

# HOUSE BILL 258

A2

3lr1053  
CF 3lr1054

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By: **Delegates Arentz, Ghrist, and Jacobs**

Introduced and read first time: January 25, 2023

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Caroline and Queen Anne's County Counties – Alcoholic Beverages Licenses –**  
3 **Residency Requirement**

4 FOR the purpose of ~~removing the requirement~~ requiring that a certain applicant for an  
5 alcoholic beverages license in Caroline County be a resident of the State rather than  
6 a resident of the county; requiring that a certain applicant for an alcoholic beverages  
7 license in Queen Anne's County be a resident of ~~Queen Anne's County~~ the State  
8 rather than a resident of the county; and generally relating to alcoholic beverages  
9 licenses in Caroline and Queen Anne's County counties.

10 BY repealing and reenacting, without amendments,  
11 Article – Alcoholic Beverages  
12 Section 4–109(a), ~~15–102~~, and 27–102  
13 Annotated Code of Maryland  
14 (2016 Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Alcoholic Beverages  
17 Section ~~15–1401~~, 27–1401(c), and 27–1402  
18 Annotated Code of Maryland  
19 (2016 Volume and 2022 Supplement)

20 BY adding to  
21 Article – Alcoholic Beverages  
22 Section 15–1407

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2016 Volume and 2022 Supplement)

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

5 **Article – Alcoholic Beverages**

6 4–109.

7 (a) A license application shall state:

8 (1) the class of license for which the applicant is applying;

9 (2) the name and address of the applicant and how long the applicant has  
10 resided at that address;

11 (3) that at least one applicant is a citizen of the United States;

12 (4) that the applicant is a resident of the jurisdiction in which the applicant  
13 proposes to operate under the license for which the applicant is applying;

14 (5) the age and sex of the applicant;

15 (6) the birth place of the applicant, and if the applicant is a naturalized  
16 citizen, the date and place the applicant was naturalized;

17 (7) a description of the place for which the license is sought, including:

18 (i) the street and number, if practicable, or other description that  
19 definitively locates the place; and

20 (ii) a description of the portion of the building in which the business  
21 will be conducted;

22 (8) the name of the owner of the location where the business to be licensed  
23 is to be conducted;

24 (9) that the applicant has never been convicted of a felony;

25 (10) whether the applicant has ever been found guilty of violating a law in  
26 the State governing the sale of alcoholic beverages or the prevention of gambling;

27 (11) that the applicant has a financial interest in the business to be  
28 conducted under the license;

1 (12) that the applicant has not had a license for the sale of alcoholic  
2 beverages revoked;

3 (13) that the applicant or a person on behalf of whom the application is filed  
4 does not have a financial interest in any other place of business in the jurisdiction for which  
5 an alcoholic beverage license has been applied for or issued;

6 (14) whether the applicant has been found guilty of violating a State or  
7 federal law;

8 (15) whether the applicant has held a license for the sale of alcoholic  
9 beverages and, if so, the name of the state and the location where the license was held;

10 (16) that during the term of the license, a person other than the applicant  
11 will not have a financial interest in the license or in the business to be conducted under the  
12 license;

13 (17) that a manufacturer, brewer, distiller, or wholesaler, directly or  
14 indirectly, does not have a financial interest in the premises or business of the applicant;

15 (18) that after receipt of a license, the applicant will not convey or grant an  
16 interest in the location or business to a manufacturer, brewer, distiller, or wholesaler,  
17 except as authorized under this article;

18 (19) that, except for the purchase of alcoholic beverages, when applying for  
19 the license, the applicant does not have indebtedness or other financial obligation to a  
20 manufacturer, brewer, distiller, or wholesaler;

21 (20) that after the license is issued, the applicant will not incur, directly or  
22 indirectly, indebtedness or other financial obligation other than for the purchase of  
23 alcoholic beverages to a manufacturer, brewer, distiller, or wholesaler; and

24 (21) that, if issued a license, the applicant will conform to all laws and  
25 regulations relating to the business in which the applicant proposes to engage.

26 15-102.

27 This title applies only in Caroline County.

28 15-1401.

