

HOUSE BILL 916

A2

3lr1982
CF SB 847

By: **Baltimore City Delegation**

Introduced and read first time: February 9, 2023

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 2023

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Violation Procedures and Fines**

3 FOR the purpose of establishing procedures for the Board of License Commissioners for
4 Baltimore City, in the case of an alleged complaint against a licensed establishment
5 or license holder, to make an offer of a monetary penalty as a compromise in lieu of
6 a hearing before the Board under certain circumstances; altering the maximum
7 penalty for certain violations; and generally relating to alcoholic beverages in
8 Baltimore City.

9 BY repealing and reenacting, without amendments,
10 Article – Alcoholic Beverages
11 Section 12–102 and 12–2802(b)
12 Annotated Code of Maryland
13 (2016 Volume and 2022 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Alcoholic Beverages
16 Section 12–2101 and 12–2802(a) and (c)
17 Annotated Code of Maryland
18 (2016 Volume and 2022 Supplement)

19 BY adding to
20 Article – Alcoholic Beverages
21 Section 12–2105
22 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.



(2016 Volume and 2022 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–2101.

(a) The following sections of Title 4, Subtitle 6 (“Revocation and Suspension of Local Licenses”) of Division I of this article apply in the City without exception or variation:

(1) § 4–602 (“Power of local licensing board”); AND

(2) [§ 4–603 (“Revocation and suspension procedures”); and

(3)] § 4–604 (“Grounds for revocation or suspension”).

(b) Section 4–605 (“Nudity and sexual displays”) of Division I of this article does not apply in the City and is superseded by § 12–2102 of this subtitle.

(c) [Section 4–606] **THE FOLLOWING SECTIONS OF TITLE 4, SUBTITLE 6 (“REVOCATION AND SUSPENSION OF LOCAL LICENSES”) OF DIVISION I OF THIS ARTICLE APPLY IN THE CITY:**

(1) § 4–603 (“REVOCATION AND SUSPENSION PROCEDURES”), SUBJECT TO § 12–2105 OF THIS SUBTITLE; AND

(2) § 4–606 (“Effects of revocation”) [of Division I of this article applies in the City], subject to § 12–2104 of this subtitle.

12–2105.

(A) WHEN THE BOARD NOTIFIES A LICENSE HOLDER OF A VIOLATION ALLEGED AGAINST THE LICENSE AND GIVES NOTICE FOR THE LICENSE HOLDER TO APPEAR FOR A HEARING, THE BOARD MAY OFFER AS A COMPROMISE, ON A FORM PROVIDED BY THE BOARD, A MONETARY PENALTY IF THE LICENSE HOLDER AGREES TO:

(1) VOLUNTARILY WAIVE THE RIGHT TO A HEARING UNDER § 4–603 OF THIS ARTICLE;

1 **(2) ADMIT TO THE FACTS OF THE VIOLATION AS ALLEGED;**

2 **(3) TAKE THE CORRECTIVE ACTION PRESCRIBED IN THE OFFER MADE**
3 **BY THE BOARD; AND**

4 **(4) ACCEPT THE MONETARY PENALTY OFFERED.**

5 **(B) IF A LICENSE HOLDER DOES NOT ACCEPT THE OFFER OF COMPROMISE**
6 **MADE BY THE BOARD IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE**
7 **LICENSE HOLDER MAY ACCEPT SERVICE OF NOTICE OF THE COMPLAINT FROM THE**
8 **BOARD AND INFORM THE BOARD OF ITS INTENT TO EXERCISE THE RIGHT TO A**
9 **HEARING UNDER § 4-603 OF THIS ARTICLE.**

10 **(C) IF AN OFFER OF COMPROMISE IS ACCEPTED BY A LICENSE HOLDER**
11 **UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD SHALL:**

12 **(1) KEEP A RECORD OF THE INITIAL VIOLATION ALLEGED AGAINST**
13 **THE LICENSE HOLDER OR THE LICENSED ESTABLISHMENT;**

14 **(2) ISSUE A WRITTEN FINDING THAT THE OFFER OF COMPROMISE**
15 **DOES NOT IMPAIR THE PROMOTION OF THE PEACE OR SAFETY OF THE COMMUNITY;**

16 **(3) AS SOON AS PRACTICABLE, STATE THE LICENSE HOLDER'S**
17 **ACCEPTANCE OF THE OFFER OF COMPROMISE ON THE RECORD AT A HEARING OF**
18 **THE BOARD; AND**

19 **(4) POST THE RESULT OF THE BOARD'S DECISION IN A PLACE**
20 **ACCESSIBLE BY THE PUBLIC.**

21 **(D) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
22 **SECTION.**

23 12-2802.

24 (a) For a violation that is cause for suspension of a license, the Board may:

25 (1) except as provided in subsections (b) and (c) of this section, for a first
26 offense, impose a fine not exceeding \$500 or suspend the license or both; or

27 (2) except as provided in subsection (c) of this section, for each subsequent
28 offense, impose a fine not exceeding [\$3,000] **\$20,000** or suspend the license or both.

(b) For a first offense of selling alcoholic beverages to an individual under the age of 21 years, the Board may impose a fine not exceeding \$1,000 or suspend the license or both.

(c) (1) For the offense of publicizing, selling tickets for, organizing, operating, producing, facilitating, or staging a pub crawl with the knowledge or a reason to know that a pub crawl promoter's permit required under § 12-1101.1 of this title has not been obtained, the Board shall impose a fine of not less than \$1,000 and not more than **[\$3,000]** **\$20,000** or suspend the license or both.

(2) A person who violates § 12-1101.1 of this title may not be granted a promoter's permit for at least 1 year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.