

SENATE BILL 311

A2

4r1748
CF HB 146

By: **Montgomery County Senators**

Introduced and read first time: January 17, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – Special BWL Community**
3 **Performing Arts Facility License**

4 FOR the purpose of establishing a Special BWL Community Performing Arts Facility
5 alcoholic beverages license in Montgomery County; authorizing the Montgomery
6 County Board of License Commissioners to issue a Special BWL Community
7 Performing Arts Facility license to apply to a certain performing arts facility;
8 authorizing the Board to issue the license to certain entities to host certain
9 activities; authorizing the Board to impose certain conditions on the issuance or
10 renewal of the license; prohibiting the Board from approving the transfer of the
11 license to another location; authorizing holders of certain catering licenses to
12 bring alcohol and food onto certain licensed premises under the terms of a
13 certain contract; providing that certain violations of alcoholic beverages law
14 apply to a certain caterer under certain circumstances; requiring a holder of the
15 license to ensure that food is provided during a certain time; prohibiting the
16 Board from issuing more than a certain number of licenses under this Act to a
17 certain entity; establishing a certain license fee; defining a certain term; and
18 generally relating to alcoholic beverages licenses in Montgomery County.

19 BY repealing and reenacting, without amendments,
20 Article 2B – Alcoholic Beverages
21 Section 6–201(q)(1)
22 Annotated Code of Maryland
23 (2011 Replacement Volume and 2013 Supplement)

24 BY adding to
25 Article 2B – Alcoholic Beverages
26 Section 6–201(q)(5)
27 Annotated Code of Maryland
28 (2011 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article 2B – Alcoholic Beverages**

4 6–201.

5 (q) (1) (i) This subsection applies only in Montgomery County.

6 (ii) 1. In this subsection the following words have the
7 meanings indicated.

8 2. “Board” means the Board of License Commissioners.

9 3. “Dining area” means the area occupied by patrons for
10 the consumption of food and includes a cocktail area where food need not be served if
11 there is no separate outdoor entrance to the cocktail area.

12 **(5) (I) IN THIS PARAGRAPH, “COMMUNITY PERFORMING ARTS**
13 **FACILITY” MEANS A FACILITY THAT IS USED FOR SHOWS, LIVE PERFORMANCES,**
14 **THEATER PRODUCTIONS, ART CLASSES, EXHIBITS, VISUAL ART SHOWS,**
15 **WEDDINGS, BANQUETS, AND COMMUNITY-RELATED ACTIVITIES.**

16 **(II) THERE IS A SPECIAL BWL COMMUNITY PERFORMING**
17 **ARTS FACILITY LICENSE.**

18 **(III) THE BOARD MAY ISSUE A SPECIAL BWL COMMUNITY**
19 **PERFORMING ARTS FACILITY LICENSE TO APPLY ONLY TO A PERFORMING ARTS**
20 **FACILITY THAT HAS A MINIMUM CAPACITY OF 200 PERSONS AND A MAXIMUM**
21 **CAPACITY OF 1,499 PERSONS.**

22 **(IV) THE BOARD MAY ISSUE THE LICENSE FOR USE BY A**
23 **NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY COMPANY, A**
24 **CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES THE**
25 **PERFORMING ARTS FACILITY.**

26 **(v) 1. THE LICENSE AUTHORIZES THE HOLDER TO SELL**
27 **BEER, WINE, AND LIQUOR BY THE DRINK FROM ONE OR MORE OUTLETS ON THE**
28 **LICENSED PREMISES FOR CONSUMPTION ON THE LICENSED PREMISES.**

29 **2. A HOLDER OF THE LICENSE MAY EXERCISE THE**
30 **PRIVILEGES UNDER THE LICENSE FROM 10 A.M. ON ANY DAY UNTIL 2 A.M. THE**
31 **FOLLOWING DAY.**

1 **(VI) THE BOARD MAY IMPOSE CONDITIONS ON THE**
2 **ISSUANCE OR RENEWAL OF THE LICENSE THAT ESTABLISH THE AREAS IN THE**
3 **COMMUNITY PERFORMING ARTS FACILITY WHERE BEER, WINE, AND LIQUOR**
4 **MAY BE SOLD, SERVED, POSSESSED, OR CONSUMED.**

5 **(VII) THE BOARD MAY NOT APPROVE THE TRANSFER OF THE**
6 **LICENSE TO ANOTHER LOCATION.**

7 **(VIII) 1. A HOLDER OF A CLASS B-BWLHR LICENSE WITH**
8 **CATERING AUTHORITY, A MONTGOMERY COUNTY CATERING LICENSE (CAT),**
9 **OR A STATEWIDE CATERER LICENSE (SCAT) MAY BRING ALCOHOL AND FOOD**
10 **ON THE LICENSED PREMISES UNDER THE TERMS OF A CONTRACT WITH A**
11 **HOLDER OF A SPECIAL BWL COMMUNITY PERFORMING ARTS FACILITY**
12 **LICENSE.**

13 **2. A VIOLATION OF THIS ARTICLE THAT OCCURS**
14 **WHEN A CATERER BRINGS ALCOHOL ON LICENSED PREMISES AS PROVIDED**
15 **UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IS THE RESPONSIBILITY**
16 **OF THE CATERER AND IS NOT THE RESPONSIBILITY OF THE HOLDER OF THE**
17 **LICENSE.**

18 **(IX) A HOLDER OF THE LICENSE SHALL ENSURE THAT FOOD**
19 **IS PROVIDED DURING THE HOURS ALCOHOLIC BEVERAGES ARE SOLD, SERVED,**
20 **POSSESSED, OR CONSUMED.**

21 **(X) THE BOARD MAY ISSUE NO MORE THAN THREE**
22 **LICENSES TO A NOT-FOR-PROFIT PARTNERSHIP, A LIMITED LIABILITY**
23 **COMPANY, A CORPORATION, OR ANY OTHER ENTITY THAT OWNS OR LEASES**
24 **PERFORMING ARTS FACILITIES IN SEPARATE LOCATIONS.**

25 **(XI) THE ANNUAL LICENSE FEE IS \$750.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2014.