

# SENATE BILL 576

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CF HB 329

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By: **Senator Astle**

Introduced and read first time: February 3, 2012

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2012

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

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Video Lottery Facility –**  
3 **Licenses and Hours for Sale and Consumption**

4 FOR the purpose of altering the hours for the sale and consumption of alcoholic  
5 beverages at a video lottery facility in Anne Arundel County to match the hours  
6 of operation for a video lottery facility; prohibiting the holder of an  
7 entertainment facility license or an entertainment concessionaire license, or an  
8 employee of the license holder from knowingly allowing a person to consume  
9 alcoholic beverages on the licensed premises of a video lottery facility except  
10 during the hours of operation of the facility established by law; providing that a  
11 subsidiary of a certain entity may be issued an entertainment facility license;  
12 and generally relating to entertainment facility licenses and the hours for the  
13 sale and consumption of alcoholic beverages at a video lottery facility in Anne  
14 Arundel County.

15 BY repealing and reenacting, without amendments,  
16 Article 2B – Alcoholic Beverages  
17 Section 8–202(a), 11–304(a)(1), and 11–502(a)  
18 Annotated Code of Maryland  
19 (2011 Replacement Volume)

20 BY repealing and reenacting, with amendments,  
21 Article 2B – Alcoholic Beverages  
22 Section 8–202(k) and 11–304(c)  
23 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.



1 (2011 Replacement Volume)

2 BY adding to  
3 Article 2B – Alcoholic Beverages  
4 Section 11–502(j)  
5 Annotated Code of Maryland  
6 (2011 Replacement Volume)

7 BY repealing and reenacting, without amendments,  
8 Article – State Government  
9 Section 9–1A–23(a)  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2011 Supplement)

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

14 **Article 2B – Alcoholic Beverages**

15 8–202.

16 (a) This section applies only in Anne Arundel County.

17 (k) (1) (i) In this subsection the following words have the meanings  
18 indicated.

19 (ii) “Concessionaire” means a lessee, sublessee, or any other  
20 operator of an establishment that:

21 1. Engages in the daily sale of beer, wine, and liquor on  
22 its premises for consumption anywhere in an entertainment facility; and

23 2. Is operated as a concession adjacent to but  
24 independent of the entertainment facility.

25 (iii) “Entertainment facility” means a facility that holds a license  
26 under Title 9, Subtitle 1A of the State Government Article.

27 (2) (i) There is an entertainment facility license.

28 (ii) The Board may issue an entertainment facility license for an  
29 entertainment facility that contains one or more food service facilities, bars, or lounges  
30 that are part of the operation of the entertainment facility.

31 (iii) The entertainment facility license shall be issued to an  
32 individual ~~or entity~~, **ENTITY, OR SUBSIDIARY OF AN ENTITY** that owns an

1 entertainment facility and holds a license under Title 9, Subtitle 1A of the State  
2 Government Article.

3 (iv) An applicant for an entertainment facility license need not  
4 meet any location, voting, or residency requirements.

5 (v) An entertainment facility license authorizes the holder to  
6 sell beer, wine, and liquor on any premises of the entertainment facility that is not  
7 covered by an entertainment concessionaire license for consumption anywhere in the  
8 entertainment facility.

9 (3) (i) There is an entertainment concessionaire license.

10 (ii) The Board may issue an entertainment concessionaire  
11 license to a concessionaire operating in conjunction with an entertainment facility.

12 (iii) The entertainment concessionaire license authorizes the  
13 holder to sell beer, wine, and liquor on the premises of the concessionaire for  
14 consumption anywhere in the entertainment facility.

15 (4) (i) The annual fee for an entertainment facility license is  
16 \$15,000.

17 (ii) The annual fee for an entertainment concessionaire license  
18 is \$5,000.

19 (iii) The annual license fees shall be paid on May 1 to the Board.

20 (5) (i) An off-sale privilege is not conferred by an entertainment  
21 facility license or an entertainment concessionaire license.

22 (ii) Beer, wine, and liquor purchased under an entertainment  
23 facility license or an entertainment concessionaire license may be taken into and  
24 consumed anywhere in an entertainment facility.

