

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 795

(Harford County Delegation)

Economic Matters

Education, Health, and Environmental Affairs

**Harford County - Alcoholic Beverages - Waiver From School Distance
Restrictions**

This bill authorizes the Harford County Board of License Commissioners to waive specified distance restrictions prohibiting the issuance of an alcoholic beverages license near a public or private school building and issue a Class B (on-sale) restaurant license, or a Class B cafe license, on a case-by-case basis. Before the board decides whether to waive the distance restrictions from a school building, a public hearing must be held by the governing body of the municipality where the restaurant is located, or if the restaurant is not located in a municipality, the governing body of the county where the restaurant is located. The governing body must make a recommendation to the board regarding whether the distance restriction should be waived. After receiving the recommendation, the board must hold another public hearing. Finally, when making a decision whether to waive the distance restriction, the board must consider (1) the recommendation from the governing body; (2) comments received from parents whose children attend the public or private school; and (3) comments made at the public hearing held by the board.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in Harford County revenues due to licenses newly issued to previously ineligible establishments. County expenditures are not materially affected.

Small Business Effect: Minimal.

Analysis

Current Law: Generally, the Harford County Board of License Commissioners may not issue a license to an establishment that is within 1,000 feet of a public or private school building. The board may issue a license to an establishment in Harford County, as well as in a municipality in Harford County, if the establishment is not within 300 feet of a school. The board may waive the distance requirements, and issue a Class B (on-sale) restaurant license, if the restaurant is located within a shopping center that (1) contains six or more retail stores; (2) contains six or more retail or service stores; or (3) has a gross floor area of over 20,000 square feet, as long as the board takes into account the comments received from parents of children who attend the affected school.

In Harford County, the distance from an establishment to a school must be measured from the nearest point of the building of the establishment to the nearest point of the school building.

A decision by the Harford County Board of Education to locate a public school within 1,000 feet of a previously licensed establishment may not be the basis for failing to renew, transfer, or upgrade a license.

Background: In fiscal 2016, 196 alcoholic beverages licenses were issued for use in Harford County, including 24 Class B beer and wine licenses, and 83 Class B beer, wine, and liquor licenses.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Harford County; Department of Legislative Services

Fiscal Note History: First Reader - February 16, 2017
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