

Bill No.: _____
Requested: _____
Committee: _____

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By: **Delegate W. Miller**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Multiple Class B and BLX Beer, Wine, and Liquor Licenses**

3 **Ho. Co. 06–18**

4 FOR the purpose of authorizing the Comptroller to issue in Howard County a Class 5
5 brewery license to certain holders of Class B and Class BLX beer, wine, and liquor
6 licenses; altering in Howard County the maximum numbers of Class B and Class
7 BLX beer, wine, and liquor licenses that may be held under a certain multiple
8 alcoholic beverages licensing plan to be eligible for a Class 8 farm brewery license;
9 altering the number of Class B (on–sale) beer, wine, and liquor licenses the Board of
10 License Commissioners for Howard County may issue for separate premises to an
11 individual or for the use of a person under a certain multiple alcoholic beverages
12 licensing plan; and generally relating to alcoholic beverages licenses in Howard
13 County.

14 BY repealing and reenacting, without amendments,
15 Article – Alcoholic Beverages
16 Section 23–102
17 Annotated Code of Maryland
18 (2016 Volume and 2017 Supplement)

19 BY repealing and reenacting, with amendments,

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



1 Article – Alcoholic Beverages
2 Section 23–902 and 23–1606
3 Annotated Code of Maryland
4 (2016 Volume and 2017 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 23–902.

11 (a) There is a Class B beer, wine, and liquor license.

12 (b) The Board may issue the license to the owner of a hotel that:

13 (1) is in a building at least three stories tall that was originally constructed
14 for hotel purposes;

15 (2) has a capital investment of at least \$500,000; and

16 (3) contains:

17 (i) at least one passenger elevator;

18 (ii) at least 100 rooms to accommodate the public; and

19 (iii) a dining room with facilities for preparing and serving regular
20 meals for at least 125 individuals at one seating.

21 (c) The license authorizes the license holder to sell beer, wine, and liquor at retail
22 at a hotel or restaurant at the place described in the license for on–premises consumption.

23 (d) (1) There is a beer and wine (B–SBW) off–sale permit.

1 (2) The Board may issue the permit only to a holder of the Class B beer,
2 wine, and liquor license that is issued for a restaurant.

3 (3) A holder of the permit:

4 (i) may sell beer and wine for off-premises consumption only to
5 persons who have purchased food or alcohol from the licensed premises; and

6 (ii) may not display or provide shelving for beer or wine for
7 off-premises sales in areas of the establishment that are accessible to the public.

8 (4) The term of the permit is the same as that of the Class B beer, wine,
9 and liquor license that the applicant holds.

10 (5) Before the Board may issue the permit:

11 (i) the applicant shall complete the form that the Board provides;
12 and

13 (ii) the same advertising, posting of notice, and public hearing
14 requirements as those for Class B licenses shall be met.

15 (6) Off-sale alcoholic beverages receipts collected under the permit shall
16 be included in the calculation of average daily receipts from the sale of alcoholic beverages
17 in a restaurant under § 1-101 of this article.

18 (7) A holder of the permit may exercise the privileges of the permit only
19 when the licensed premises is open for business as a restaurant.

20 (8) The Board may adopt regulations to carry out this subsection, including
21 a limit on the number of permits to be issued.

22 (e) The Comptroller may issue one Class 8 farm brewery license **AND ONE CLASS**
23 **5 BREWERY LICENSE** to a license holder that holds not more than **[two] FIVE** Class B and
24 **[seven] SIX** Class BLX beer, wine, and liquor licenses.

25 (f) The annual license fees are:

1 (1) \$1,000 for the Class B beer, wine, and liquor license; and

2 (2) \$500 for the off-sale beer and wine permit.

3 23-1606.

4 (a) (1) Subject to subsections (b) and (c) of this section, the Board may issue to
5 an individual or for the use of a person one of the following groups of licenses but not both:

6 (i) one Class D (on- and off-sale) beer, wine, and liquor license,
7 **[two] FIVE** Class B (on-sale) beer, wine, and liquor licenses, and six Class BLX (luxury
8 restaurant)(on-sale) beer, wine, and liquor licenses; or

9 (ii) one Class D (on- and off-sale) beer, wine, and liquor license and
10 eight Class BLX (luxury restaurant)(on-sale) beer, wine, and liquor licenses.

11 (2) The licenses specified in paragraph (1) of this subsection are for
12 separate premises.

13 (b) A person may not have a direct or indirect interest in any combination of more
14 than one Class D and nine Class B and Class BLX licenses.

15 (c) For purposes of this section, an indirect interest is presumed to exist between
16 two persons if both:

17 (1) have a common parent company;

18 (2) are linked by a franchise agreement, licensing agreement, or a
19 concession agreement;

20 (3) are part of a chain of businesses commonly owned and operated;

21 (4) share:

22 (i) directors, stockholders, partners, or members; or

23 (ii) directors, stockholders, partners, or members of parents or

1 subsidiaries;

2 (5) share, directly or indirectly, profit from the sale of alcoholic beverages;

3 or

4 (6) share a common trade name, trademark, logo, or theme, or mode of
5 operation identifiable by the public.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2018.