

SENATE BILL 130

A1, A2

0lr0836

By: **Senator Simonaire**

Introduced and read first time: January 9, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Alcoholic Beverages – License Requirements – ~~Registered Voter and Citizenship~~**

3 FOR the purpose of ~~repealing requirements that an applicant for an alcoholic beverages~~
4 ~~license be a registered voter~~, altering certain citizenship requirements for alcoholic
5 beverages license holders; and generally relating to alcoholic beverages licenses.

6 BY repealing and reenacting, without amendments,

7 Article – Alcoholic Beverages

8 Section ~~2-407(a)(1), 9-102, 11-102, 11-1002(a), 11-1010(a), 12-102, 13-102,~~
9 ~~20-102, 22-102, 23-102, 25-102, 25-1007(a), 26-102, 26-1004(a),~~
10 ~~26-1005(a), 26-1008(a), 26-1009(a), 26-1019(a), 28-102, 31-102, 31-1312(a),~~
11 ~~and 31-1312(a) 32-102, 33-102, and 33-1402(a)~~

12 Annotated Code of Maryland

13 (2016 Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,

15 Article – Alcoholic Beverages

16 ~~Section 2-407(e)(3) and (4) and (d), 3-104(b), 3-105(b), 3-106(a), 4-104(b), 4-105(a),~~
17 ~~Section 2-407(d), 4-109(a)(3), 9-1402, 11-1002(b), 11-1010(b), 12-1405,~~
18 ~~13-1402(a), 20-1404(a), 22-1402, 23-1404(d)(2), 25-1007(b), 25-1406(b),~~
19 ~~26-1004(b), 26-1005(b), 26-1008(b), 26-1009(b), 26-1019(b), 26-1405(e),~~
20 ~~26-1406(e), 28-1408, and 31-1312(e), 32-1403(b), 32-1405, and 33-1402(b)~~

21 Annotated Code of Maryland

22 (2016 Volume and 2019 Supplement)

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 ~~BY repealing~~

2 ~~Article — Alcoholic Beverages~~

3 ~~Section 2-407(e)(5) and 12-1402~~

4 ~~Annotated Code of Maryland~~

5 ~~(2016 Volume and 2019 Supplement)~~

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

8 **Article – Alcoholic Beverages**

9 2-407.

10 (a) (1) An applicant for a Class E, Class F, or Class G license shall submit to
11 the Comptroller an application in the form that the Comptroller provides.

12 ~~(e) (3) If three principal officers of an entity are applicants for a Class G~~
13 ~~license, no applicant need be a [registered voter,] taxpayer[,] or resident of the State.~~

14 ~~(4) Except as provided in paragraph (5) of this subsection, if the application~~
15 ~~for a Class E or Class F license is made for the use of a limited liability company:~~

16 ~~(i) the license shall be applied for and issued to three of the~~
17 ~~authorized individuals for the company, as individuals; and~~

18 ~~(ii) at least one of the applicants:~~

19 ~~1. shall be a [registered voter and] taxpayer of the State~~
20 ~~when the application is submitted; and~~

21 ~~2. shall have resided in the State for at least 2 years before~~
22 ~~the application is submitted.~~

23 ~~[(5) In Baltimore City, an authorized individual of a limited liability~~
24 ~~company who holds a license for the use of the limited liability company that was granted~~
25 ~~on or before June 1, 2012, need not be a registered voter in Baltimore City.]~~

26 (d) (1) An application shall contain:

27 (i) the name and address of the applicant;

28 (ii) the amount of time the applicant has resided in the State;

29 (iii) the name and address of the entity on whose behalf the license is
30 sought;

31 (iv) the class of license sought;

- 1 (v) a statement that the applicant:
- 2 1. [is a citizen of] HAS LAWFUL STATUS IN the United
3 States;
- 4 2. is at least 21 years old;
- 5 3. has not been convicted of a felony;
- 6 4. has not had a license for the sale of alcoholic beverages
7 revoked; and
- 8 5. if issued a license, will obey all laws relating to the
9 business for which the license is sought;

- 10 (vi) a statement that the entity for which the license is sought:
- 11 1. consents to the issuance of the license; and
- 12 2. except as provided in paragraph (2) of this subsection,
13 authorizes the Comptroller to inspect and search at any time, without warrant, the aircraft,
14 railroad car, or water vessel to which the license applies;
- 15 (vii) the names and addresses of all of the officers of the entity; and
- 16 (viii) the signatures of the president or vice president of the entity, and
17 the three officers to whom the license shall be issued.

