

SENATE BILL 126

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EMERGENCY BILL

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CF HB 558

By: **Senator Reilly**

Introduced and read first time: January 9, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Anne Arundel County – Alcoholic Beverages – Entertainment Facilities**

3 FOR the purpose of specifying the manner in which the holder of an entertainment facility
4 license in Anne Arundel County may sell beer, wine, and liquor; altering the scope
5 of certain entertainment that may be performed in the licensed premises;
6 authorizing the Board of License Commissioners for Anne Arundel County to
7 authorize the sale of alcoholic beverages in certain areas for a promotional event
8 under certain conditions; authorizing the Board, notwithstanding a certain provision
9 of law, to revoke a certain license after a finding that a certain activity has occurred;
10 providing for the application of certain provisions of this Act; making this Act an
11 emergency measure; and generally relating to alcoholic beverages licenses in Anne
12 Arundel County.

13 BY repealing and reenacting, without amendments,
14 Article – Alcoholic Beverages
15 Section 4–605(a) and 11–102
16 Annotated Code of Maryland
17 (2016 Volume and 2019 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Alcoholic Beverages
20 Section 11–1005 and 11–2101
21 Annotated Code of Maryland
22 (2016 Volume and 2019 Supplement)

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 BY adding to
2 Article – Alcoholic Beverages
3 Section 11–2104
4 Annotated Code of Maryland
5 (2016 Volume and 2019 Supplement)

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

8 **Article – Alcoholic Beverages**

9 4–605.

10 (a) (1) Except as provided in paragraph (2) of this subsection, a local licensing
11 board shall revoke a license if, after a hearing under § 4–603(b) of this subtitle, an activity
12 listed in this section is found to have occurred on the licensed premises.

13 (2) The license of a person may not be revoked under paragraph (1) of this
14 subsection if:

15 (i) the person operates a theater, a concert hall, an art center, a
16 museum, or a similar establishment that is primarily devoted to the arts or theatrical
17 performances; and

18 (ii) the performances express matters of serious literary, artistic,
19 scientific, or political value.

20 11–102.

21 This title applies only in Anne Arundel County.

22 11–1005.

23 (a) “Entertainment facility” means a facility that holds a license under Title 9,
24 Subtitle 1A of the State Government Article.

25 (b) There is an entertainment facility license.

26 (c) (1) The Board may issue the license for the use of an entertainment facility
27 that contains one or more food service facilities, bars, or lounges that are part of the
28 operation of the entertainment facility.

29 (2) (i) The license shall be issued to an individual or entity that owns
30 an entertainment facility and holds a license under Title 9, Subtitle 1A of the State
31 Government Article.

1 (ii) An applicant for the license need not meet any location, voting,
2 or residency requirements.

3 (d) (1) The license authorizes:

4 (i) the license holder to sell beer, wine, and liquor **BY THE GLASS**
5 **OR BY THE BOTTLE** in any location of the entertainment facility that is not covered by an
6 entertainment concessionaire license for consumption anywhere in the entertainment
7 facility; and

8 (ii) **SUBJECT TO § 4-605 OF THIS ARTICLE**, the playing of music
9 [and], dancing, **PLAYS, LIVE PERFORMANCES, COMEDY SHOWS, AND OTHER ARTISTIC**
10 **SHOWS** in the licensed premises.

11 (2) **BY ADMINISTRATIVE ACTION, THE BOARD MAY ALLOW THE SALE**
12 **OF ALCOHOLIC BEVERAGES FOR A PROMOTIONAL EVENT IN AN AREA ADJACENT TO**
13 **THE ENTERTAINMENT FACILITY THAT:**

14 (I) **IS CONTROLLED BY THE LICENSE HOLDER;**

15 (II) **HAS CONTROLLED ACCESS; AND**

16 (III) **IS A PARKING LOT, PICNIC GROUND, BUILDING, OR**
17 **TERRACE.**

18 (3) Beer, wine, and liquor purchased under the license may be taken and
19 consumed anywhere in an entertainment facility.

20 (e) (1) The hours for the sale and consumption of alcoholic beverages under
21 the license are the same as the hours of operation for a video lottery facility established
22 under § 9-1A-23 of the State Government Article.

23 (2) A holder of the license need not obtain a Sunday permit under §
24 11-2004 of this title to sell alcoholic beverages after 2 a.m. on Sunday.

25 (f) The license may not be counted as a Class B or Class H license for purposes of
26 § 11-1609 of this title.

27 (g) (1) The annual fee for the license is \$15,000.

28 (2) The fee shall be paid on or before May 1 to the Board.

29 11-2101.

1 (a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of
 2 Local Licenses”) of Division I of this article apply in the county without exception or
 3 variation:

4 (1) § 4–602 (“Power of local licensing board”);

5 (2) § 4–604 (“Grounds for revocation or suspension”); AND

6 (3) [§ 4–605 (“Nudity and sexual displays”); and

7 (4)] § 4–606 (“Effects of revocation”).

8 (b) [Section] THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6
 9 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS
 10 ARTICLE APPLY IN THE COUNTY:

11 (1) § 4–603 (“Revocation and suspension procedures”) [of Division I of this
 12 article applies in the county], subject to §§ 11–2102 and 11–2103 of this subtitle; AND

13 (2) § 4–605 (“NUDITY AND SEXUAL DISPLAYS”), SUBJECT TO §
 14 11–2104 OF THIS SUBTITLE.

15 11–2104.

16 (A) THIS SECTION APPLIES ONLY TO AN ENTERTAINMENT FACILITY
 17 LICENSE ISSUED UNDER § 11–1005 OF THIS TITLE.

18 (B) NOTWITHSTANDING THE MANDATORY REVOCATION REQUIREMENT FOR
 19 LOCAL LICENSING BOARDS UNDER § 4–605(A) OF THIS ARTICLE, AFTER A FINDING
 20 THAT AN ACTIVITY LISTED IN § 4–605 OF THIS ARTICLE HAS OCCURRED, THE BOARD
 21 MAY REVOKE THE LICENSE.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
 23 measure, is necessary for the immediate preservation of the public health or safety, has
 24 been passed by a yea and nay vote supported by three–fifths of all the members elected to
 25 each of the two Houses of the General Assembly, and shall take effect from the date it is
 26 enacted.