RULES & REGULATIONS

of the

HARFORD COUNTY LIQUOR CONTROL BOARD

Adopted by the Commissioners
of the Harford County Liquor Control Board

February 25, 2026

Effective: July 1, 2026

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TABLE OF CONTENTS

BOARD RULE **PAGE**

Introduction 1

Chapter 1 – Definitions

1:01 Definitions 1
1:02 Time 6

Chapter 2 – Procedures

2:01 Board Rules & Regulations 8
2:02 Applications 8
2:03 Application Process & Fee 9
2:04 Individual Applicant (Sole Proprietorship) 10
2:05 Partnership 11
2:06 Corporation 12
2:07 Limited Liability Company 13
2:08 Interest in More Than One License 15
2:09 Felony Conviction 16
2:10 Posting of Premises 16
2:11 Church & School Distance Requirements 17
2:12 Retail Floor Space Limitations 19
2:13 Zoning 19
2:14 Workers' Compensation Insurance Certificate 20
2:15 Granting of Licenses 20
2:16 Protest 20
2:17 Tentative Approval 21
2:18 Supplemental Applications (For Change of Officers) 22
2:19 Renewal Applications 22
2:20 Transfers 24
2:21 Transferor's Obligations 24
2:22 New Operations – Transfers – Changes in Class, Etc. 25
2:23 Multiple Applications 26
2:24 Grand Openings (New Business) 26
2:25 Regulatory Power of the Board 26
2:26 Annual Audit of the Board's Finances Required 27
2:27 License Not Property 27

BOARD RULE **PAGE**

2:28 Expiration Date of Licenses 27
2:29 Seasonal Closing 27
2:30 Vacation of Premises 28
2:31 License Held in Escrow 28
2:32 Hearing Related to Violations 29
2:33 Penalties 29
2:34 Judicial Review (Appeals) 29
2:35 Stay of the Board's Order 30
2:36 Bonds Posted for Denied, Suspended, or Revoked Licenses 30
2:37 Refund of License Fees 31
2:38 Death of a License Holder 32

Chapter 3 – Standards of Operation

3:01 Ownership & Operation 34
3:02 Cooperation 34
3:03 Display of License 34
3:04 Signs 35
3:05 Keg Registration 35
3:06 Records 36
3:07 Sanitation, Safety & Lighting 37
3:08 Compliance with Harford County Health Department Regulations 37
3:09 Restroom Facilities 38
3:10 Public Welfare 39
3:11 Telephone 39
3:12 Address Changes – Licensed Premises 39
3:13 Temporary Absences of License Holder 39
3:14 Alcohol Awareness Training 40
3:15 Complaints 40
3:16 Suspension, Revocation, and Fines 41
3:17 Service of Alcoholic Beverages on an Outside Deck, Patio, or Adjacent Grounds .. 41
3:18 Service of Alcohol at Special Events 42
3:19 Hours of Responsible Operator 43
3:20 Labeling – Infused Beverages 44

Chapter 4 – Prohibited Practices

4:01 Minors 45

BOARD RULE **PAGE**

4:02 Evidence of Purchaser's Age 45
4:03 Intoxicated Individuals 46
4:04 Consumption or Intoxication While on Duty 47
4:05 Loitering 48
4:06 Solicitation 48
4:07 Free Food 49
4:08 Free Drinks During & After Hours 49
4:09 Prohibited Hours 50
4:10 Election Day 50
4:11 Public Accommodation – Restaurant Closed to the Public 50
4:12 Alcoholic Beverage Containers – Refill/Removal 51
4:13 Restriction of Liquor Quantity for Consumption 51
4:14 Sale or Delivery by Manufacturer/Wholesaler 52
4:15 Sale or Delivery by a Retail Dealer 52
4:16 Employees 53
4:17 Illegal Possession 54
4:18 Relations with Manufacturers/Wholesalers 54
4:19 False Statements 55
4:20 Drugs 56
4:21 Discrimination 56
4:22 Inspections & Gambling 56
4:23 Nudity & Sexual Displays 57
4:24 Illegal Conduct 58
4:25 Storage 58
4:26 Alterations of the Licensed Premises 59
4:27 Gifts 59
4:28 Change of Trade Name 59
4:29 Changes in License Information 59
4:30 Sale of the Licensed Business 60
4:31 Consumption 60
4:32 Places Where Drinking is Prohibited 61
4:33 Self-Service Bar 62