18 (2) An inspection or a search conducted under paragraph (1)(vi)2 of this
19 subsection may not be at a time or in a manner that delays or interferes with the movement
20 of an aircraft, a train, or a water vessel.

21 ~~§ 104.~~

22 ~~(b) (1) If a partnership has fewer than three general partners, the names of~~
23 ~~each general partner shall be on the license.~~

24 ~~(2) Each of the three general partners or corporate officers shall~~

25 ~~(i) have been a resident of the State for at least 2 years before the~~
26 ~~application is filed; and~~

27 ~~(ii) be a registered voter of the State.~~

28 ~~§ 105.~~

~~(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.~~

~~(2) At least one of the three officers shall:~~

~~(i) have been a resident of the State for at least 2 years before the application is filed; and~~

~~(ii) be a [registered voter and] taxpayer of the State when the application is filed.~~

~~3-106.~~

~~(a) (1) A license for the use of a limited liability company shall be applied for and issued to, as individuals:~~

~~(i) all of the authorized individuals, if the limited liability company has fewer than three authorized individuals; or~~

~~(ii) three authorized individuals, if the limited liability company has three or more authorized individuals.~~

~~(2) At least one of the authorized individuals shall:~~

~~(i) have been a resident of the State for at least 2 years before the application is filed; and~~

~~(ii) be a [registered voter and] taxpayer of the State when the application is filed.~~

~~4-104.~~

~~(b) (1) Except as provided in subsections (c) and (d) of this section, a license on behalf of a corporation or club shall be applied for and issued to three officers of the corporation or club as individuals.~~

~~(2) At least one of the three officers shall:~~

~~(i) have been a resident of the jurisdiction or municipality for at least 2 years before the application is filed; and~~

~~(ii) be a [registered voter and] taxpayer of the jurisdiction or municipality when the application is filed.~~

~~4-105.~~

~~(a) (1) A license for the use of a limited liability company shall be applied for and issued to authorized persons of the limited liability company, as individuals.~~

~~(2) (i) All of the authorized individuals shall apply for the license, if the limited liability company has fewer than three authorized individuals.~~

~~(ii) Three authorized individuals shall apply for the license, if the limited liability company has three or more authorized individuals.~~

~~(3) At least one of the authorized individuals shall:~~

~~(i) have been a resident of the jurisdiction or municipality for at least 2 years before the application is filed; and~~

~~(ii) be a [registered voter and] taxpayer of the jurisdiction or municipality when the application is filed.~~

~~4-109.~~

(a) A license application shall state:

(3) that at least one applicant [is a citizen of] **HAS LAWFUL STATUS IN** the United States;

~~9-102.~~

This title applies only in Allegany County.

~~9-1402.~~

(a) Only [a United States citizen] **AN INDIVIDUAL WITH LAWFUL STATUS IN THE UNITED STATES** may have an interest of any kind in a business for which a license is issued.

(b) The Board may not issue a license to an individual who is not a resident of the county.