25 **(III) THE HOURS FOR THE SALE AND CONSUMPTION OF**  
26 **ALCOHOLIC BEVERAGES UNDER AN ENTERTAINMENT FACILITY LICENSE OR AN**  
27 **ENTERTAINMENT CONCESSIONAIRE LICENSE ARE THE SAME AS THE HOURS OF**  
28 **OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER § 9-1A-23**  
29 **OF THE STATE GOVERNMENT ARTICLE.**

30 (6) An entertainment facility license and an entertainment  
31 concessionaire license authorize the playing of music and dancing in their respective  
32 licensed premises.

33 (7) Subsection (d) of this section, relating to special Sunday licenses,  
34 does not apply to a license issued under this subsection.

1 (8) An entertainment facility license or an entertainment  
2 concessionaire license may not be counted as a Class B or Class H license for purposes  
3 of § 9–102(h–1) of this article.

4 (9) The licenses and holders are subject to all laws and regulations  
5 applicable to the sale of alcoholic beverages not inconsistent with this subsection.

6 (10) Any penalty or other sanction that is imposed for a violation of a  
7 regulation of the Board on the licensed premises of the holder of an entertainment  
8 concessionaire license shall apply to the concessionaire that the Board determines to  
9 be responsible for the violation.

10 11–304.

11 (a) (1) Between 2 a.m. and 6 a.m. on any day, a person may not consume  
12 any alcoholic beverages on any premises open to the general public, any place of public  
13 entertainment, or any place at which setups or other component parts of mixed  
14 alcoholic drinks are sold under any license issued under the provisions of the Business  
15 Regulation Article, and an owner, operator or manager of the premises or places may  
16 not knowingly permit such consumption.

17 (c) (1) **(I)** This subsection applies only in Anne Arundel County.

18 **[(2)] (II)** In this [subsection] **PARAGRAPH**, “premises” means a  
19 restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment, or  
20 a place open to the general public or in a place in any way licensed by this State or the  
21 county.

22 **[(3) (i)] (III) 1.** A person, corporation, club, or organization  
23 may not give or allow to be consumed on the premises or on premises under its  
24 possession or control any alcoholic beverages other than as specifically permitted or  
25 provided in this article.

26 **[(ii)] 2.** This does not apply to the room of a registered guest  
27 in any hotel, motel, or hospice.

28 **(2) (I) A PERSON MAY CONSUME ALCOHOLIC BEVERAGES ON**  
29 **THE LICENSED PREMISES OF A VIDEO LOTTERY FACILITY ONLY DURING THE**  
30 **HOURS OF OPERATION ESTABLISHED UNDER § 9–1A–23 OF THE STATE**  
31 **GOVERNMENT ARTICLE.**

32 **(II) A HOLDER OF AN ENTERTAINMENT FACILITY LICENSE**  
33 **OR AN ENTERTAINMENT CONCESSIONAIRE LICENSE OR AN EMPLOYEE OF THE**  
34 **LICENSE HOLDER MAY NOT KNOWINGLY ALLOW A PERSON TO CONSUME**  
35 **ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES OF A VIDEO LOTTERY**

1 FACILITY EXCEPT DURING THE HOURS OF OPERATION ESTABLISHED UNDER §  
2 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

3 [(4)] (3) Any owner, operator, manager, or employee of the premises  
4 who knowingly permits consumption in violation of this subsection is guilty of a  
5 misdemeanor and upon conviction may be fined not more than \$250.

6 11-502.

7 In Anne Arundel County, notwithstanding any other provisions in this subtitle,  
8 the following restrictions, limitations, and regulations are in effect:

9 (a) The hours during which sales of alcoholic beverages may be made under  
10 all Class A, B, C, D, H, and special class licenses from 6 a.m. until 2 a.m. of the day  
11 following, except that no licensed premises shall be permitted to sell alcoholic  
12 beverages at any time on Sunday without a special Sunday license.

13 (J) THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES UNDER AN  
14 ENTERTAINMENT FACILITY LICENSE OR AN ENTERTAINMENT CONCESSIONAIRE  
15 LICENSE ARE THE SAME AS THE HOURS OF OPERATION FOR A VIDEO LOTTERY  
16 FACILITY ESTABLISHED UNDER § 9-1A-23 OF THE STATE GOVERNMENT  
17 ARTICLE.

18 **Article – State Government**

19 9-1A-23.

20 (a) (1) Except as provided in paragraph (2) of this subsection, a video  
21 lottery facility may operate daily from 8 a.m. to 2 a.m.

22 (2) A video lottery facility may extend operations until 4 a.m. on  
23 Saturday and 4 a.m. on Sunday.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 ~~October~~ June 1, 2012.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.