

# HOUSE BILL 1117

A2

2lr1443

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By: **Washington County Delegation**

Introduced and read first time: February 11, 2022

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Washington County – Alcoholic Beverages – Class B, C, and D Licenses –**  
3 **Sidewalk Cafe/Patio Permit ~~and Purchases~~**

4 FOR the purpose of altering the sidewalk cafe permit in Washington County to be a  
5 sidewalk cafe/patio permit; authorizing the Board of License Commissioners for  
6 Washington County to issue the sidewalk cafe/patio permit to certain license holders  
7 or applicants; altering and establishing requirements for the sidewalk cafe/patio  
8 permit; ~~authorizing the holders of certain Class B, Class C, and Class D licenses to~~  
9 ~~purchase certain alcoholic beverages from certain license holders for a certain period~~  
10 ~~of time in a certain manner;~~ and generally relating to alcoholic beverages in  
11 Washington County.

12 BY repealing and reenacting, without amendments,  
13 Article – Alcoholic Beverages  
14 Section 31–102  
15 Annotated Code of Maryland  
16 (2016 Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Alcoholic Beverages  
19 Section 31–1103, 31–2003(e) and (f), and 31–2004(e) and (f)  
20 Annotated Code of Maryland  
21 (2016 Volume and 2021 Supplement)

22 BY repealing

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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 Article – Alcoholic Beverages  
2 Section 31–2003(d) and 31–2004(d)  
3 Annotated Code of Maryland  
4 (2016 Volume and 2021 Supplement)

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

7 **Article – Alcoholic Beverages**

8 31–102.

9 This title applies only in Washington County.

10 31–1103.

11 (a) There is a sidewalk [cafe] **CAFE/PATIO** permit.

12 (b) The Board may issue the permit to a holder of or an applicant for a Class B,  
13 **CLASS B RESTAURANT, OR CLASS D** license.

14 (c) The permit authorizes the permit holder to sell and serve alcoholic beverages  
15 in an area [on the sidewalk directly in front of the licensed establishment] **APPROVED BY**  
16 **THE BOARD.**

17 (d) To maintain a sidewalk [cafe] **CAFE/PATIO** permit, the permit holder shall:

18 (1) comply with regulations applicable to the issuance of the underlying  
19 Class B, **CLASS B RESTAURANT, OR CLASS D** license [and with];

20 **(2) OBSERVE all COUNTY AND municipal ordinances [and] INCLUDING**  
21 **ZONING, fire and health department regulations, AND, IF APPLICABLE, ANY LANDLORD**  
22 **REQUIREMENTS REGARDING PROPERTY USAGE AND NOISE CONTROL; AND**

23 [(2) ensure that at least one employee certified by an alcohol awareness  
24 program is on the premises at all times during the operation of the sidewalk cafe; and]

25 (3) keep the kitchen open during all hours of operation and have prepared  
26 meals available to be served in the sidewalk [cafe] **CAFE/PATIO.**

27 **(E) (1) IN ACCORDANCE WITH THIS SUBSECTION, BEFORE GRANTING A**  
28 **PERMIT UNDER THIS SECTION, THE BOARD MUST APPROVE THE OUTDOOR AREA OF**  
29 **THE PREMISES WHERE ALCOHOLIC BEVERAGES WILL BE PROVIDED.**

1           **(2) THE APPLICANT SHALL SUBMIT FOR THE BOARD'S APPROVAL ANY**  
2 **PLAN OF A PROPOSED RENOVATION OR CONSTRUCTION OF A SIDEWALK CAFE/PATIO,**  
3 **DECK, OR OTHER OUTDOOR AREA ON THE PREMISES, INCLUDING THE AREA OF THE**  
4 **PREMISES WHERE ALCOHOLIC BEVERAGES WILL BE STORED AND SOLD.**

5           **(3) (I) THE ENTRANCES AND EXITS OF THE OUTDOOR AREA OF THE**  
6 **PREMISES MUST INCLUDE AN EMERGENCY EXIT THAT OPENS OUTWARD THAT IS**  
7 **APPROVED BY THE FIRE MARSHAL AND THE BOARD.**