~~11-102.~~

~~This title applies only in Anne Arundel County.~~

~~11-1002.~~

~~(a) There is a Class C (country and golf club) license.~~

~~(b) An application for the license shall be signed by at least one officer of the country and golf club who is a resident[, registered voter,] and taxpayer of the county.~~

1 ~~11-1010.~~

2 ~~(a) There is a Class C (yacht club) license.~~

3 ~~(b) An application for the license shall be signed by at least one officer of the club~~
 4 ~~who is a resident[, registered voter,] and taxpayer of the county.~~

5 ~~12-102.~~

6 ~~This title applies only in Baltimore City.~~

7 ~~[12-1402.~~

8 ~~An authorized person of a limited liability company who holds a license for the use~~
 9 ~~of the limited liability company that was granted on or before June 1, 2012, need not be a~~
 10 ~~registered voter in the City.]~~

11 ~~12-1405.~~

12 ~~The application shall include a petition signed by at least three residents who are~~
 13 ~~owners of real property [and registered voters] in the City stating that:~~

14 ~~(1) the applicant:~~

15 ~~(i) is personally known to the signers of the petition; and~~

16 ~~(ii) has been a resident or taxpayer of the City for 2 years and a~~
 17 ~~resident of the State for 2 years preceding the presentation of the application to the signers~~
 18 ~~of the petition;~~

19 ~~(2) if the applicant is a corporation, at least one of the applicants:~~

20 ~~(i) is personally known to the signers of the petition; AND~~

21 ~~(ii) has been a resident or taxpayer of the City for 2 years and a~~
 22 ~~resident of the State for 2 years preceding the presentation of the application to the signers~~
 23 ~~of the petition; and~~

24 ~~[(iii) is a registered voter in the State; and]~~

25 ~~(3) if the applicant is a partnership, all members of the partnership have~~
 26 ~~been residents or taxpayers of the City for 2 years and residents of the State for 2 years~~
 27 ~~preceding the presentation of the application to the signers of the petition.~~

28 ~~13-102.~~

1 ~~This title applies only in Baltimore County.~~

2 ~~13-1402.~~

3 ~~(a) (1) Subject to subsection (b) of this section, a license for a partnership shall~~
4 ~~be applied for by and issued to at least two general partners as individuals.~~

5 ~~(2) When an application is filed, at least one of the general partners who~~
6 ~~applies shall:~~

7 ~~(i) reside in the State;~~ and

8 ~~(ii) be a registered voter in the State.~~

9 ~~20-102.~~

10 ~~This title applies only in Frederick County.~~

11 ~~20-1404.~~

12 ~~(a) (1) A license for the use of a partnership shall be applied for and issued to~~
13 ~~three individuals.~~

14 ~~(2) The three individuals are not required to be partners but shall be~~
15 ~~authorized in writing to act for the partnership.~~

16 ~~(3) One of the three individuals shall:~~

17 ~~(i) have been a resident of the county for at least 2 years before the~~
18 ~~application is filed;~~ and

19 ~~(ii) be a registered voter of the county before and at the time the~~
20 ~~application is filed.~~

21 ~~(4) The names of each partner shall be stated on the application.~~

22 ~~22-102.~~

23 ~~This title applies only in Harford County.~~

24 ~~22-1402.~~

25 ~~(a) [(1)] To be issued a license for the applicant's individual use, the applicant~~
26 ~~shall be a resident of the county for at least 1 year before filing the application.~~

1 ~~[(2)] (B) The license holder is required to remain a resident of the county~~
2 ~~for as long as the license is in effect.~~

3 ~~[(b) An applicant under this section is not required to be a registered voter.]~~

4 ~~23-102.~~

5 ~~This title applies only in Howard County.~~

6 ~~23-1404.~~

7 ~~(d) (2) A continuing care retirement community license shall be issued to:~~

8 ~~(i) a manager or supervisor; and~~

9 ~~(ii) two officers, one of whom shall have been a resident of the county~~
10 ~~for at least 2 years before the application is filed and be a [registered voter and] taxpayer~~
11 ~~of the county when the application is filed.~~

12 ~~25-102.~~

13 ~~This title applies only in Montgomery County.~~

14 ~~25-1007.~~

15 ~~(a) There is a country club license.~~

16 ~~(b) The application shall be signed by at least one officer of the club who is a~~
17 ~~resident[, registered voter,] or taxpayer of the county.~~

