

SB1035/503529/1

BY: Delegate Clippinger
(To be offered in the Education, Health, and Environmental
Affairs Committee)

AMENDMENTS TO SENATE BILL 1035
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “of” insert “establishing a public market license in Baltimore City; specifying that the Board of License Commissioners may issue the license to an operator of a certain enclosed public market; requiring that the premises for which the public market license is issued be separate from a certain other licensed premises; specifying that the ownership of the license is transferable only to a certain person; providing that the license authorizes the license holder to sell, for on- or off-premises consumption, beer, wine, and liquor under specified conditions; authorizing the license holder to designate vendors within the public market who may sell certain alcoholic beverages under certain circumstances; requiring the license holder to submit to the Board certain information about each vendor and to apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages; imposing certain requirements on vendors; requiring that the monthly receipts from the sale of nonalcoholic beverage items sold in the public market be at least a certain percentage of the total monthly receipts of the public market; prohibiting a license holder or vendor from participating in or publicizing a pub crawl or allowing an open bar, except under certain circumstances; establishing certain hours of sale and an annual license fee; requiring the Board to adopt certain regulations;”; in line 8, after “transferred;” insert “specifying that, unless transferred to another location, a certain license expires not later than a certain date; specifying that a certain license be considered unexpired until a certain date for a certain purpose and be considered expired after a certain date under certain circumstances;”; in line 12, strike “and”; in the same line, after “12-1604(b)” insert “, and 12-1706(d)(1)”; and after line 14, insert:

“BY adding to

(Over)

Article – Alcoholic Beverages
Section 12-1002.1 and 12-2204
Annotated Code of Maryland
(2016 Volume and 2016 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 24, insert:

“12-1002.1.

(A) THERE IS A PUBLIC MARKET LICENSE.

(B) THE BOARD MAY ISSUE THE LICENSE ONLY TO AN OPERATOR OF AN ENCLOSED PUBLIC MARKET THAT:

(1) HAS A CAPITAL INVESTMENT OF AT LEAST \$3,000,000; AND

(2) IS LOCATED IN AN AREA SURROUNDED BY CHARLES STREET ON THE WEST, EAST CROSS STREET ON THE NORTH, LIGHT STREET ON THE EAST, AND EAST CROSS STREET ON THE SOUTH, IN WARD 23, PRECINCT 1 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(C) THE PREMISES FOR WHICH THE PUBLIC MARKET LICENSE IS ISSUED SHALL BE SEPARATE FROM THE PREMISES FOR WHICH A CLASS D (7-DAY) BEER AND WINE LICENSE HAS BEEN ISSUED.

(D) OWNERSHIP OF THE LICENSE IS TRANSFERABLE ONLY TO THE BALTIMORE PUBLIC MARKETS CORPORATION.

(E) (1) THE LICENSE AUTHORIZES THE LICENSE HOLDER TO SELL, FOR ON- OR OFF- PREMISES CONSUMPTION:

(I) BEER;

(II) WINE; AND

(III) LIQUOR, WHEN SERVED AS AN INGREDIENT IN MIXED DRINKS THAT MAY BE PURCHASED FOR AT LEAST \$5 EACH.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE LICENSE HOLDER MAY DESIGNATE VENDORS WITHIN THE PUBLIC MARKET TO SELL ALCOHOLIC BEVERAGES THAT ARE ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION IN LEASABLE MARKET SPACE COVERING NOT MORE THAN 20% OF THE TOTAL SQUARE FOOTAGE OF FLOOR SPACE OF THE LICENSED PREMISES.

(II) AN INDIVIDUAL VENDOR MAY SELL ALCOHOLIC BEVERAGES IN AN AREA COVERING NOT MORE THAN 1,000 SQUARE FEET OF FLOOR SPACE.

(3) (I) THE LICENSE HOLDER SHALL SUBMIT TO THE BOARD THE SAME INFORMATION ABOUT EACH VENDOR THAT THE BOARD REQUIRES OF AN APPLICANT FOR A LICENSE.

(II) THE BOARD SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH VENDOR AUTHORIZED TO SELL ALCOHOLIC BEVERAGES.