8                   **(II) IF THE EMERGENCY EXIT REQUIRED IN SUBPARAGRAPH (I)**  
9 **OF THIS PARAGRAPH CONSISTS OF A LATCHED GATE OR DOOR, THE GATE OR DOOR**  
10 **MUST HAVE A FUNCTIONING PANIC BAR.**

11           **(4) THE BOARD SHALL APPROVE THE HEIGHT, SIZE, CONSTRUCTION,**  
12 **AND SECURITY OF A FENCE OR PRIVACY SHIELD SURROUNDING THE OUTDOOR**  
13 **SPACE OF THE PREMISES ON A CASE-BY-CASE BASIS, BASED ON THE FOLLOWING**  
14 **FACTORS:**

15                   **(I) THE ARCHITECTURAL STRUCTURE OF THE FENCE OR**  
16 **PRIVACY SHIELD;**

17                   **(II) THE NEIGHBORHOOD WITHIN WHICH THE PREMISES IS**  
18 **SITUATED;**

19                   **(III) THE AESTHETIC APPEARANCE OF THE FENCE OR PRIVACY**  
20 **SHIELD; AND**

21                   **(IV) THE SECURITY OF THE PREMISES.**

22           **(5) WITH APPROVAL FROM THE BOARD, THE PREMISES MAY INCLUDE**  
23 **AN OUTDOOR SERVING BAR IF IT ALSO INCLUDES OUTDOOR BAR SEATING**  
24 **ARRANGEMENTS.**

25           **(6) (I) WITH APPROVAL FROM THE BOARD, MUSIC, LIVE**  
26 **ENTERTAINMENT, OR THE VIEWING OF TELEVISED SPORTING EVENTS MAY BE**  
27 **PERMITTED IN THE OUTDOOR AREA OF THE PREMISES.**

28                   **(II) IN DETERMINING WHETHER TO APPROVE MUSIC, LIVE**  
29 **ENTERTAINMENT, OR THE VIEWING OF TELEVISED SPORTING EVENTS, THE BOARD**  
30 **SHALL CONSIDER THE DEMOGRAPHIC LOCATION OF THE PREMISES WITH REGARD**  
31 **TO NOISE VIOLATIONS OR MAINTAINING THE PEACE AND QUIET OF THE**  
32 **NEIGHBORHOOD.**

1            **[(e)] (F)**        A permit holder may sell or serve alcoholic beverages in the sidewalk  
2 **[cafe] CAFE/PATIO** every day of the week from noon to midnight.

3            **(G) (1) NOTWITHSTANDING § 31-1903(A) OF THIS TITLE, A PERMIT**  
4 **HOLDER SHALL REQUIRE AT LEAST ONE EMPLOYEE WHO HAS COMPLETED A**  
5 **CERTIFIED ALCOHOL AWARENESS PROGRAM TO BE ON THE LICENSED PREMISES AT**  
6 **ALL TIMES WHEN ALCOHOL IS BEING SERVED.**

7            **(2) NO ALCOHOL MAY BE SERVED AND ALL ALCOHOL MUST BE**  
8 **SECURED WHEN THERE IS NO EMPLOYEE WHO HAS COMPLETED A CERTIFIED**  
9 **ALCOHOL AWARENESS PROGRAM ON THE LICENSED PREMISES.**

10           **[(f)] (H)**        The annual permit fee is \$500.  
11 31-2003.

12           **[(d)**        A holder of a Class B sidewalk cafe permit may sell or provide beer and light  
13 wine in the sidewalk cafe on Monday through Sunday, from noon to midnight.]

14           **[(e)] (D)**        (1)        A holder of a Class C beer and light wine license may sell beer  
15 and light wine:

16                            (i)        on Monday through Saturday, from 6 a.m. to 2 a.m. the following  
17 day; and

18                            (ii)       except as provided in paragraphs (2) and (3) of this subsection,  
19 on Sunday from noon to midnight, if a fee is paid.

