

Chapter 95

(House Bill 962)

AN ACT concerning

Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video Lottery Concessionaire Licenses

FOR the purpose of creating in Baltimore City a Class BWL–VLF (video lottery facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire) beer, wine and liquor license; exempting the video lottery facility license and the concessionaire license from certain fees; specifying that the Board of Liquor License Commissioners may issue a video lottery facility license for a video lottery facility that contains one or more food service facilities, bars, or lounges; specifying that a video lottery facility license may be issued to an individual or entity that meets certain requirements; providing that an applicant for the license need not meet a location, voting, or residency requirement; providing that the video lottery facility license authorizes the licensee to sell beer, wine, and liquor by the drink and by the bottle on the premises of the video lottery facility, for consumption anywhere in the facility or on grounds controlled by the licensee as defined in the video lottery facility license; authorizing the Board to issue a concessionaire license to one or more concessionaires operating in a video lottery facility; authorizing a concessionaire licensee to sell beer, wine, and liquor on the premises of the concessionaire for consumption anywhere in the video lottery facility or on grounds controlled by the video lottery facility licensee as defined in the video lottery facility license; specifying certain fees; specifying that an off–sale privilege is not conferred by a video lottery facility license or a concessionaire license; authorizing that beer, wine, and liquor purchased under a video lottery facility license or a concessionaire license may be taken anywhere in a video lottery facility or on grounds controlled by the video lottery licensee; specifying that a video lottery facility license and a concessionaire license authorize the playing of music and dancing; specifying certain days and hours of sale for the video lottery facility and concessionaire licenses; specifying that video lottery facility and concessionaire licenses and licensees are subject to all laws and regulations applicable to the sale of alcoholic beverages not inconsistent with this Act; providing for the application to certain persons of certain penalties and sanctions for violations occurring on certain premises; defining certain terms; and generally relating to alcoholic beverages and video lottery facilities in Baltimore City.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–201(d)(6)
Annotated Code of Maryland

(2011 Replacement Volume)

BY adding to

Article 2B – Alcoholic Beverages

Section 6–201(d–1)

Annotated Code of Maryland

(2011 Replacement Volume)

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

Article 2B – Alcoholic Beverages

6–201.

(d) (6) **[In] EXCEPT AS PROVIDED UNDER SUBSECTION (D–1) OF THIS SECTION, IN** addition to the annual license fee, a licensee issued a license under this subsection shall pay annually:

- (i) \$500, if the licensee provides live entertainment; and
- (ii) \$200, if the licensee provides outdoor table or cafe service.

(D–1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) “CONCESSIONAIRE” MEANS A LESSEE, SUBLESSEE, OR ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:

1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION ANYWHERE IN A VIDEO LOTTERY FACILITY; AND

2. IS OPERATED AS A CONCESSION INDEPENDENT OF THE CLASS BWL–VLF LICENSEE.

(III) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(2) (I) THERE IS A CLASS BWL–VLF (VIDEO LOTTERY FACILITY) BEER, WINE AND LIQUOR LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE FACILITIES, BARS, OR LOUNGES.

(III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

(IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.

(V) A CLASS BWL-VLF LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(3) (I) THERE IS A VIDEO LOTTERY CONCESSIONAIRE (CLASS BWL-VLC) LICENSE.

(II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY FACILITY.

(III) NOTWITHSTANDING ANY OTHER PROVISION IN THIS ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS \$15,000.

(II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS \$5,000.

(III) THE ANNUAL LICENSE FEES SHALL BE PAID ON MAY 1 TO THE BOARD.

(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.

(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF LICENSE.

(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC LICENSE AUTHORIZE:

(I) THE PLAYING OF MUSIC AND DANCING; AND

(II) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.

(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.

(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

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

Approved by the Governor, April 10, 2012.