in this article.**

5 **(3) (I) AFTER CEASING TO SERVE ALCOHOLIC BEVERAGES AT 2**
6 **A.M., A LICENSED PREMISES MAY CONTINUE TO SERVE FOOD UNTIL 3 A.M. IF:**

7 **1. A CLASS B-D-7 LICENSE AND AN ADULT**
8 **ENTERTAINMENT LICENSE HAVE BEEN ISSUED FOR THE LICENSED PREMISES;**
9 **AND**

10 **2. THE LICENSED PREMISES IS EQUIPPED WITH**
11 **FULL KITCHEN FACILITIES AND UTENSILS FOR REGULARLY SERVING HOT AND**
12 **COLD MEALS PREPARED ON THE PREMISES FOR THE PUBLIC.**

13 **(II) A PATRON IN A LICENSED PREMISES DESCRIBED IN**
14 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT CONSUME ALCOHOLIC**
15 **BEVERAGES AFTER 3 A.M.**

16 **(4) THE ANNUAL FEE FOR EXERCISING THE PRIVILEGE UNDER**
17 **PARAGRAPH (3) OF THIS SUBSECTION IS \$750.**

18 **[(3)] (5)** Notwithstanding paragraph (2) of this subsection, the Board
19 of Liquor License Commissioners may grant an exemption for remaining open after
20 hours to:

21 (i) A holder of a Class B restaurant license, only for serving
22 food to patrons seated for dining;

23 (ii) A pharmacy that fills prescriptions; or

24 (iii) A holder of a Class D beer, wine and liquor license that
25 operates a restaurant, if:

26 1. It is used only for serving food to patrons seated in a
27 dining room that is not adjacent to a bar; and

28 2. The restaurant is located in the 46th Legislative
29 District in the Legislative Districting Plan of 2002 as ordered by the Maryland Court
30 of Appeals on June 21, 2002.

1 ~~[(4)]~~ **(6)** A pharmacy that receives an exemption under paragraph
2 ~~[(3)]~~ **(5)** of this subsection may also sell products other than alcohol after normal
3 closing hours.

4 ~~[(5)]~~ **(7)** Notwithstanding the hour restrictions under paragraph (2)
5 of this subsection, a hotel that holds a Class B license and that serves food to seated
6 customers or to private functions or guest rooms may continue to provide food service.

7 11-305.

8 (a) This section applies only in Baltimore City.

9 (b) (1) Except as otherwise provided **UNDER § 11-304(D)(3) OF THIS**
10 **SUBTITLE OR** by law or by regulation adopted under the authority of paragraph (2) of
11 this subsection, between 2 a.m. and 6 a.m. on any day, a person may not consume any
12 alcoholic beverages on any premises open to the general public, any place of public
13 accommodation, or any place at which setups or other component parts of mixed
14 alcoholic drinks are sold, whether or not the premises or place is licensed for the sale
15 of alcoholic beverages or has any other license if any form of entertainment, live or
16 recorded, is offered at the place or on the premises.

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