

Bill No.: _____
Requested: _____
Committee: _____

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By: **Senator Guzzone**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Alcoholic Beverages – Class D Licenses**

3 FOR the purpose of making a Class D (on– and off–sale) beer, wine, and liquor license part
4 of certain groups of alcoholic beverages licenses that the Board of License
5 Commissioners for Howard County may issue to an individual or for the use of a
6 partnership, a corporation, or an unincorporated association; making certain
7 technical changes; and generally relating to alcoholic beverages licenses in Howard
8 County.

9 BY repealing and reenacting, with amendments,
10 Article 2B – Alcoholic Beverages
11 Section 9–102(o)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2015 Supplement)

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

16 **Article 2B – Alcoholic Beverages**

17 9–102.

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

1 (o) (1) Subject to paragraphs ~~[(2)]~~ **(3)** and ~~[(3)]~~ **(4)** of this subsection, and
2 notwithstanding any other provision of law, in Howard County, the Board of License
3 Commissioners may issue **TO AN INDIVIDUAL OR FOR THE USE OF A PARTNERSHIP, A**
4 **CORPORATION, OR AN UNINCORPORATED ASSOCIATION ONE OF THE FOLLOWING**
5 **GROUPS OF LICENSES BUT NOT BOTH:**

6 **(I) 1 CLASS D (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR**
7 **LICENSE, 2 Class B (on-sale) beer, wine and liquor licenses and 7 Class BLX (luxury**
8 **restaurant) (on-sale) beer, wine and liquor licenses[,]; or**

9 **(II) 1 CLASS D (ON- AND OFF-SALE) BEER, WINE, AND LIQUOR**
10 **LICENSE AND 9 Class BLX (luxury restaurant) (on-sale) beer, wine and liquor licenses [for**
11 **separate premises:**

12 (i) To an individual; or

13 (ii) For the use of a partnership, corporation, or unincorporated
14 association].

15 **(2) THE LICENSES SPECIFIED IN PARAGRAPH (1) OF THIS**
16 **SUBSECTION ARE FOR SEPARATE PREMISES.**

17 ~~[(2)]~~ **(3)** A person, including a corporation, limited liability company,
18 partnership, limited partnership, joint venture, association, or other combination of
19 persons, whether natural or otherwise and for whatever reason formed, may not have a
20 direct or indirect interest in any combination of more than **1 CLASS D AND 9 Class B and**
21 **Class BLX licenses.**

22 ~~[(3)]~~ **(4)** For purposes of this subsection, an indirect interest is presumed
23 to exist between two persons, corporations, limited liability companies, partnerships,
24 limited partnerships, joint ventures, associations, or other combination of persons, whether
25 natural or otherwise, if any of the following conditions exist between them:

26 (i) A common parent company;

27 (ii) A franchise agreement;

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

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