

SENATE BILL 376

A2

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CF HB 1326

By: ~~Senator Della~~ **Senators Della and Jones**

Introduced and read first time: January 28, 2010

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2010

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Consumption of Alcoholic Beverages – Unlicensed**
3 **Restaurants**

4 FOR the purpose of prohibiting, with a certain exception, an establishment in
5 Baltimore City that is not licensed by the Board of License Commissioners from
6 performing certain activities, including giving, serving, or dispensing alcoholic
7 beverages on its premises; authorizing certain restaurants not licensed by the
8 Board to allow a patron to consume alcoholic beverages during a certain time
9 under certain conditions; authorizing the Baltimore City Police Department to
10 immediately close all operations of an establishment under certain
11 circumstances; requiring the owner or operator to be given an opportunity for a
12 prompt hearing on when the establishment may reopen; repealing provisions
13 concerning the establishment and registration of bottle clubs; and generally
14 relating to alcoholic beverages in Baltimore City.

15 BY repealing and reenacting, without amendments,
16 Article 2B – Alcoholic Beverages
17 Section 1–102(a)(1) and (22)(i) and (ii)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2009 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 2B – Alcoholic Beverages
22 Section 20–102
23 Annotated Code of Maryland

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 (2005 Replacement Volume and 2009 Supplement)

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

4 **Article 2B – Alcoholic Beverages**

5 1–102.

6 (a) (1) In this article the following words have the meanings indicated.

7 (22) (i) 1. “Restaurant” means an establishment:

8 A. Which accommodates the public;

9 B. Which is equipped with a dining room with facilities
10 for preparing and serving regular meals; and

11 C. In which the average daily receipts from the sale of
12 foods exceed the average daily receipts from the sale of alcoholic beverages.

13 2. However the board of license commissioners in any
14 county by regulation may prescribe a different standard as to what constitutes a
15 restaurant.

16 3. For a restaurant in Baltimore City, the average daily
17 receipts from the sale of food must be at least 40% of the total daily receipts of the
18 establishment.

19 (ii) In Baltimore City, the term “food” as used in the definition
20 of “restaurant”, whether the definition is established by State law or by regulations
21 adopted by the Board of License Commissioners, may not include any ingredient or
22 garnish used with or mixed with an alcoholic beverage that is prepared and served for
23 consumption on the licensed premises.

24 20–102.

25 (a) [(1) In this section, “bottle club” means any establishment that serves,
26 gives, or allows alcoholic beverages to be consumed by patrons from supplies that the
27 patrons previously purchased or reserved.

28 (2) “Bottle club” does not include any establishment if a license for the
29 premises had been issued under the provisions of this article.

30 (b)] This section applies only in Baltimore City.

1 (ii) The address where the establishment is doing business; and

2 (iii) Evidence of all inspections required of the establishment
3 and business licenses issued to the person by the State or Baltimore City.

4 (3) (i) The Board shall meet the same notice and hearing
5 requirements for the application for registration that apply to an application for an
6 alcoholic beverages license.

7 (ii) Before the Board may approve an application and accept the
8 registration, the applicant shall provide copies of all inspections by the appropriate
9 agencies, a trader's license, a sales and use tax license, and a use and occupancy
10 permit.

11 (iii) At the hearing, the Board shall determine whether to
12 register the establishment, using the standards listed under § 10-202(a)(2)(ii) of this
13 article.

14 (iv) 1. A registration of a bottle club under this subsection
15 remains in effect for 1 year.

16 2. Subject to subparagraph (v) of this paragraph, a
17 registration that is accepted by the Board may be renewed each year in accordance
18 with the same renewal procedures used for liquor licenses.

19 3. A person that seeks to renew a registration shall pay
20 the renewal fee that the Board establishes.

21 (v) 1. Subject to subparagraph 2 of this subparagraph,
22 the Board may not accept a renewal of a registration without a hearing if a protest has
23 been filed against the renewal at least 30 days before the expiration of the
24 registration.

25 2. A protest shall be:

26 A. Instituted by the Board; or

27 B. Signed by at least 10 residents, commercial tenants
28 who are not holders of or applicants for any license issued under this article, or real
29 estate owners in the immediate vicinity in which the bottle club is located.

30 (vi) The Board may revoke or refuse to renew a registration.

31 (e)] A violation of this section is a misdemeanor, and upon conviction, the
32 court shall impose a fine of up to \$10,000 or imprisonment for up to 2 years, or both.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.