

SENATE BILL 383

A2

0lr3261
CF 0lr1000

By: **Harford County Senators**

Introduced and read first time: January 27, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County – Alcoholic Beverages – Class B–3 License – Restaurant**

3 FOR the purpose of authorizing the Harford County Liquor Control Board to issue a Class
4 B–3 restaurant 7–day beer, wine, and liquor license to a person who has operated a
5 restaurant under a Class BNR (newly opened restaurant) beer, wine, and liquor
6 license under certain circumstances; setting the annual fee for the license; and
7 generally relating to alcoholic beverages licenses and restaurants in Harford County.

8 BY repealing and reenacting, without amendments,

9 Article – Alcoholic Beverages

10 Section 22–102 and 22–906

11 Annotated Code of Maryland

12 (2016 Volume and 2019 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article – Alcoholic Beverages

15 Section 22–904

16 Annotated Code of Maryland

17 (2016 Volume and 2019 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Alcoholic Beverages**

21 22–102.

22 This title applies only in Harford County.

23 22–904.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) There is:

2 (1) a Class B-3 restaurant/hotel 6-day license; [and]

3 (2) a Class B-3 restaurant/hotel 7-day license; AND

4 **(3) A CLASS B-3 RESTAURANT 7-DAY LICENSE.**

5 (b) The Board may issue a Class B-3 license to a person who:

6 (1) has been operating [a restaurant or hotel under a Class B beer, wine,
7 and liquor license] for 1 year before the application for the Class B-3 license:

8 **(I) A RESTAURANT OR HOTEL UNDER A CLASS B BEER, WINE,
9 AND LIQUOR LICENSE; OR**

10 **(II) A RESTAURANT UNDER A CLASS BNR (NEWLY OPENED
11 RESTAURANT) BEER, WINE, AND LIQUOR LICENSE;**

12 (2) accounts for at least 25% of the business at the restaurant or hotel from
13 the sale of food; and

14 (3) in the judgment of the Board, has equipped and stocked the restaurant
15 or hotel for the continued regular sale of food to customers and guests.

16 (c) (1) The Board may issue a license under this subsection for use in a
17 restaurant or hotel at retail at the place described in the license.

18 (2) Except as provided in paragraph (3) of this subsection, the license
19 authorizes the license holder to sell beer, wine, and liquor at retail at the place described
20 in the license, including at a restaurant and a bar or counter in a hotel, for on-premises
21 consumption.

22 (3) A holder of a license issued before July 1, 1984, may sell:

23 (i) beer, wine, and liquor for on-premises consumption;

24 (ii) beer and wine for off-premises consumption, including:

25 1. subject to paragraph (4) of this subsection, beer in
26 individual bottles and cans; and

27 2. wine in split bottles; and

28 (iii) liquor, if the license holder has been granted a liquor option.

1 (4) Beer may be sold for off-premises consumption in:

2 (i) bottles or cans exceeding 12 ounces in weight or size, if the beer
3 is sold in a quantity of less than six; or

4 (ii) a containerized package, if the package holds at least six bottles
5 or containers.

6 (d) (1) A license holder with an option authorizing the sale of liquor for
7 off-premises consumption may exercise that option in an area that:

8 (i) is described in the license application;

9 (ii) may not exceed 20% of the area normally used in the operation
10 of the restaurant, not including additions or extensions; and

11 (iii) unless sales are conducted only from behind a bar, is separate
12 and distinct from the restaurant seating area.

13 (2) If the license application indicates that sales of beer, wine, and liquor
14 for off-premises consumption will be more extensive than from behind a bar, the applicant
15 shall provide a separate outside entrance for purchasers of alcoholic beverages for
16 off-premises consumption.

17 (3) To meet food sale requirements, receipts for sales of liquor for
18 off-premises consumption may not be included in the calculation of sales.

19 (e) A license holder with an off-sale liquor option shall continually maintain a
20 minimum stock of \$8,000 wholesale value in beer, wine, and liquor.

21 (f) The license holder may sell beer, wine, and liquor during the hours and days
22 as set out under § 22-2004(c) of this title.

23 (g) (1) The annual license fees for a 6-day license are:

24 (i) \$2,620 for a **CLASS B** hotel LICENSE; and

25 (ii) \$2,050 for a **CLASS B** restaurant LICENSE.

26 (2) The annual license fees for a 7-day license are:

27 (i) \$3,045 for a **CLASS B** hotel LICENSE; [and]

28 (ii) **EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH,**
29 \$2,435 for a **CLASS B** restaurant LICENSE; AND

1 **(III) \$4,500 FOR A CLASS B RESTAURANT LICENSE THAT IS**
2 **ISSUED TO THE PERSON WHO PREVIOUSLY HELD FOR THE PREMISES A CLASS BNR**
3 **(NEWLY OPENED RESTAURANT) BEER, WINE, AND LIQUOR LICENSE.**

4 (3) The annual license fees for an option to sell liquor for off-premises
5 consumption are:

6 (i) \$350 for a 6-day restaurant; and

7 (ii) \$450 for a 7-day restaurant.

8 22-906.

9 (a) There is a Class BNR (newly opened restaurant) beer, wine, and liquor license.

10 (b) The Board may decide:

11 (1) the number of licenses to be issued; and

12 (2) to whom the licenses shall be issued.

13 (c) The Board may issue the license for use by a newly opened restaurant that:

14 (1) has a minimum capital investment of \$250,000 for new dining room
15 facilities and newly installed kitchen equipment, not including the cost of land, buildings,
16 or a lease;

17 (2) serves full-course meals at least twice daily;

18 (3) has regular seating at tables, not including seats at bars or counters,
19 for at least 60 individuals; and

20 (4) meets other standards set out in the regulations of the Board.

21 (d) The license authorizes the license holder to sell beer, wine, and liquor for
22 on-premises consumption from Monday through Sunday from 8 a.m. to 2 a.m. the following
23 day.

24 (e) The annual license fee is \$3,000.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
26 1, 2020.