

Chapter 759

(House Bill 840)

AN ACT concerning

~~Howard County Alcoholic Beverages Consumption Only Shopping Mall Plaza License and Special Event Permit~~
Howard County Alcoholic Beverages Act of 2022

Ho. Co. 13-22

FOR the purpose of authorizing the Board of License Commissioners for Howard County to issue a consumption only shopping mall plaza license and special event permit to the owner of a commercial shopping mall if the mall meets certain criteria; authorizing the license holder to allow the consumption of beer, wine, and liquor in a designated outdoor area if the beer, wine, or liquor is purchased from certain restaurants; establishing a shopping mall plaza special event permit; providing that the permit authorizes certain restaurants to operate additional bars or service counters for the sale and service of food and alcoholic beverages in a designated outdoor plaza during a special event; requiring the Board of License Commissioners for Howard County and the Appointed Alcoholic Beverage Hearing Board in Howard County to give particular consideration to a certain factor when deciding whether to approve an application and issue a license; requiring the Hearing Board to include a certain factor in its written decision findings when determining whether to issue a new Class A license; and generally relating to ~~a consumption only shopping mall plaza license and special event permit~~ alcoholic beverages licenses in Howard County.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 23-102 and 23-209(a)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 23-1006.1 and 23-1509
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 23-1501 and 23-1503
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

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

Article – Alcoholic Beverages

23–102.

This title applies only in Howard County.

23–209.

(a) The Board of License Commissioners or the Hearing Board may issue licenses.

23–1006.1.

(A) IN THIS SECTION, “SHOPPING MALL” MEANS A COMBINATION OF COMMERCIAL, PROFESSIONAL, OR RETAIL ESTABLISHMENTS THAT:

- (1) ARE OPEN TO THE GENERAL PUBLIC FOR BUSINESS PURPOSES;**
- (2) ARE UNDER COMMON OWNERSHIP OR CONTROL;**
- (3) SHARE COMMON PARKING FACILITIES; AND**
- (4) ENCOMPASS AT LEAST 60 ACRES.**

(B) THERE IS A CONSUMPTION ONLY SHOPPING MALL PLAZA LICENSE.

(C) THE BOARD MAY ISSUE A CONSUMPTION ONLY SHOPPING MALL PLAZA LICENSE TO THE OWNER OF A SHOPPING MALL IF THE SHOPPING MALL:

(1) INCLUDES AT LEAST ONE RESTAURANT FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED; AND

(2) CONTAINS A DESIGNATED OUTDOOR PLAZA FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGES.

(D) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR IN A DESIGNATED OUTDOOR PLAZA LOCATED ON THE PREMISES OF THE SHOPPING MALL IF THE BEER, WINE, OR LIQUOR IS PURCHASED AT A RESTAURANT:

- (1) THAT IS LOCATED WITHIN THE SHOPPING MALL;**

(2) FOR WHICH A CLASS B LICENSE HAS BEEN ISSUED;

(3) THAT IS CONTIGUOUS TO THE DESIGNATED OUTDOOR PLAZA; AND

(4) THAT USES CONTAINERS BRANDED WITH AN IDENTIFYING MARK OF THE SELLER.

(E) AS PART OF THE LICENSE APPLICATION, AN OWNER OF A SHOPPING MALL SHALL INCLUDE:

(1) A DESCRIPTION OF THE DESIGNATED OUTDOOR PLAZA AND A LIST OF THE CONTIGUOUS LICENSE HOLDERS WHOSE BEER, WINE, AND LIQUOR MAY BE CONSUMED IN THE DESIGNATED OUTDOOR PLAZA; AND

(2) A SECURITY PLAN THAT HAS BEEN APPROVED BY THE HOWARD COUNTY POLICE DEPARTMENT.

(F) THE LICENSE HOLDER MAY ALLOW THE CONSUMPTION OF BEER, WINE, AND LIQUOR IN THE DESIGNATED OUTDOOR PLAZA ON MONDAY THROUGH SUNDAY, FROM 11 A.M. TO 11 P.M.

(G) THE ANNUAL LICENSE FEE IS \$4,000.

