

SENATE BILL 654

A2

3lr2043
CF HB 1063

By: **Senator Gallion**

Introduced and read first time: February 6, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2023

CHAPTER _____

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Class HC (Health Club) License**

3 FOR the purpose of establishing a Class HC (health club) beer, ~~and wine, and liquor~~ license
4 in Harford County; authorizing the Board of License Commissioners for Harford
5 County to issue the license to a person that sells certain health club services;
6 exempting the holder of the license from certain distance requirements related to
7 places of worship and schools; and generally relating to alcoholic beverages licenses
8 in Harford County.

9 BY renumbering

10 Article – Alcoholic Beverages
11 Section 22–1004 and 22–1004.1
12 to be Section 22–1004.1 and 22–1004.2, respectively
13 Annotated Code of Maryland
14 (2016 Volume and 2022 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Alcoholic Beverages
17 Section 22–102
18 Annotated Code of Maryland
19 (2016 Volume and 2022 Supplement)

20 BY adding to

21 Article – Alcoholic Beverages
22 Section 22–1004

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 Annotated Code of Maryland
2 (2016 Volume and 2022 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Alcoholic Beverages
5 Section 22–1602
6 Annotated Code of Maryland
7 (2016 Volume and 2022 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
9 That Section(s) 22–1004 and 22–1004.1 of Article – Alcoholic Beverages of the Annotated
10 Code of Maryland be renumbered to be Section(s) 22–1004.1 and 22–1004.2, respectively.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
12 as follows:

13 **Article – Alcoholic Beverages**

14 22–102.

15 This title applies only in Harford County.

16 **22–1004.**

17 **(A) THERE IS:**

18 **(1) A 6–DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, AND LIQUOR**
19 **LICENSE; AND**

20 **(2) A 7–DAY CLASS HC (HEALTH CLUB) BEER, AND WINE, AND LIQUOR**
21 **LICENSE.**

22 **(B) THE BOARD MAY ISSUE THE 6–DAY OR THE 7–DAY LICENSE TO A PERSON**
23 **WHO:**

24 **(1) SELLS HEALTH CLUB SERVICES, AS DEFINED IN § 14–12B–01 OF**
25 **THE COMMERCIAL LAW ARTICLE;**

26 **(2) HAS A HEALTH CLUB FACILITY THAT OFFERS AN INDOOR OR**
27 **OUTDOOR SWIMMING POOL OR BOTH AND PICKLEBALL COURTS;**

28 **~~(2)~~ (3) HAS AT LEAST 150 MEMBERS WHO PAY DUES; AND**

29 **~~(3)~~ (4) OWNS OR LEASES REAL PROPERTY IN THE COUNTY FOR USE**
30 **AS A FOR–PROFIT OR NONPROFIT HEALTH CLUB FACILITY.**

1 (C) (1) ~~THE 6-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL~~
 2 ~~BEER, AND WINE, AND LIQUOR FROM MONDAY THROUGH SATURDAY FOR~~
 3 ~~CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB~~
 4 ~~FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA
 5 AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

6 (2) ~~THE 7-DAY LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL~~
 7 ~~BEER, AND WINE, AND LIQUOR FROM MONDAY THROUGH SUNDAY FOR~~
 8 ~~CONSUMPTION ON THE LAND AND IN THE BUILDINGS OF THE HEALTH CLUB~~
 9 ~~FACILITY TO PATRONS WHO MAY BE EITHER SEATED OR STANDING~~ IN A BAR AREA
 10 AT A SWIMMING POOL OR AN INDOOR LOUNGE OR BOTH.

11 (D) ~~THE 6-DAY LICENSE HOLDER AND THE 7-DAY LICENSE HOLDER MAY~~
 12 ~~SELL BEER, AND WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION DURING THE~~
 13 ~~HOURS AND DAYS AS SET OUT FOR A CLASS C BEER, WINE, AND LIQUOR LICENSE~~
 14 ~~UNDER § 22-2004(F) OF THIS TITLE~~ FROM 1 P.M. TO 9 P.M.

15 (E) THE LICENSE HOLDER SHALL PROVIDE PREPACKAGED FOOD OR
 16 SNACKS AT ALL TIMES WHEN BEER AND WINE ARE SOLD.

17 ~~(E)~~ (F) (1) ~~THE ANNUAL FEE FOR THE 6-DAY LICENSE IS \$1,300.~~

18 (2) ~~THE ANNUAL FEE FOR THE 7-DAY LICENSE IS \$1,400.~~

19 22-1602.

20 (a) This section does not apply to:

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

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

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

26 (4) the issuance of:

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

29 (ii) **A CLASS HC (HEALTH CLUB) LICENSE;**

30 (iii) a Class GC (golf course) license;

1 [(iii)] (IV) a Class CCFA (continuing care facility) license;

2 [(iv)] (V) a Class ALP (assisted living program) license; and

3 [(v)] (VI) a gift basket permit.

4 (b) (1) (i) Except as provided in paragraph (2) of this subsection and
5 subsection (c) of this section, the Board may not issue a license for an establishment that
6 is within 300 feet of a place of worship.

7 (ii) The distance from the establishment to the place of worship is to
8 be measured from the nearest point of the building of the establishment to the nearest point
9 of the building of the place of worship.

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

11 (i) a 1–day license for use in a building;

12 (ii) a license issued to a hotel, motel, restaurant, club, caterer,
13 brewery, or distillery in a municipality; and

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

16 1. the construction of the establishment was completed after
17 July 1, 1991; and

18 2. the establishment is used for emergency operations by a
19 volunteer fire company.

20 (c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may
21 waive the distance restrictions from a place of worship and issue a license on a
22 case–by–case basis.

23 (2) Before the Board decides whether to waive the distance restrictions
24 from a place of worship under paragraph (1) of this subsection:

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

26 1. if the establishment is located in a municipality, the
27 municipality where the establishment is located; or

28 2. if the establishment is located outside the boundaries of a
29 municipality, the county;

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

1 (iii) after receiving a recommendation:

2 1. in favor of the waiver, the Board shall hold a public
3 hearing; or

4 2. to deny a waiver, the Board shall deny the waiver.

5 (3) In making a decision whether to waive the distance restrictions from a
6 place of worship, the Board shall consider:

7 (i) comments received from members and leaders of the place of
8 worship; and

9 (ii) comments made at the public hearing held by the Board.

10 (d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board
11 may not issue a license to a business establishment that is within 1,000 feet of a public or
12 private school building.

13 (ii) The distance from the establishment to the public or private
14 school is to be measured from the nearest point of the building of the establishment to the
15 nearest point of the building of the school.

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

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

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

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

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

28 1. if the restaurant is located in a municipality, the
29 municipality where the restaurant is located; or

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

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

3 (iii) after receiving the recommendation, the Board shall hold a
4 public hearing.

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

7 (i) the recommendation from the governing body;

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

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.