

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1292  
Economic Matters

(Delegate O'Donnell, *et al.*)

Education, Health, and Environmental Affairs

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Calvert County - Alcoholic Beverages Licenses and Appeals

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This bill authorizes the Calvert County Board of License Commissioners to issue a continuing care retirement community on-sale beer, wine, and liquor license to a club at a retirement community that meets specified requirements. Additionally, the bill adds Calvert County to the list of jurisdictions in which a circuit court may remand certain proceedings to the local licensing board.

The bill takes effect June 1, 2013.

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Fiscal Summary

**State Effect:** None.

**Local Effect:** Calvert County revenues increase by \$500 annually for each continuing care retirement community license issued. Issuing and monitoring the licenses can be handled with existing resources. The authorization for cases to be remanded to the board of license commissioners will not materially impact operations or finances for the board or the circuit court.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill authorizes the Calvert County Board of License Commissioners to issue a continuing care retirement community on-sale beer, wine, and liquor license to a club at a retirement community that (1) is composed of residents of a continuing care retirement community that has obtained a certificate of registration from the Maryland

Department of Aging; (2) has at least 50 bona fide members; and (3) has annual dues that average at least \$5 per member. The annual license fee is set at \$500. The license authorizes the licensee to keep for sale and to sell at retail beer, wine, and liquor to any member or a guest when accompanied by a member at the place described in the license.

Additionally, the bill adds Calvert County to the list of jurisdictions in which a circuit court may return to a local licensing board for further consideration any decision to approve, suspend, revoke, or restrict a license or any decision of a local licensing board to refuse to approve, suspend, revoke, or restrict a license or a licensee. This authority may not be applied to any case for which a final judgment has been rendered and for which all judicial appeals have been exhausted before the bill's effective date of June 1, 2013.

**Current Law:** Class C club beer, wine, and liquor licenses generally authorize various clubs, including veterans' clubs; fraternal organizations; interest groups; and athletic, social, or cultural organizations, to keep for sale and to sell alcoholic beverages for consumption on the licensed premises. In Calvert County, there are three Class C club licenses that the county board may issue: (1) bona fide yacht clubs; (2) country clubs; and (3) bona fide post homes of posts of the American Legion or Veterans of Foreign Wars.

A continuing care retirement community provides shelter and either medical and nursing or other health-related services, or makes the services readily accessible through the provider or an affiliate of the provider, whether or not the services are specifically offered in the written agreement for shelter:

- to an individual who is at least 60 years old and not related by blood or marriage to the provider;
- for the life of the individual or for a period exceeding one year; and
- under one or more written agreements that require a transfer of assets or an entrance fee notwithstanding periodic charges.

The decision of a local licensing board, in approving, suspending, revoking, and restricting, or refusing to approve, suspend, revoke, or restrict a license, or a licensee, is subject to appeal as provided by statute. The Circuit Court for Baltimore City and the circuit courts for Anne Arundel, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince George's, and St. Mary's counties may remand these proceedings to the local licensing board for further consideration.

**Background:** The Maryland Department of Aging advises that, under the bill, only one continuing care retirement community in Calvert County would be eligible, which is

Asbury Solomons Island. Asbury Solomons Island has 300 independent living units, 30 assisted living beds, and 48 comprehensive nursing beds.

**Local Revenues:** Assuming the one qualified continuing care retirement community applies for and is granted a license, Calvert County revenues would increase by \$500 in fiscal 2013.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Calvert County, Maryland Department of Aging, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2013  
mc/hlb Revised - Enrolled Bill - May 7, 2013

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Analysis by: Heather N. Ruby

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510