20                            (2)        The license holder may sell beer and light wine on Sunday, from 11 a.m.  
21 to midnight, if:

22                            (i)        the consumer places an order for a meal simultaneously with or  
23 before placing an order for an alcoholic beverage; or

24                            (ii)       the consumer is entitled to a meal on the premises as part of a  
25 prearranged event.

26                            (3)        When a federal holiday falls on a Monday, the license holder may sell  
27 beer and light wine on the Sunday immediately before the Monday holiday, from noon to 2  
28 a.m. the following day.

29           **[(f)] (E)**        (1)        A holder of a Class D beer and light wine (on-sale) license may  
30 sell beer and light wine:

31                            (i)        on Monday through Saturday, from 6 a.m. to 2 a.m. the following  
32 day; and

1 (ii) except as provided in paragraph (2) of this subsection, on  
2 Sunday, from noon to midnight, if a fee is paid.

3 (2) When a federal holiday falls on a Monday, the license holder may sell  
4 beer and light wine on the Sunday immediately before the Monday holiday, from noon to 2  
5 a.m. the following day.

6 31–2004.

7 [(d) A holder of a Class B sidewalk cafe permit may sell or provide beer, wine, and  
8 liquor in the sidewalk cafe on Monday through Sunday, from noon to midnight.]

9 [(e) (D) (1) A holder of a Class C beer, wine, and liquor (on–sale) license may  
10 sell beer, wine, and liquor:

11 (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following  
12 day; and

13 (ii) except as provided in paragraphs (2) and (3) of this subsection,  
14 on Sunday, from noon to midnight.

15 (2) The license holder may sell beer, wine, and liquor on Sunday, from 11  
16 a.m. to midnight, if:

17 (i) the consumer places an order for a meal simultaneously with or  
18 before placing an order for an alcoholic beverage; or

19 (ii) the consumer is entitled to a meal on the premises as part of a  
20 prearranged event.

21 (3) When a federal holiday falls on a Monday, the license holder may sell  
22 beer, wine, and liquor on the Sunday immediately preceding the Monday holiday, from noon  
23 to 2 a.m. the following day.

24 [(f) (E) (1) A holder of a Class D beer, wine, and liquor license may sell beer,  
25 wine, and liquor:

26 (i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following  
27 day; and

28 (ii) except as provided in paragraph (2) of this subsection, on  
29 Sunday, from noon to midnight, if a fee is paid.

30 (2) When a federal holiday falls on a Monday, the license holder may  
31 exercise the privileges conferred by the license on the Sunday immediately preceding the  
32 Monday holiday, from noon to 2 a.m. the following day.

1       ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding §§ 6-311~~  
 2 ~~and 31-2701 of the Alcoholic Beverages Article, the holder of a Class B, Class C, or Class~~  
 3 ~~D license that has an on-sale privilege in Washington County may obtain a permit from~~  
 4 ~~the Board of License Commissioners for Washington County, at no cost, that authorizes the~~  
 5 ~~holder to purchase alcoholic beverages, from the holder of a retail license in the county or~~  
 6 ~~a wholesale license, for the sole purpose of preparing and selling alcoholic beverages for~~  
 7 ~~on-premises consumption at the licensed premises of the Class B, Class C, or Class D~~  
 8 ~~license.~~

9       ~~SECTION 3. AND BE IT FURTHER ENACTED, That each license holder that~~  
 10 ~~obtains a permit and purchases alcoholic beverages under Section 2 of this Act shall report~~  
 11 ~~to the Board of License Commissioners for Washington County, on or before September 30,~~  
 12 ~~2022, and every 6 months thereafter through March 31, 2024, on the types and quantities~~  
 13 ~~of alcoholic beverages purchased under the permit.~~

14       ~~SECTION 4. 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall~~  
 15 ~~take effect July 1, 2022.~~

16       ~~SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section~~  
 17 ~~4 of this Act, this Act shall take effect April 12, 2022. Section 2 of this Act shall remain~~  
 18 ~~effective through December 31, 2023, and, at the end of December 31, 2023, Section 2 of~~  
 19 ~~this Act, with no further action required by the General Assembly, shall be abrogated and~~  
 20 ~~of no further force and effect.~~

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.