18 ~~25-1406.~~

19 ~~(b) An individual who is a resident of the State meets the [registered voter,]~~
20 ~~taxpayer[,], and residency requirements under § 4-105 of this article.~~

21 ~~26-102.~~

22 ~~This title applies only in Prince George's County.~~

23 ~~26-1004.~~

24 ~~(a) There is a Class C (country club) beer, wine, and liquor license.~~

25 ~~(b) An application for the license shall be signed by at least one officer of the~~
26 ~~country club who is a resident[, registered voter,] and taxpayer.~~

1 ~~26-1005.~~

2 (a) ~~There is a Class C (country and golf club) beer, wine, and liquor license.~~

3 (b) ~~An application for the license shall be signed by at least one officer of the~~
 4 ~~country and golf club who is a resident[, registered voter,] and taxpayer of the county.~~

5 ~~26-1008.~~

6 (a) ~~There is a Class B/ECF (educational conference facility) beer, wine, and liquor~~
 7 ~~license for the University College Center for Adult Education of the University of Maryland.~~

8 (b) ~~The Board may issue the license to an individual who is:~~

9 (1) ~~authorized by the University College Center for Adult Education to:~~

10 (i) ~~act on its behalf;~~

11 (ii) ~~assume all responsibility; and~~

12 (iii) ~~be subject to all the penalties, conditions, and restrictions~~
 13 ~~imposed on licenses; and~~

14 (2) ~~a resident [and registered voter] of the county.~~

15 ~~26-1009.~~

16 (a) ~~There is a Class B-ECF/DS (Education Conference Facility/Dining Service)~~
 17 ~~beer, wine, and liquor license.~~

18 (b) ~~The Board may issue the license to an individual who is:~~

19 (1) (i) ~~authorized by the University of Maryland, College Park Campus~~
 20 ~~to:~~

21 ~~1. act on its behalf under the license; and~~

22 ~~2. be subject to the penalties, conditions, and restrictions~~
 23 ~~under this title; and~~

24 (ii) ~~a resident [and registered voter] of the county; or~~

25 (2) (i) ~~authorized by the Prince George's Community College Main~~
 26 ~~Campus to:~~

27 ~~1. act on its behalf under the license; and~~

1 ~~be subject to the penalties, conditions, and restrictions~~
 2 ~~under this title; and~~

3 (ii) ~~a resident [and registered voter] of the county.~~

4 ~~26-1019.~~

5 (a) ~~There is a Class C (yacht club) beer, wine, and liquor license.~~

6 (b) ~~The application for the license shall be signed by at least one officer of the~~
 7 ~~yacht club who is a resident[, registered voter,] and taxpayer of the county.~~

8 ~~26-1405.~~

9 (e) (1) ~~This subsection does not apply to a Class B Stadium beer and light~~
 10 ~~wine license, a 7-day Class B ECR on-sale beer, wine, and liquor license, or a Class~~
 11 ~~B-WPL (waterfront pavilion) beer, wine, and liquor license.~~

12 (2) ~~To be eligible to receive a license, a partner shall:~~

13 (i) ~~have been a resident of the State for at least 1 year before the~~
 14 ~~application is filed and continue to be a resident as long as the license is in effect; and~~

15 (ii) ~~be a registered voter of the State.~~

16 ~~26-1406.~~

17 (e) (1) ~~This subsection does not apply to a Class B Stadium beer and light~~
 18 ~~wine license, a 7-day Class B ECR on-sale beer, wine, and liquor license, or a Class~~
 19 ~~B-WPL (waterfront pavilion) beer, wine, and liquor license.~~

20 (2) ~~To be eligible to receive a license, an applicant shall:~~

21 (i) ~~have been a resident of the State for at least 1 year before the~~
 22 ~~application is filed and continue to be a resident as long as the license is in effect; and~~

23 (ii) ~~be a registered voter of the State.~~

24 ~~28-102.~~

25 ~~This title applies only in St. Mary's County.~~

26 ~~28-1408.~~

27 ~~An individual is eligible to sign the petition of support required under § 4-110 of this~~
 28 ~~article that must be included as part of an application for a license if the individual:~~

1 ~~(1) owns real property within 5 miles of the premises for which the license~~
 2 ~~is sought; and~~

3 ~~(2) is a registered voter in the county].~~

4 31-102.

