A BILL ENTITLED

Howard County – Alcoholic Beverages – Class BD–BWL License

Ho. Co. 20–17

FOR the purpose of establishing a Class BD–BWL alcoholic beverages license in Howard County; providing that the license authorizes the sale of beer and wine for on– or off–premises consumption and the sale of liquor for on–premises consumption; requiring an applicant for the license to attest to a certain proportion of future food and alcoholic beverages sales during certain hours, based on gross receipts, as a prerequisite to obtaining the license; requiring an applicant for the license to attest to a certain proportion of food and alcoholic beverages sales during certain hours, based on gross receipts from sales during a certain time, as a prerequisite to renewing the license; requiring the Board to adopt certain regulations providing for the inspection of certain premises; authorizing the Board to revoke the license under certain circumstances; authorizing the Board to require a license holder to provide certain supporting data relating to the ratio of gross receipts from the sale of food to those from the sale of food and alcoholic beverages; authorizing a license holder to hold a certain number of certain licenses; specifying the hours of sale; setting an annual license fee; and generally relating to Class BD–BWL licenses in Howard County.

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

BY adding to
Article – Alcoholic Beverages
Section 23–902.1
Annotated Code of Maryland
(2016 Volume and 2016 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.

23–902.1.

(A) THERE IS A CLASS BD–BWL LICENSE.

(B) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL:

(1) BEER AND WINE FOR ON–OR OFF–PREMISES CONSUMPTION; AND

(2) LIQUOR FOR ON–PREMISES CONSUMPTION.

(C) AS A PREREQUISITE FOR THE INITIAL ISSUANCE OF THE LICENSE, THE
OWNER OF THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT
GROSS RECEIPTS FROM FOOD SALES WILL BE AT LEAST EQUAL TO 40% OF THE
GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

(1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY,
THURSDAY, FRIDAY, AND SATURDAY; AND
FROM 10 A.M. TO 9 P.M. ON SUNDAY.

(D) AS A PREREQUISITE FOR EACH RENEWAL OF THE LICENSE, THE OWNER OF THE ESTABLISHMENT SHALL ATTEST IN A SWORN STATEMENT THAT GROSS RECEIPTS FROM FOOD SALES FOR THE 12-MONTH PERIOD IMMEDIATELY PRECEDING THE APPLICATION FOR RENEWAL HAVE BEEN AT LEAST EQUAL TO 40% OF THE GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES:

(1) FROM 9 A.M. TO 9 P.M. ON MONDAY, TUESDAY, WEDNESDAY, THURSDAY, FRIDAY, AND SATURDAY; AND

(2) FROM 10 A.M. TO 9 P.M. ON SUNDAY.

(E) (1) THE BOARD BY REGULATION SHALL PROVIDE FOR PERIODIC INSPECTION OF THE PREMISES AND FOR AUDITS TO DETERMINE THE RATIO OF GROSS RECEIPTS FROM THE SALE OF FOOD TO GROSS RECEIPTS FROM THE SALE OF FOOD AND ALCOHOLIC BEVERAGES.

(2) REGULATIONS ADOPTED BY THE BOARD SHALL INCLUDE A REQUIREMENT OF:

(I) AT LEAST MONTHLY PHYSICAL INSPECTIONS OF THE PREMISES DURING THE INITIAL LICENSE YEAR OF ANY LICENSE HOLDER; AND

(II) THE SUBMISSION BY THE LICENSE HOLDER TO THE BOARD, DURING THE INITIAL LICENSE YEAR, OF MONTHLY STATEMENTS SHOWING GROSS RECEIPTS FROM THE SALE OF FOOD AND GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES FOR THE IMMEDIATELY PRECEDING MONTH.

(F) IF A LICENSE HOLDER DURING THE INITIAL LICENSE YEAR FAILS TO MAINTAIN THE SALES RATIO REQUIREMENT PROVIDED IN THIS SECTION FOR 3 CONSECUTIVE MONTHS OR, AFTER THE INITIAL LICENSE YEAR, FOR EACH LICENSE OR CALENDAR YEAR, THE BOARD MAY REVOKE THE LICENSE.

(G) THE BOARD MAY REQUIRE A LICENSE HOLDER TO PROVIDE SUPPORTING DATA THAT THE BOARD CONSIDERS NECESSARY TO ESTABLISH THAT THE REQUIREMENTS OF THIS SECTION RELATING TO THE RATIO OF GROSS
RECEIPTS FROM THE SALE OF FOOD TO THOSE FROM THE SALE OF FOOD AND
ALCOHOLIC BEVERAGES HAVE BEEN MET.

(H) A HOLDER OF A Class BD–BWL LICENSE:

(1) MAY ALSO HOLD A Class 7 micro–brewery license issued
FOR A LOCATION IN THE COUNTY; BUT

(2) MAY NOT HOLD MORE THAN ONE Class BD–BWL LICENSE.

(I) ON 7 DAYS OF THE WEEK, THE HOURS OF SALE ARE:

(1) FOR ON–PREMISES CONSUMPTION:

(I) FROM 9 A.M. TO 2 A.M. THE FOLLOWING DAY, ON MONDAY,
TUESDAY, WEDNESDAY, AND THURSDAY;

(II) FROM 9 A.M. TO 3 A.M. THE FOLLOWING DAY, ON FRIDAY
AND SATURDAY;

(III) FROM 10 A.M. TO 3 A.M. THE FOLLOWING DAY, ON SUNDAY
WHEN THE FOLLOWING DAY HAS BEEN DESIGNATED BY THE FEDERAL GOVERNMENT
AS ONE OF THE FOLLOWING HOLIDAYS:

1. Washington’s Birthday;

2. Memorial Day;

3. Independence Day;

4. Labor Day;

5. Veterans Day; or

6. Christmas; or

(IV) FROM 10 A.M. TO 2 A.M. THE FOLLOWING DAY, ON A SUNDAY
THAT IS NOT REFERENCED IN ITEM (III) OF THIS ITEM; AND
(2) FOR OFF-PREMISES CONSUMPTION, FROM 6 A.M. TO 1 A.M. THE FOLLOWING DAY.

(J) THE ANNUAL LICENSE FEE IS $3,500.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.