

SENATE BILL 795

A2, J1

3lr2556

By: **Senators Carozza and Mautz**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Wicomico County – Alcoholic Beverages – Cigar Lounge License**

3 FOR the purpose of establishing a Class B–CL (cigar lounge) beer, wine, and liquor license
4 in Wicomico County; excluding the license from certain distance restrictions;
5 excluding a certain business that operates in the county under the license from the
6 requirements of the Clean Indoor Air Act; and generally relating to alcoholic
7 beverages licenses in Wicomico County.

8 BY renumbering

9 Article – Alcoholic Beverages

10 Section 32–1001.2 and 32–1001.3

11 to be Section 32–1001.3 and 32–1001.4, respectively

12 Annotated Code of Maryland

13 (2016 Volume and 2022 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article – Alcoholic Beverages

16 Section 32–102

17 Annotated Code of Maryland

18 (2016 Volume and 2022 Supplement)

19 BY adding to

20 Article – Alcoholic Beverages

21 Section 32–1001.2

22 Annotated Code of Maryland

23 (2016 Volume and 2022 Supplement)

24 BY repealing and reenacting, with amendments,

25 Article – Alcoholic Beverages

26 Section 32–1601

27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2016 Volume and 2022 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Health – General
4 Section 24–504
5 Annotated Code of Maryland
6 (2019 Replacement Volume and 2022 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Health – General
9 Section 24–505(3)
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2022 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That Section(s) 32–1001.2 and 32–1001.3 of Article – Alcoholic Beverages of the Annotated
14 Code of Maryland be renumbered to be Section(s) 32–1001.3 and 32–1001.4, respectively.

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

17 **Article – Alcoholic Beverages**

18 32–102.

19 This title applies only in Wicomico County.

20 **32–1001.2.**

21 **(A) THERE IS A CLASS B–CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR**
22 **LICENSE.**

23 **(B) THE APPLICATION FOR THE LICENSE SHALL BE SIGNED BY AT LEAST**
24 **ONE OWNER OF THE CIGAR LOUNGE WHO IS A RESIDENT AND TAXPAYER OF THE**
25 **COUNTY.**

26 **(C) THE BOARD MAY ISSUE THE LICENSE FOR USE AT A CIGAR LOUNGE.**

27 **(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL BEER, WINE,**
28 **AND LIQUOR FOR ON–PREMISES CONSUMPTION.**

29 **(E) THE LICENSE HOLDER MAY SELL BEER, WINE, AND LIQUOR DURING THE**
30 **HOURS AND DAYS AS SET OUT FOR A CLASS C CLUB BEER, WINE, AND LIQUOR**
31 **LICENSE UNDER § 32–2004 OF THIS TITLE.**

1 **(F) THE ANNUAL LICENSE FEE IS \$900.**

2 32-1601.

3 (a) (1) Except as provided in subsection (b) of this section, the Board may not
4 issue a license for an establishment that is within 500 feet of a place of worship or a public
5 or private elementary or secondary school.

6 (2) The distance from the establishment to the place of worship or the
7 public or private elementary or secondary school is to be the distance that an individual
8 could walk directly from the main entrance of the establishment to the main entrance of
9 the place of worship or school.

10 (b) (1) A person may apply for a license within 6 months following the
11 termination of a license at an existing location that falls within the restriction imposed by
12 subsection (a) of this section.

13 (2) The prohibition against issuing a license in subsection (a) of this section
14 does not apply to:

15 (i) a temporary license; [or]

16 (ii) the Downtown Plaza of Salisbury that:

17 1. is within the area starting from the intersection of
18 Camden Avenue and Carroll Street, eastward along Carroll Street to U.S. Route 13, then
19 northward to U.S. Route 50, then westward to Mill Street, and then southward to the point
20 of origin; but

21 2. does not include businesses located on the opposite sides
22 of the streets listed in item 1 of this item; **OR**

23 **(III) A CLASS B-CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR**
24 **LICENSE.**

25 **Article - Health - General**

26 24-504.

27 Except as provided in § 24-505 of this subtitle, beginning on February 1, 2008, a
28 person may not smoke in:

29 (1) An indoor area open to the public;

30 (2) An indoor place in which meetings are open to the public in accordance
31 with Title 3 of the General Provisions Article;

1 (3) A government–owned or government–operated means of mass
2 transportation including buses, vans, trains, taxicabs, and limousines; or

3 (4) An indoor place of employment.

4 24–505.

5 This subtitle does not apply to:

6 (3) A retail tobacco business that is a sole proprietorship, limited liability
7 company, corporation, partnership, or other enterprise[, in which]:

8 (i) 1. [The] **IN WHICH THE** primary activity is the retail sale of
9 tobacco products and accessories; and

10 [(ii)] 2. [The] **IN WHICH THE** sale of other products is incidental;

11 **OR**

12 **(II) THAT OPERATES IN WICOMICO COUNTY UNDER A CLASS**
13 **B–CL (CIGAR LOUNGE) BEER, WINE, AND LIQUOR LICENSE ISSUED IN ACCORDANCE**
14 **WITH § 32–1001.2 OF THE ALCOHOLIC BEVERAGES ARTICLE;**

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2023.