

Bill No.: _____

Requested: _____

Committee: _____

Drafted by: Cleckler

Typed by: Elise

Stored – 12/13/21

Proofread by _____

Checked by _____

By: **Howard County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages Licenses – Residency Requirements**

3 **Ho. Co. 16–22**

4 FOR the purpose of providing that a resident of the State meets certain residency
5 requirements for an applicant for an alcoholic beverages license in Howard County;
6 and generally relating to residency requirements for alcoholic beverages licenses in
7 Howard County.

8 BY repealing and reenacting, without amendments,
9 Article – Alcoholic Beverages
10 Section 23–102
11 Annotated Code of Maryland
12 (2016 Volume and 2021 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages
15 Section 23–1401, 23–1404, 23–1406, and 23–1407(a)
16 Annotated Code of Maryland
17 (2016 Volume and 2021 Supplement)

18 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Alcoholic Beverages
2 Section 23–1403.1
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 23–102.

9 This title applies only in Howard County.

10 23–1401.

11 (a) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
12 of Division I of this article apply in the county without exception or variation:

13 (1) § 4–102 (“Applications to be filed with local licensing board”);

14 (2) [§ 4–103 (“Application on behalf of partnership”);

15 (3)] § 4–106 (“Payment of notice expenses”);

16 [(4)] (3) § 4–108 (“Application form required by Comptroller”);

17 [(5)] (4) § 4–111 (“Payment of license fees”);

18 [(6)] (5) § 4–112 (“Disposition of license fees”);

19 [(7)] (6) § 4–113 (“Refund of license fees”); and

20 [(8)] (7) § 4–114 (“Fees for licenses issued for less than 1 year”).

21 (b) Section 4–110 (“Required information on application — Petition for support”)
22 of Division I of this article does not apply in the county and is superseded by § 23–1406 of
23 this subtitle.

1 (c) The following sections of Title 4, Subtitle 1 (“Applications for Local Licenses”)
2 of Division I of this article apply in the county:

3 (1) **§ 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT**
4 **TO § 23-1403.1 OF THIS SUBTITLE;**

5 (2) § 4-104 (“Application on behalf of corporation or club”), subject to §
6 23-1404 of this subtitle;

7 [(2)] (3) § 4-105 (“Application on behalf of limited liability company”),
8 subject to § 23-1404 of this subtitle;

9 [(3)] (4) § 4-107 (“Criminal history records check”), subject to §§ 23-1402,
10 23-1403, and 23-1408 of this subtitle; and

11 [(4)] (5) § 4-109 (“Required information on application — In general”),
12 subject to [§ 23-1407] **§§ 23-1403.1, 23-1404, AND 23-1407** of this subtitle.

13 **23-1403.1.**

14 **AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE RESIDENCY**
15 **REQUIREMENTS UNDER § 4-103 OF THIS ARTICLE.**

16 23-1404.

17 (a) Except as provided in subsections (c) and (d) of this section, at least one of the
18 applicants for a new license for a corporation or limited liability company shall certify that
19 as long as the applicant is the holder of the license, the applicant shall:

20 (1) own at least 10% of the stock in the corporation or interest in the limited
21 liability company; or

22 (2) (i) serve as the manager or supervisor of the corporation or limited
23 liability company; and

1 (ii) be physically present on a full-time basis at the licensed
2 premises of the corporation or limited liability company to conduct the daily business
3 involving transactions concerning alcoholic beverages sales.

4 (b) Except as provided in subsection (c) of this section, applicants for a license for
5 a corporation or limited liability company shall submit:

6 (1) an executed copy of the articles of incorporation or articles of
7 organization; and

8 (2) a schedule that states:

9 (i) the name, address, and percentage of stock held by each
10 stockholder holding at least 5% of the stock of a corporation; or

11 (ii) the name, address, and percentage of interest held by each
12 member holding at least 5% interest in a limited liability company.

13 (c) (1) (i) The stock or interest requirements established under subsection
14 (a) of this section do not apply to a corporation or limited liability company in which:

15 1. the stock of the corporation or interest in the limited
16 liability company is authorized for sale by the United States Securities and Exchange
17 Commission; or

18 2. a majority of the stock of the corporation or interest in the
19 limited liability company is owned or controlled directly or indirectly by one or more
20 corporations or limited liability companies whose stock or interest is authorized for sale by
21 the United States Securities and Exchange Commission.

22 (ii) A corporation or limited liability company provided for in
23 subparagraph (i) of this paragraph shall maintain one applicant as a manager or supervisor
24 physically present on a full-time basis at the licensed premises to conduct the daily
25 business involving transactions concerning alcoholic beverages sales.

26 (2) The schedule requirement established under subsection (b) of this
27 section does not apply to:

1 (i) a corporation whose stock is authorized for sale by the United
2 States Securities and Exchange Commission; or

3 (ii) a limited liability company whose interest is authorized for sale
4 by the United States Securities and Exchange Commission.

5 (d) (1) The requirements under subsection (a) of this section do not apply to an
6 application for or renewal of a Class C (continuing care retirement community) beer, wine,
7 and liquor license by a nonprofit organization if the manager or supervisor of the continuing
8 care retirement community:

9 (i) is identified on the application;

10 (ii) receives alcohol awareness training from an approved alcohol
11 awareness training program; and

12 (iii) is physically present at the continuing care retirement
13 community on a full-time basis.

14 (2) A continuing care retirement community license shall be issued to:

15 (i) a manager or supervisor; and

16 (ii) two officers, one of whom shall be a resident of the [county, a
17 registered voter, and a taxpayer of the county] STATE at the time the application is filed.

18 **(E) AN INDIVIDUAL WHO IS A RESIDENT OF THE STATE MEETS THE**
19 **RESIDENCY REQUIREMENTS UNDER §§ 4-104 AND 4-105 OF THIS ARTICLE.**

20 23-1406.

21 (a) At least one of the applicants shall include with the application a petition of
22 support signed by at least three residents who are owners of real property and registered
23 voters in the district where the business is to be conducted stating that the applicant:

24 (1) is known personally to the residents; and

1 (2) subject to subsection (b) of this section, is a resident of the [county]
2 **STATE** at the time the applicant presents the application to the residents.

3 (b) The Board may waive the residency requirement for an applicant if the
4 applicant:

5 (1) is the purchaser of a business already in operation; or

6 (2) has owned the premises for which a license is sought for at least 2 years
7 immediately preceding the filing of the application.

8 23–1407.

9 (a) At least one of the applicants for a license shall be a resident of the [county]
10 **STATE**.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2022.