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2lr0817

Bill No.: _____

Drafted by: Moriarty

Requested: _____

Committee: _____

By: **Delegate Hill**

A BILL ENTITLED

AN ACT concerning

Howard County – Alcoholic Beverages – Consideration of Factors for Issuance of Licenses

Ho. Co. 11–22

FOR the purpose of 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 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 repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section 23–1501 and 23–1503
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2016 Volume and 2021 Supplement)

BY adding to

Article – Alcoholic Beverages

Section 23–1509

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.

23–1501.

(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periods after denial of license applications”) of Division I of this article does not apply in the county and is superseded by § 23–1507 of this subtitle.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 OVER-CONCENTRATION 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 OVER-CONCENTRATION OF LICENSES IN NEIGHBORHOODS, PARTICULARLY NEIGHBORHOODS OF POVERTY.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.