

SENATE BILL 771

A2

2lr2445
CF HB 1115

By: **Senator Ferguson**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2022

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 12–102 and 12–1002.1(a) and (e)
14 Annotated Code of Maryland
15 (2016 Volume and 2021 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section ~~12–1002.1(e)~~ 12–1002.1(d), (g), and (h), 12–1605(a), and 12–2204
19 Annotated Code of Maryland
20 (2016 Volume and 2021 Supplement)

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

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

12–102.

This title applies only in Baltimore City.

12–1002.1.

(a) There is a public market license.

(d) (1) The license authorizes the license holder to sell, for on– or off–premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least \$5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph and subsection (e)(6) of this section, the license holder may designate vendors within the public market to sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than [20%] 25% of the total square footage of floor space of the licensed premises.

(ii) Except as provided in subsection (e)(3) of this section, an individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and

2. present when alcoholic beverages are consumed.

1 (4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts
2 from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly
3 receipts of the market.

4 (ii) The only nonalcoholic beverage items that may be counted in the
5 calculation required under subparagraph (i) of this paragraph are items sold in the public
6 market that are not provided as part of an off-premises catering service.

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

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

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

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

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

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

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

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

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

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

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

28 (h) The annual license fee is:

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

30 (2) \$3,500, if the applicant for the license obtains and extinguishes one
31 Class A, Class B, Class D, or Class B-D-7 license issued for use in ward 23, precinct 1 of
32 the 46th alcoholic beverages district.

1 12-1605.

2 (a) (1) (i) Except as otherwise provided in this subsection, a new license
3 may not be issued for and an existing license may not be moved to a building that is within
4 300 feet of the nearest point of the building of a place of worship or school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 **(III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE**

10 **TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS**

11 **PARAGRAPH IF:**

12 **1. THE PROPOSED LOCATION OF THE ESTABLISHMENT**

13 **IS IN AN AREA THAT IS ZONED “RESIDENTIAL”; OR**

14 **2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A**

15 **CLASS A LICENSE OF ANY TYPE.**

16 12–2204.

17 Unless transferred to another location, a Class B (7–day) beer and wine license

18 issued for a premises located in an area surrounded by Charles Street on the west, East

19 Cross Street on the north, Light Street on the east, and East Cross Street on the south, in

20 ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1,

21 **[2022] 2024.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That a Class B–D–7 license issued

23 for a premises in the 1171–1173 block of Hamburg Street shall be considered unexpired

24 until the end of July 1, 2023, for the purposes of being transferred to another owner at the

25 same location, notwithstanding § 12–1705 of the Alcoholic Beverages Article.

26 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect

27 July 1, 2022.