

HOUSE BILL 1152

A2

(11r0700)

ENROLLED BILL

— *Economic Matters/ Education, Health, and Environmental Affairs* —

Introduced by **Howard County Delegation**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Class B Beer, Wine, and Liquor License**
3 **– Off-Premises Consumption**

4 **Ho. Co. 04–21**

5 FOR the purpose of authorizing the holder of a certain Class B beer, wine, and liquor license
6 in Howard County to sell beer, wine, and liquor in sealed containers for off-premises
7 consumption, subject to certain requirements; repealing certain provisions that
8 authorize the Board of License Commissioners for Howard County to issue a certain
9 permit to a certain holder of a certain Class B beer, wine, and liquor license;
10 authorizing the Board to limit the quantity of alcoholic beverages sold in a single
11 transaction for off-premises consumption under the license; and generally relating to
12 alcoholic beverages in Howard County.

13 BY repealing and reenacting, without amendments,

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.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Alcoholic Beverages
2 Section 23–102
3 Annotated Code of Maryland
4 (2016 Volume and 2020 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article – Alcoholic Beverages
7 Section 23–902
8 Annotated Code of Maryland
9 (2016 Volume and 2020 Supplement)

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

12 **Article – Alcoholic Beverages**

13 23–102.

14 This title applies only in Howard County.

15 23–902.

16 (a) There is a Class B beer, wine, and liquor license.

17 (b) The Board may issue the license to the owner of a hotel that:

18 (1) is in a building at least three stories tall that was originally constructed
19 for hotel purposes;

20 (2) has a capital investment of at least \$500,000; and

21 (3) contains:

22 (i) at least one passenger elevator;

23 (ii) at least 100 rooms to accommodate the public; and

24 (iii) a dining room with facilities for preparing and serving regular
25 meals for at least 125 individuals at one seating.

26 (c) The license authorizes the license holder to sell [beer, wine, and liquor at
27 retail] at a hotel or restaurant at the place described in the license:

28 (1) **BEER, WINE, AND LIQUOR AT RETAIL** for on–premises consumption;
29 **AND**

1 **(2) BEER, WINE, AND LIQUOR IN SEALED CONTAINERS FOR**
2 **OFF-PREMISES CONSUMPTION ONLY TO A PERSON WHO HAS PURCHASED PREPARED**
3 **FOOD FROM THE LICENSED PREMISES.**

4 [(d) (1) There is a beer and wine (B-SBW) off-sale permit.

5 (2) The Board may issue the permit only to a holder of the Class B beer,
6 wine, and liquor license that is issued for a restaurant.

7 (3) A holder of the permit:

8 (i) may sell beer and wine for off-premises consumption only to
9 persons who have purchased food or alcohol from the licensed premises; and

10 (ii) may not display or provide shelving for beer or wine for
11 off-premises sales in areas of the establishment that are accessible to the public.

12 (4) The term of the permit is the same as that of the Class B beer, wine,
13 and liquor license that the applicant holds.

14 (5) Before the Board may issue the permit:

15 (i) the applicant shall complete the form that the Board provides;
16 and

17 (ii) the same advertising, posting of notice, and public hearing
18 requirements as those for Class B licenses shall be met.

19 (6) Off-sale alcoholic beverages receipts collected under the permit shall
20 be included in the calculation of average daily receipts from the sale of alcoholic beverages
21 in a restaurant under § 1-101 of this article.

22 (7) A holder of the permit may exercise the privileges of the permit only
23 when the licensed premises is open for business as a restaurant.

24 (8) The Board may adopt regulations to carry out this subsection, including
25 a limit on the number of permits to be issued.]

26 **(D) (1) THE LICENSE HOLDER MAY NOT DISPLAY OR PROVIDE SHELVING**
27 **FOR BEER, WINE, OR LIQUOR FOR OFF-PREMISES SALES IN AREAS OF THE**
28 **ESTABLISHMENT THAT ARE ACCESSIBLE TO THE PUBLIC.**

29 **(2) OFF-SALE ALCOHOLIC BEVERAGES RECEIPTS COLLECTED**
30 **UNDER THE LICENSE SHALL BE INCLUDED IN THE CALCULATION OF AVERAGE DAILY**
31 **RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES IN A RESTAURANT UNDER §**
32 **1-101 OF THIS ARTICLE.**

1 **(3) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR FOR**
2 **OFF-PREMISES CONSUMPTION ONLY WHEN THE LICENSED PREMISES IS OPEN FOR**
3 **BUSINESS AS A HOTEL OR RESTAURANT.**

4 **(E) THE BOARD MAY LIMIT THE QUANTITY OF ALCOHOLIC BEVERAGES SOLD**
5 **IN A SINGLE TRANSACTION FOR OFF-PREMISES CONSUMPTION UNDER THE LICENSE.**

6 ~~(F)~~ **(F)** The Comptroller may issue one Class 8 farm brewery license and one Class
7 7 micro-brewery license to a license holder that holds not more than five Class B and six
8 Class BLX beer, wine, and liquor licenses.

9 ~~(G)~~ **(G)** The annual license [fees are:

10 (1) \$1,000 for the Class B beer, wine, and liquor license; and

11 (2) \$500 for the off-sale beer and wine permit] **FEE IS \$1,000.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
13 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.