

HOUSE BILL 306

A2

0lr1204

By: **Delegates Lisanti, Impallaria, and Johnson**

Introduced and read first time: January 20, 2020

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Waiver From Distance Restrictions**

3 FOR the purpose of authorizing the Board of License Commissioners for Harford County to
4 issue a waiver from certain place of worship distance restrictions for certain alcoholic
5 beverages licenses; requiring certain hearings to be held, certain recommendations
6 to be made, and certain recommendations and comments to be considered before the
7 Board decides whether a certain waiver will be issued; making technical corrections;
8 and generally relating to alcoholic beverages in Harford County.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 22–102
12 Annotated Code of Maryland
13 (2016 Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 22–1602
17 Annotated Code of Maryland
18 (2016 Volume and 2019 Supplement)

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

21 **Article – Alcoholic Beverages**

22 22–102.

23 This title applies only in Harford County.

24 22–1602.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) This section does not apply to:

2 (1) a license in effect on July 1, 1975, or the issuance or transfer of a Class
3 B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

4 (2) a license in effect on July 1, 1977;

5 (3) the renewal, transfer, or upgrading of a license, unless the license is
6 transferred to a new location; and

7 (4) the issuance of:

8 (i) a 1-day license that is to be used on the premises of a place of
9 worship or school;

10 (ii) a Class GC (golf course) license; and

11 (iii) a Class CCFA (continuing care facility) license.

12 (b) (1) (i) Except as provided in paragraph (2) of this subsection **AND**
13 **SUBSECTION (E) OF THIS SECTION**, the Board may not issue a license for an
14 establishment that is within 300 feet of a place of worship.

15 (ii) The distance from the establishment to the place of worship is to
16 be measured from the nearest point of the building of the establishment to the nearest point
17 of the building of the place of worship.

18 (2) Paragraph (1) of this subsection does not apply to the issuance of:

19 (i) a 1-day license for use in a building;

20 (ii) a license issued to a hotel, motel, restaurant, club, or caterer in
21 a municipality; and

22 (iii) a Class H beer, wine, and liquor license issued to a caterer for
23 use in a banquet facility in an establishment if:

24 1. the construction of the establishment was completed after
25 July 1, 1991; and

26 2. the establishment is used for emergency operations by a
27 volunteer fire company.

28 (c) (1) (i) Except as provided in paragraph (2) of this subsection **AND**
29 **SUBSECTION (D) OF THIS SECTION**, the Board may not issue a license to a business
30 establishment that is within 1,000 feet of a public or private school building.

1 (ii) The distance from the establishment to the public or private
2 school is to be measured from the nearest point of the building of the establishment to the
3 nearest point of the building of the school.

4 (2) The Board may issue a license to a business establishment in Harford
5 County and in a municipality in Harford County if the business establishment is not located
6 within 300 feet of a public or private school.

7 (3) A decision of the County Board of Education to locate a public school
8 building within 1,000 feet of the premises of a license holder may not be the basis to revoke
9 or deny the renewal, transfer, or upgrading of the license.

10 (d) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may
11 waive the distance restrictions from a public or private school building and issue a Class B
12 (on-sale) restaurant license or a Class B cafe license on a case-by-case basis.

13 (2) Before the Board decides whether to waive the distance restrictions
14 from a public or private school building under paragraph (1) of this subsection:

15 (i) a public hearing shall be held by the governing body of:

16 1. if the restaurant is located in a municipality, the
17 municipality where the restaurant is located; or

18 2. if the restaurant is located outside the boundaries of a
19 municipality, the county [where the restaurant is located];

20 (ii) the governing body shall make a recommendation to the Board
21 regarding whether the distance restrictions should be waived; and

22 (iii) after receiving the recommendation, the Board shall hold a
23 public hearing.

24 (3) In making a decision whether to waive the distance restrictions from a
25 public or private school building, the Board shall take into consideration:

26 (i) the recommendation from the governing body;

27 (ii) comments received from parents whose children attend the
28 public or private school; and

29 (iii) comments made at the public hearing held by the Board.

30 **(E) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE**
31 **BOARD MAY WAIVE THE DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP AND**
32 **ISSUE A CLASS B (ON-SALE) RESTAURANT LICENSE OR A CLASS B CAFE LICENSE ON**

1 A CASE-BY-CASE BASIS.

2 (2) BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE
3 DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP:

4 (I) A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING
5 BODY OF:

6 1. THE MUNICIPALITY WHERE THE RESTAURANT IS
7 LOCATED, IF THE RESTAURANT IS LOCATED IN A MUNICIPALITY; OR

8 2. IF THE RESTAURANT IS LOCATED OUTSIDE THE
9 BOUNDARIES OF A MUNICIPALITY, THE COUNTY;

10 (II) THE GOVERNING BODY SHALL MAKE A RECOMMENDATION
11 TO THE BOARD REGARDING WHETHER THE DISTANCE RESTRICTIONS SHOULD BE
12 WAIVED; AND

13 (III) AFTER RECEIVING THE RECOMMENDATION, THE BOARD
14 SHALL HOLD A PUBLIC HEARING.

15 (3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE
16 RESTRICTIONS FROM A PLACE OF WORSHIP, THE BOARD SHALL TAKE INTO
17 CONSIDERATION:

18 (I) THE RECOMMENDATION FROM THE GOVERNING BODY;

19 (II) COMMENTS RECEIVED FROM LEADERSHIP AND
20 INDIVIDUALS WHO ATTEND THE PLACE OF WORSHIP; AND

21 (III) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE
22 BOARD.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2020.