(III) A VENDOR AUTHORIZED TO SELL ALCOHOLIC BEVERAGES OR AN INDIVIDUAL WHO IS DESIGNATED BY THE VENDOR AND EMPLOYED IN A SUPERVISORY CAPACITY IS REQUIRED TO BE:

1. CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

2. PRESENT WHEN ALCOHOLIC BEVERAGES ARE CONSUMED.

(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, MONTHLY RECEIPTS FROM THE SALE OF NONALCOHOLIC BEVERAGE ITEMS SHALL BE AT LEAST 65% OF THE TOTAL MONTHLY RECEIPTS OF THE MARKET.

(II) THE ONLY NONALCOHOLIC BEVERAGE ITEMS THAT MAY BE COUNTED IN THE CALCULATION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH ARE ITEMS SOLD IN THE PUBLIC MARKET THAT ARE NOT PROVIDED AS PART OF AN OFF-PREMISES CATERING SERVICE.

(F) A LICENSE HOLDER OR VENDOR MAY NOT:

(1) PARTICIPATE IN OR PUBLICIZE, IN OR OUTSIDE THE PUBLIC MARKET, A PUB CRAWL AUTHORIZED UNDER § 12-1101.1 OF THIS TITLE; OR

(2) EXCEPT FOR AN EVENT CLOSED TO THE PUBLIC, INCLUDING A REHEARSAL DINNER, WEDDING RECEPTION, CORPORATE FUNCTION, OR RETIREMENT PARTY, ALLOW AN OPEN BAR TO BE OPERATED BY A VENDOR.

(G) THE HOURS OF SALE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION ARE:

(1) FROM 11:30 A.M. TO 10 P.M. MONDAY THROUGH THURSDAY;

(2) FROM 11:30 A.M. TO 11:30 P.M. ON FRIDAY;

(3) FROM 9 A.M. TO 11:30 P.M. ON SATURDAY; AND

(4) FROM 9 A.M. TO 9 P.M. ON SUNDAY.

(H) THE ANNUAL LICENSE FEE IS:

(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, \$6,500; OR

(2) \$2,500, IF THE APPLICANT FOR THE LICENSE OBTAINS AND EXTINGUISHES ONE CLASS A, CLASS B, CLASS D, OR CLASS B-D-7 LICENSE ISSUED FOR USE IN WARD 23, PRECINCT 1 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT.

(I) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS CONCERNING THE FOLLOWING ACTIVITIES IN A PUBLIC MARKET:

(1) THE CONDUCT OF VENDORS;

(2) THE CONDUCT OF LICENSE HOLDERS WITHIN THE PUBLIC MARKET;

(3) THE HOLDING OF EVENTS THAT ARE CLOSED TO THE PUBLIC;

AND

(Over)

(4) THE MAINTAINING OF A COMMON SEATING AREA.

AMENDMENT NO. 3

On page 4, after line 28, insert:

“12-1706.

(d) (1) Except as provided in paragraph (2) of this subsection, a license may not be transferred into or within:

- (i) ward 1, precincts 2 and 3;
- (ii) ward 2 in its entirety;
- (iii) ward 3, precinct 3; and
- (iv) ward 26, precincts 3 and 10.

12-2204.

UNLESS TRANSFERRED TO ANOTHER LOCATION, A CLASS B (6-DAY) BEER, WINE, AND LIQUOR LICENSE ISSUED FOR A PREMISES LOCATED IN AN AREA SURROUNDED BY CHARLES STREET ON THE WEST, EAST CROSS STREET ON THE NORTH, LIGHT STREET ON THE EAST, AND EAST CROSS STREET ON THE SOUTH, IN WARD 23, PRECINCT 1 OF THE 46TH ALCOHOLIC BEVERAGES DISTRICT, EXPIRES NOT LATER THAN JULY 1, 2020.

SECTION 2. AND BE IT FURTHER ENACTED, That, a Class B (6-day) beer, wine, and liquor license issued for a premises in the 600 block of South Montford Avenue in ward 1, precinct 3:

(1) shall be considered to be unexpired until the end of July 1, 2018, for purposes of being transferred to another owner and location, notwithstanding § 12-1706(d)(1)(i) of the Alcoholic Beverages Article; and

(2) if not transferred to another owner and location by the end of July 1, 2018, shall be considered to have expired.”;

and in line 29, strike “2.” and substitute “3.”.