

SENATE BILL 771

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By: **Senator Ferguson**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – 46th District – Alcoholic Beverages Licenses**

3 FOR the purpose of altering certain hours of sale and a certain license fee for the holder of
4 a public market license in the 46th alcoholic beverages district in Baltimore City;
5 authorizing the Board to waive certain distance restrictions for an application for
6 the transfer of a license into a certain area; extending for a certain number of years
7 the expiration date of a certain Class B beer and wine license issued for a premises
8 located in a certain area; and generally relating to alcoholic beverages licenses in
9 Baltimore City.

10 BY repealing and reenacting, without amendments,
11 Article – Alcoholic Beverages
12 Section 12–102 and 12–1002.1(a) and (e)
13 Annotated Code of Maryland
14 (2016 Volume and 2021 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Alcoholic Beverages
17 Section 12–1002.1(g) and (h), 12–1605(a), and 12–2204
18 Annotated Code of Maryland
19 (2016 Volume and 2021 Supplement)

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

22 **Article – Alcoholic Beverages**

23 12–102.

24 This title applies only in Baltimore City.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 12-1002.1.

2 (a) There is a public market license.

3 (e) (1) The license holder may designate a vendor to sell alcoholic beverages
4 allowed under subsection (d)(1) of this section for on-premises consumption at a restaurant
5 in the premises formerly occupied by an establishment for which a Class D (7-day) beer
6 and wine license was issued.

7 (2) The restaurant shall have average daily receipts from the sale of food
8 that are at least 65% of the total daily receipts of the restaurant.

9 (3) The vendor designated for the restaurant may sell alcoholic beverages
10 in an area exceeding 1,000 square feet of floor space.

11 (4) The hours of sale for alcoholic beverages at the restaurant are from 9
12 a.m. to 1 a.m. the following day, Monday through Sunday.

13 (5) The privilege to sell alcoholic beverages at the restaurant may not be
14 transferred to another location.

15 (6) The premises of the restaurant do not count toward the limit on the
16 total square footage of floor space in which alcoholic beverages may be sold in the public
17 market under subsection (d)(2)(i) of this section.

18 (g) Except as provided under subsection (e)(4) of this section, the hours of sale of
19 alcoholic beverages for on-premises consumption are:

20 (1) from 11:30 a.m. to [10 p.m.] **11 P.M.** Monday through Thursday;

21 (2) from 11:30 a.m. to [11:30 p.m.] **MIDNIGHT** on Friday;

22 (3) from 9 a.m. to [11:30 p.m.] **MIDNIGHT** on Saturday; and

23 (4) from 9 a.m. to [9 p.m.] **11 P.M.** on Sunday.

24 (h) The annual license fee is:

25 (1) subject to item (2) of this subsection, [**\$7,500**] **\$6,000**; or

26 (2) \$3,500, if the applicant for the license obtains and extinguishes one
27 Class A, Class B, Class D, or Class B-D-7 license issued for use in ward 23, precinct 1 of
28 the 46th alcoholic beverages district.

29 12-1605.

30 (a) (1) (i) Except as otherwise provided in this subsection, a new license

1 may not be issued for and an existing license may not be moved to a building that is within
2 300 feet of the nearest point of the building of a place of worship or school.

3 (ii) In the 45th legislative district, a new Class A license of any type
4 may not be issued for a building that is within 500 feet of the nearest point of the building
5 of a place of worship or school.

6 (2) Paragraph (1)(i) of this subsection does not apply to:

7 (i) a Class B beer and wine license outside the 46th legislative
8 district;

9 (ii) a Class B beer, wine, and liquor license outside the 46th
10 legislative district;

11 (iii) a Class B–D–7 license in the Old Goucher Revitalization District
12 under § 12–1603(e) of this subtitle;

13 (iv) a Class C beer and wine license; and

14 (v) a Class C beer, wine, and liquor license.

15 (3) A license for use in a building that is within 300 feet of the grounds of
16 a place of worship or school may be renewed or extended for the same building.

17 (4) (i) This paragraph applies only to an area bounded by:

18 1. High Street on the west, Pratt Street on the north, Central
19 Avenue on the east, and Eastern Avenue on the south;

20 2. West Cross Street and Amity Street on the west, Clifford
21 Street on the north, Scott Street on the east, and Carroll Street on the south; [or]

22 3. Holliday Street on the west, Saratoga Street on the north,
23 Gay Street on the east, and Lexington Street on the south; **OR**

24 **4. SUBJECT TO SUBPARAGRAPH (III) OF THIS**
25 **PARAGRAPH, FAGLEY STREET ON THE WEST, GOUGH STREET ON THE NORTH,**
26 **GRUNDY STREET ON THE EAST, AND CHESTLE PLACE ON THE SOUTH.**

27 (ii) The Board may waive the distance restrictions in paragraph
28 (1)(i) of this subsection for an application for the transfer of a license into an area specified
29 in subparagraph (i) of this paragraph if:

30 1. the application is approved by:

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- 1 A. each community association representing the area;
- 2 B. each business association in the area; and
- 3 C. the ordained leader and the board or council for each place
4 of worship that is within 300 feet of the proposed location of the establishment for which
5 the license transfer is sought; and
- 6 2. a memorandum of understanding is executed by the
7 applicant for the license transfer and each community association in the area.

8 **(III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE**
9 **TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS**
10 **PARAGRAPH IF:**

11 **1. THE PROPOSED LOCATION OF THE ESTABLISHMENT**
12 **IS IN AN AREA THAT IS ZONED “RESIDENTIAL”; OR**

13 **2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A**
14 **CLASS A LICENSE OF ANY TYPE.**

15 12–2204.

16 Unless transferred to another location, a Class B (7–day) beer and wine license
17 issued for a premises located in an area surrounded by Charles Street on the west, East
18 Cross Street on the north, Light Street on the east, and East Cross Street on the south, in
19 ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1,
20 **[2022] 2024.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2022.