

SENATE BILL 377

A2

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CF 0lr1001

By: **Harford County Senators**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Waiver From Place of Worship**
3 **Restrictions**

4 FOR the purpose of authorizing the Board of License Commissioners for Harford County to
5 issue a waiver from certain place of worship distance restrictions for an alcoholic
6 beverages license; providing certain circumstances under which the Board may issue
7 a certain waiver; requiring certain hearings to be held, certain recommendations to
8 be made, and certain recommendations and comments to be considered before a
9 certain waiver can be issued; and generally relating to alcoholic beverages in Harford
10 County.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 22–102
14 Annotated Code of Maryland
15 (2016 Volume and 2019 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 22–1602
19 Annotated Code of Maryland
20 (2016 Volume and 2019 Supplement)

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

23 **Article – Alcoholic Beverages**

24 22–102.

25 This title applies only in Harford County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 22-1602.

2 (a) This section does not apply to:

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

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

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

8 (4) the issuance of:

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

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

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

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

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

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

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

21 (ii) a license issued to a hotel, motel, restaurant, club, [or] caterer,
22 **BREWERY, OR DISTILLERY** in a municipality; and

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

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

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

29 (c) **(1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE**

1 **BOARD MAY WAIVE THE DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP AND**
2 **ISSUE A LICENSE ON A CASE-BY-CASE BASIS.**

3 **(2) BEFORE THE BOARD DECIDES WHETHER TO WAIVE THE**
4 **DISTANCE RESTRICTIONS FROM A PLACE OF WORSHIP UNDER PARAGRAPH (1) OF**
5 **THIS SUBSECTION:**

6 **(I) A PUBLIC HEARING SHALL BE HELD BY THE GOVERNING**
7 **BODY OF:**

8 **1. IF THE BREWERY IS LOCATED IN A MUNICIPALITY,**
9 **THE MUNICIPALITY WHERE THE BREWERY IS LOCATED; OR**

10 **2. IF THE BREWERY IS LOCATED OUTSIDE THE**
11 **BOUNDARIES OF A MUNICIPALITY, THE COUNTY;**

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

15 **(III) AFTER RECEIVING A RECOMMENDATION:**

16 **1. IN FAVOR OF THE WAIVER, THE BOARD SHALL HOLD A**
17 **PUBLIC HEARING; OR**

18 **2. TO DENY A WAIVER, THE BOARD SHALL DENY THE**
19 **WAIVER.**

20 **(3) IN MAKING A DECISION WHETHER TO WAIVE THE DISTANCE**
21 **RESTRICTIONS FROM A PLACE OF WORSHIP, THE BOARD SHALL CONSIDER:**

22 **(I) COMMENTS RECEIVED FROM MEMBERS AND LEADERS OF**
23 **THE PLACE OF WORSHIP; AND**

24 **(II) COMMENTS MADE AT THE PUBLIC HEARING HELD BY THE**
25 **BOARD.**

26 **(D) (1) (i) Except as provided in paragraph (2) of this subsection, the Board**
27 **may not issue a license to a business establishment that is within 1,000 feet of a public or**
28 **private school building.**

29 **(ii) The distance from the establishment to the public or private**
30 **school is to be measured from the nearest point of the building of the establishment to the**
31 **nearest point of the building of the school.**

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

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

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

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

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

13 1. if the restaurant is located in a municipality, the
14 municipality where the restaurant is located; or

15 2. if the restaurant is located outside the boundaries of a
16 municipality, the county where the restaurant is located;

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

19 (iii) after receiving the recommendation, the Board shall hold a
20 public hearing.

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

23 (i) the recommendation from the governing body;

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
28 1, 2020.