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

31 (1) § 4-102 (“Applications to be filed with local licensing board”);

32 (2) [§ 4-103 (“Application on behalf of partnership”);

1           ~~(3)~~    § 4-104 (“Application on behalf of corporation or club”);

2           ~~(4)~~    § 4-105 (“Application on behalf of limited liability company”);

3           ~~(5)~~    § 4-106 (“Payment of notice expenses”);

4           ~~[(6)] (3)~~    § 4-108 (“Application form required by Comptroller”);

5           ~~[(7)]~~    § 4-110 (“Required information on application — Petition of support”);

6           ~~(8)] (4)~~    § 4-111 (“Payment of license fees”);

7           ~~[(9)] (5)~~    § 4-112 (“Disposition of license fees”);

8           ~~[(10)] (6)~~    § 4-113 (“Refund of license fees”); and

9           ~~[(11)] (7)~~    § 4-114 (“Fees for licenses issued for less than 1 year”).

10           **(B) SECTION 4-110 (“REQUIRED INFORMATION ON APPLICATION –**  
 11 **PETITION OF SUPPORT”) OF DIVISION I OF THIS ARTICLE DOES NOT APPLY IN THE**  
 12 **COUNTY.**

13           **[(b)] (C)**    The following sections of Title 4, Subtitle 1 (“Applications for Local  
 14 Licenses”) of Division I of this article apply in the county:

15                   (1)    § 4-107 (“Criminal history records check”), in addition to §§ 15-1402  
 16 through 15-1405 of this subtitle; [and]

17                   (2)    § 4-109 (“Required information on application — In general”), in  
 18 addition to § 15-1406 of this subtitle AND SUBJECT TO § 15-1407 OF THIS SUBTITLE;

19                   (3)    § 4-103 (“APPLICATION ON BEHALF OF PARTNERSHIP”), SUBJECT  
 20 TO § 15-1407 OF THIS SUBTITLE;

21                   (4)    § 4-104 (“APPLICATION ON BEHALF OF CORPORATION OR CLUB”),  
 22 SUBJECT TO § 15-1407 OF THIS SUBTITLE; AND

23                   (5)    § 4-105 (“APPLICATION ON BEHALF OF LIMITED LIABILITY  
 24 COMPANY”), SUBJECT TO § 15-1407 OF THIS SUBTITLE.

25    15-1407.

1           **(A) AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES**  
 2 **LICENSE IS FILED, AT LEAST ONE OF THE APPLICANTS SHALL BE A RESIDENT OF THE**  
 3 **STATE.**

4           **(B) THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF**  
 5 **THE APPLICANTS REMAINS A RESIDENT OF THE STATE.**

6 27-102.

7           This title applies only in Queen Anne's County.

8 27-1401.

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

11           (1) § 4-103 ("Application on behalf of partnership"), subject to § 27-1402 of  
 12 this subtitle;

13           (2) § 4-104 ("Application on behalf of corporation or club"), subject to §  
 14 27-1403 of this subtitle;

15           (3) § 4-105 ("Application on behalf of limited liability company"), subject to  
 16 § 27-1403 of this subtitle; and

17           (4) § 4-109 ("Required information on application — In general"), subject  
 18 to ~~§ 27-1404~~ **§§ 27-1402 AND 27-1404** of this subtitle.

19 27-1402.

20           ~~An applicant [on behalf of a partnership may not be issued a Class A beer, wine, and~~  
 21 ~~liquor license unless the owners of 75% of the interest in the partnership are residents of~~  
 22 ~~the county at the time the application is filed.]~~

23           **(A) AT THE TIME AN APPLICATION FOR AN ALCOHOLIC BEVERAGES**  
 24 **LICENSE NEED NOT BE A RESIDENT OF THE COUNTY IS FILED, AT LEAST ONE OF THE**  
 25 **APPLICANTS SHALL BE A RESIDENT OF THE STATE.**

26           **(B) THE LICENSE REMAINS VALID ONLY FOR AS LONG AS AT LEAST ONE OF**  
 27 **THE APPLICANTS REMAINS A RESIDENT OF THE STATE.**

28           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
 29 1, 2023.