

Bill No.: _____
Requested: _____
Committee: _____

Drafted by: Rosen
Typed by: Don
Stored – 11/10/15
Proofread by _____
Checked by _____

By: **Delegate W. Miller**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Luxury Restaurants and Farm**
3 **Breweries – Licenses**

4 FOR the purpose of altering the number of Class BLX (luxury restaurant) (on–sale) beer,
5 wine and liquor licenses the Board of License Commissioners may issue for separate
6 premises to an individual or for the use of a partnership, corporation, or
7 unincorporated association in Howard County; altering the maximum number of
8 Class B beer, wine and liquor licenses the holder of a Class 8 farm brewery license
9 may hold in Howard County; and generally relating to alcoholic beverages licenses
10 in Howard County.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 9–102(a)(1) and 12–104(a) and (b)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2015 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 9–102(o) and 12–104(e)(7)
19 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.

1r1103

1 (2011 Replacement Volume and 2015 Supplement)

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

4 **Article 2B – Alcoholic Beverages**

5 9–102.

6 (a) (1) No more than one license provided by this article, except by way of
7 renewal or as otherwise provided in this section, shall be issued in any county or Baltimore
8 City, to any person, or for the use of any partnership, corporation, unincorporated
9 association, or limited liability company, in Baltimore City or any county of the State.

10 (o) (1) Subject to paragraphs (2) and (3) of this subsection, and
11 notwithstanding any other provision of law, in Howard County, the Board of License
12 Commissioners may issue 2 Class B (on–sale) beer, wine and liquor licenses and [7] 6 Class
13 BLX (luxury restaurant) (on–sale) beer, wine and liquor licenses, or [9] 8 Class BLX (luxury
14 restaurant) (on–sale) beer, wine and liquor licenses for separate premises:

15 (i) To an individual; or

16 (ii) For the use of a partnership, corporation, or unincorporated
17 association.

18 (2) A person, including a corporation, limited liability company,
19 partnership, limited partnership, joint venture, association, or other combination of
20 persons, whether natural or otherwise and for whatever reason formed, may not have a
21 direct or indirect interest in any combination of more than 9 Class B and Class BLX
22 licenses.

23 (3) For purposes of this subsection, an indirect interest is presumed to exist
24 between two persons, corporations, limited liability companies, partnerships, limited
25 partnerships, joint ventures, associations, or other combination of persons, whether natural
26 or otherwise, if any of the following conditions exist between them:

27 (i) A common parent company;

- 1 (ii) A franchise agreement;
- 2 (iii) A licensing agreement;
- 3 (iv) A concession agreement;
- 4 (v) Both are part of a chain of businesses commonly owned and
5 operated;
- 6 (vi) They share:
 - 7 1. Directors, stockholders, partners, or members; or
 - 8 2. Directors, stockholders, partners, or members of parents
9 or subsidiaries;
- 10 (vii) They commonly share, directly or indirectly, profit from the sale
11 of alcoholic beverages; or
- 12 (viii) They share a common trade name, trademark, logo or theme, or
13 mode of operation identifiable by the public.

14 12–104.

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “Business entity” means any holder of a manufacturer’s or wholesaler’s
17 license, or anyone connected with the business of the holder, or any distiller, nonresident
18 dealer, resident dealer, brewer, rectifier, blender or bottler of alcoholic beverages.

19 (3) “Sign” means any sign, display, poster, placard, or other form of
20 advertisement, whether graphic or not.

21 (b) (1) A business entity may not have any financial interest in the premises
22 upon or in which any alcoholic beverage is sold at retail by any licensee or in any business
23 conducted by any licensee.

1 (2) A person or business entity, or anyone connected with that person or
2 business entity, may not lend any money or other thing of value, make any gift, or offer any
3 gratuity to any retail dealer.

4 (3) Except as provided for, a retail dealer may not accept, receive or make
5 use of any money, gift, or sign furnished by any business entity or become indebted to any
6 person except for the purchase of alcoholic beverages and allied products purchased for
7 resale.

8 (4) A business entity, other than a wholesaler of beer and malt beverages,
9 may not furnish any sign, except as provided in this article.

10 (e) (7) (i) This paragraph applies only in Howard County.

11 (ii) The Comptroller may issue one Class 8 farm brewery license to
12 a person that holds not more than [two] **THREE** Class B beer, wine and liquor licenses.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2016.