

# HOUSE BILL 93

A2

5lr0417

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By: **Montgomery County Delegation**

Introduced and read first time: January 23, 2015

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 3, 2015

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

1 AN ACT concerning

2 **Montgomery County – Alcoholic Beverages – 1–Day License for Schools, Places**  
3 **of Worship, and Youth Centers**

4 **MC 10–15**

5 FOR the purpose of specifying that restrictions on the issuance of a license to sell alcoholic  
6 beverages within a certain distance of a secondary or elementary school, a place of  
7 worship, or a certain youth center do not apply to the issuance of a 1–day special  
8 license for use on the premises of a secondary or elementary school, place of worship,  
9 or certain youth center; making certain stylistic changes; and generally relating to  
10 the sale of alcoholic beverages in Montgomery County.

11 BY repealing and reenacting, with amendments,  
12 Article 2B – Alcoholic Beverages  
13 Section 9–216(a)  
14 Annotated Code of Maryland  
15 (2011 Replacement Volume and 2014 Supplement)

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

18 **Article 2B – Alcoholic Beverages**

19 9–216.

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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 (a) (1) THIS SUBSECTION DOES NOT APPLY TO:

2 (I) A SPECIAL CULINARY SCHOOL LICENSE ISSUED UNDER  
3 § 8-216.3 OF THIS ARTICLE; OR

4 (II) A 1-DAY SPECIAL LICENSE FOR USE ON THE PREMISES OF:

5 1. AN ELEMENTARY OR SECONDARY SCHOOL;

6 2. A PLACE OF WORSHIP; OR

7 3. A YOUTH CENTER SPONSORED OR CONDUCTED BY A  
8 GOVERNMENTAL AGENCY.

9 (2) Except as provided in paragraph (3) of this subsection, the Montgomery  
10 County Board of License Commissioners may not issue any license to sell alcoholic  
11 beverages within 750 feet of any secondary or elementary school, [church or other] place of  
12 worship, or youth center sponsored or conducted by any governmental agency.

13 [(2)] (3) Measurement of the required distance shall be made from the  
14 nearest point of the building of the proposed establishment for which the license is  
15 requested to the nearest point of the building of the school, [church or other] place of  
16 worship, or youth center.

17 [(3)] (4) The Montgomery County Board of License Commissioners may  
18 by majority vote approve the application for any license to sell alcoholic beverages more  
19 than 300 feet from any elementary or secondary school, [church or other] place of worship,  
20 or youth center sponsored or conducted by any governmental agency provided that the land  
21 upon which the building is situated in which the licensee would operate is classified in a  
22 commercial or industrial zone under the applicable zoning ordinance and is adjacent or  
23 contiguous to other land which is similarly classified under the zoning ordinance.

24 [(4)] (5) Nothing in this section shall apply to or affect or prohibit, in any  
25 manner, the renewal, transfer, or reissuance of a prior license of any license of any  
26 establishment where subsequent to the original granting of the license a school, [church or  
27 other] place of worship, or youth center was erected within 750 feet of the establishment.

28 [(5)] (6) For the purposes of this section, reissuance shall be limited to a  
29 new license for the establishment issued within 1 year from the date of expiration or  
30 revocation of a prior license provided the revocation did not result from acts of the owner of  
31 the establishment.

32 [(6) This subsection does not apply to a special culinary school license issued  
33 under § 8-216.3 of this article.]

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.