5 This title applies only in Washington County.

6 31-1312.

7 (a) There is a Class C per diem beer, wine, and liquor license.

8 (e) (1) An applicant for the license shall:

9 (i) submit an application on the form that the Board provides; and

10 (ii) provide proof that the applicant has:

11 1. nonprofit status; or

12 2. a federal identification number assigned by the Internal
 13 Revenue Service.

14 (2) (i) A license shall be applied for and issued to three individuals
 15 affiliated with the applicant, each of whom:

16 1. appears in person to present proper qualifications at the
 17 time the application is filed;

18 2. is at least 21 years old; and

19 3. ~~is a registered voter in the county and a citizen of]~~ **HAS**
 20 **LAWFUL STATUS IN** the United States.

21 (ii) At least one of the individuals shall have been a resident of the
 22 county for the 2 years immediately before filing the application.

23 ~~32-102.~~

24 ~~This title applies only in Wicomico County.~~

25 ~~32-1403.~~

26 ~~(b) (1) An application for a stadium beer and wine license for a partnership~~
 27 ~~shall be made by and the license issued to three individuals who:~~

1 (i) ~~shall be authorized in writing to apply for and hold the license on~~
2 ~~behalf of the partnership; but~~

3 (ii) ~~are not required to be partners.~~

4 (2) ~~One of the three individuals who applies for a license shall:~~

5 (i) ~~have been a resident of the county for at least 2 years before the~~
6 ~~application is filed]; and~~

7 (ii) ~~have been a registered voter of the county for at least 1 year~~
8 ~~immediately before the application is filed].~~

9 (3) ~~The name of each partner shall be stated on the application.~~

10 ~~§2-1405.~~

11 (a) ~~Except as provided in subsection (b) of this section, the Board may not issue a~~
12 ~~license to a corporation or limited liability company unless the individual qualifying under~~
13 ~~this article:~~

14 (1) ~~has been a [registered voter,] taxpayer[,] and resident of the county for~~
15 ~~at least 2 years before the submission of the application; and~~

16 (2) ~~owns at least 20% of the total issued capital stock of the corporation or~~
17 ~~20% of the total interests of the limited liability company.~~

18 (b) ~~This section does not affect a license that has already been issued.~~

19 ~~§3-102.~~

20 ~~This title applies only in Worcester County.~~

21 ~~§3-1402.~~

22 (a) ~~This section does not apply to:~~

23 (1) ~~a license holder of a license issued before May 1, 1977; and~~

24 (2) ~~an applicant for a Class B beer, wine, and liquor license.~~

25 (b) (1) ~~Except as provided in subsection (b) of this section, a license on behalf~~
26 ~~of a corporation or limited liability company may be issued only if the following~~
27 ~~requirements are met.~~

28 (2) ~~At least one applicant shall:~~

1 (i) ~~be a [registered voter,] taxpayer[,]~~ and resident of the county;
2 ~~and~~

3 (ii) ~~own at least 10% of the total issued capital stock of the~~
4 ~~corporation or 10% interest in the limited liability company.~~

5 (3) ~~Each applicant shall submit to the Board a sworn statement that~~
6 ~~includes:~~

7 (i) ~~1. the name and address of each stockholder of the~~
8 ~~corporation; and~~

9 ~~2. the number of voting shares owned by each stockholder; or~~

10 (ii) ~~1. the name and address of each member of the limited~~
11 ~~liability company; and~~

12 ~~2. the percentage share of voting interest owned by each~~
13 ~~member.~~

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.