(H) (1) IN THIS SUBSECTION, “PARTICIPATING RESTAURANT” MEANS A RESTAURANT DESCRIBED UNDER SUBSECTION (D) OF THIS SECTION THAT PARTICIPATES IN A COORDINATED PROMOTION OF A SPECIAL EVENT WITH THE OWNER OF A SHOPPING MALL IN WHICH THE RESTAURANT IS LOCATED.

(2) (I) THERE IS A SHOPPING MALL PLAZA SPECIAL EVENT PERMIT.

(II) THE BOARD MAY ISSUE THE PERMIT ONLY TO THE HOLDER OF A CONSUMPTION ONLY SHOPPING MALL PLAZA LICENSE.

(3) THE HOLDER OF A CONSUMPTION ONLY SHOPPING MALL PLAZA LICENSE SHALL APPLY TO THE BOARD FOR THE PERMIT BEFORE THE HOLDER OR A PARTICIPATING RESTAURANT MAY PUBLICIZE, SELL TICKETS FOR, ORGANIZE, OPERATE, PRODUCE, OR STAGE THE SPECIAL EVENT.

(4) THE PERMIT AUTHORIZES PARTICIPATING RESTAURANTS TO OPERATE ADDITIONAL BARS OR SERVICE COUNTERS FOR THE SALE AND SERVICE OF FOOD AND ALCOHOLIC BEVERAGES IN THE DESIGNATED OUTDOOR PLAZA DESCRIBED UNDER THE CONSUMPTION ONLY SHOPPING MALL PLAZA LICENSE DURING A SPECIAL EVENT.

(5) THE PERMIT FEE IS \$500.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages

23–1501.

(a) The following sections of Title 4, Subtitle 2 (“Issuance or Denial of Local Licenses”) of Division I of this article apply in the county without exception or variation:

(1) § 4–205 (“Chain store, supermarket, or discount house”);

(2) § 4–206 (“Limitations on retail sales floor space”);

(3) § 4–207 (“Licenses issued to minors”);

(4) § 4–209 (“Hearing”);

(5) [§ 4–210 (“Approval or denial of license application”);

(6)] § 4–211 (“License forms; effective date; expiration”); and

[(7)] (6) § 4–213 (“Replacement licenses”).

(b) Section 4–214 (“Waiting periods after denial of license applications”) of Division I of this article does not apply in the county and is superseded by § 23–1507 of this subtitle.

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

(1) § 4–202 (“Authority of local licensing boards”), subject to § 23–1502 of this subtitle;

(2) § 4–203 (“Prohibition against issuing multiple licenses to individual or for use of entity”), subject to § 23–1504 of this subtitle;

(3) § 4–204 (“Prohibition against issuing multiple licenses for same premises”), subject to Subtitle 13, Part III and Subtitle 16, Part II of this title;

(4) § 4–208 (“Notice of license application required”), subject to § 23–1505 of this subtitle; [and]

**(5) § 4-210 (“APPROVAL OR DENIAL OF LICENSE APPLICATION”),
SUBJECT TO § 23-1509 OF THIS SUBTITLE; AND**

**[(5)] (6) § 4-212 (“License not property”), in addition to § 23-1506 of this
subtitle.**

23-1503.

**In determining whether to approve an application for any new Class A license, the
Hearing Board shall include in its written decision findings as to:**

(1) each of the factors set forth under § 4-210(a) of this article; AND

**(2) THE CONSIDERATION OF THE AVOIDANCE OF THE
OVERCONCENTRATION OF LICENSES IN NEIGHBORHOODS, PARTICULARLY
NEIGHBORHOODS OF POVERTY, AS REQUIRED UNDER § 23-1509 OF THIS SUBTITLE.**

23-1509.

**BEFORE THE BOARD OR THE HEARING BOARD ISSUES A LICENSE, THE BOARD
OR THE HEARING BOARD SHALL GIVE PARTICULAR CONSIDERATION TO THE
AVOIDANCE OF THE OVERCONCENTRATION OF LICENSES IN NEIGHBORHOODS,
PARTICULARLY NEIGHBORHOODS OF POVERTY.**

**SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be
construed to apply only prospectively and may not be applied or interpreted to have any
effect on or application to any issuance or renewal of a license before the effective date of
this Act.**

**SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
July 1, 2022.**

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.