Chapter 5 – Description of License Classes

5:01 Class A – Beer & Wine – Off Sale Only License 63
5:02 Class A1 or A2 – Beer, Wine & Liquor – Off Sale Only License 63
5:03 Class ALP (Assisted Living Program) License 64

BOARD RULE **PAGE**

5:04 Class B – Restaurant or Hotel – Beer, Wine & Liquor License 65
5:05 Class B3 – Restaurant or Hotel – Beer, Wine & Liquor License 67
5:06 Bowling Alleys 69
5:07 Class BNR – Beer, Wine & Liquor License 69
5:08 Class B-FD (Fine Dining) – Beer, Wine & Liquor License 70
5:09 Class 6 Pub-Brewery License 71
5:10 Class 7 Micro-Brewery License 72
5:11 Class B Inn – Beer, Wine & Liquor License 73
5:12 Class B-BB (Bed & Breakfast) Beer, Wine & Liquor License 75
5:13 Class B Café – Beer & Wine License 76
5:14 Class B Café – Beer, Wine & Liquor License 77
5:15 Class B1 – Beer & Wine License 78
5:16 Class B2 – Beer & Wine License 79
5:17 Class C-1, C-2 & C-3 (Club) – Beer & Wine Licenses 80
5:18 Class C-1, C-2 & C-3 (Club) – Beer, Wine & Liquor Licenses 81
5:19 Class CC (Community College) – Beer and Wine License 86
5:20 Class CCFA (Continuing Care Facility for the Aged) License 86
5:21 Class D (Tavern) – Beer, Wine & Liquor Licenses 87
5:22 Class DBR (Beer Only) License 88
5:23 Class GC (Golf Course) – Beer, Wine & Liquor License 89
5:24 Class GCR (Golf Course Restaurant) License 90
5:25 Class GCF (Golf Simulator Facility) License 91
5:26 Class H (Caterers) – Beer, Wine & Liquor License 91
5:27 Class H-CC (Corporate Club/Conference Center) License 93
5:28 Class HC – Health Club License 94
5:29 Hotel Lobby License 95
5:30 Class MT (Movie Theater) – Beer, Wine & Liquor License 95
5:31 Resort Complex License 96
5:32 Performing Arts Non-Profit Organization License 97
5:33 Performing Arts Theater License 99
5:34 Stadium – Beer, Wine & Liquor License 100
5:35 Class C (Per Diem Licenses 101
5:36 Fire Department – Multiple Event License 103
5:37 Wine Permit 104
5:38 Wine Corkage Permit 105
5:39 Distillery On-Site Consumption Permit 105
5:40 Gift Basket Permit 106
5:41 Refillable Container (Growler) Permit 108

BOARD RULE **PAGE**

5:42 Nonrefillable Container Permit 109
5:43 BWT (Beer & Wine) Tasting License 110
5:44 CBWT (Cordial, Beer & Wine) Tasting License 111
5:45 Catering Privilege 113

INTRODUCTION

The Legislature enacts statutes. Administrative agencies, such as the Harford County Liquor Control Board (HCLCB), adopt, amend and repeal regulations under the authority granted to them by statutes.

The HCLCB is granted the power to regulate, adopt and enforce rules as authorized by the Maryland Alcoholic Beverages and Cannabis Article of the Maryland Code.

The following regulations have been adopted by the HCLCB pursuant to the Maryland Annotated Code, Alcoholic Beverages and Cannabis Article § 22-209. The statutory references to the Maryland Annotated Code within the Board Rules/Regulations are for reference purposes and may be amended by the Legislature from time to time. Both the Board Rules/Regulations and/or the State statutes may form the basis for actions taken by the HCLCB.

References to "ABCA" refer to the Alcoholic Beverages and Cannabis Article of the Maryland Annotated Code. References to "BR" refer to a Board Rule.

CHAPTER ONE

1:01 DEFINITIONS — BR (a), (b), (g), (l), (n), (o), (q), (r-2), (s)

(a) **AFFIDAVIT:** *Affidavit* means an oath or affirmation sworn or made before any officer or other person authorized to take an affirmation that the matters and facts set forth in the paper writing to which it pertains are true to the best of the affiant's knowledge, information, and belief.

(b) **ATTORNEY:** *Attorney* means an attorney at law admitted to the Bar of the Supreme Court of Maryland.

(c) **ALCOHOLIC BEVERAGE:** — **ABCA § 1-101(b)**

(1) *Alcoholic Beverage* means a spirituous, vinous, malt, or fermented liquor, liquid, or compound that:
   (i) Contains at least one-half of 1% of alcohol by volume; and
   (ii) Is suitable for beverage purposes;

(2) *Alcoholic Beverage* includes, alcohol, brandy, whiskey, rum, gin, cordial, beer, and wine.

(3) *Alcoholic Beverage* does not include a confectionary food product that contains up to 5% of alcohol by volume and is regulated by the Department of Health & Mental Hygiene under § 21-209 of the Health-General Article.

(4) *Beer* means a brewed alcoholic beverage, and includes: **ABCA § 1-101(c)**
   (i) Ale;
   (ii) Porter;
   (iii) Stout;
   (iv) Hard Cider that:
      1. Is derived primarily from apples, apple concentrate and water, pears, or pear concentrate and water; and
      2. Contains no other fruit product, but contains at least one-half of 1% and less than 8.5% of alcohol by volume; and
   (v) An alcoholic beverage that contains:
      1. 6% or less alcohol by volume, derived primarily from the fermentation of grain, with not more than 49% of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol; or
      2. More than 6% alcohol by volume, derived primarily from the fermentation of grain, with not more than 1.5 % of the alcoholic beverage's overall alcohol content by volume obtained from flavors and other added non-beverage ingredients containing alcohol.

(5) *Liquor* has the same meaning as *Distilled Spirits* under § 5-101(g) of the Tax-General Article. *Distilled Spirits* includes: **ABCA § 1-101(s)**
   (i) Alcohol, brandy, cordials, gin, liqueur, rum, vodka, whiskey, and
   (ii) Solutions or mixtures of distilled spirits, except fortified wines.

(6) *Wine* means a fermented beverage, and includes: **ABCA § 1-101(kk)**
   (i) Light wine;
   (ii) Sparkling wine that is naturally or artificially carbonated; and
   (iii) Fortified wine to which alcohol, spirits, or other ingredients are added.

(7) *Pomace Brandy* means brandy that is distilled from the pulpy residue of wine pressing; including the skins, pips, and stalks of grapes. **ABCA § 1-101(bb)**

(d) **BOARD:** *Board* means the Board of License Commissioners for Harford County also known as the Harford County Liquor Control Board, acting as the Board of License Commissioners for Harford County. **ABCA § 22-101(b)**

(e) **CLUB:** *Club* means a not-for-profit association or corporation that is organized and operated exclusively for educational, social, fraternal, patriotic, political, or athletic purposes. **ABCA § 1-101(f)**

(f) **COMPTROLLER:** *Comptroller* means the Comptroller of the State; and includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Comptroller. **ABCA § 1-101(h)**

(g) **COURT:** *Court* means the circuit court of a county, or any judge of a circuit court.

(h) **EXECUTIVE DIRECTOR:** *Executive Director* means the Executive Director of the Commission.

(1) "Executive Director" includes a deputy, an inspector, a clerk, or any other individual authorized to act by the Executive Director. **ABCA §1-101(k)**

(i) **HOTEL:** *Hotel*, in Harford County, means an establishment that:

(1) Accommodates the public, providing services normally found in hotels; and

(2) Is equipped with no less than 25 rooms, a lobby with a registration desk, mail desk, seating facilities, and a dining room preparing and serving full course meals at least twice daily. **ABCA § 22-902(b)(1)**

(j) **INSPECTOR:** **ABCA § 22-207**

(1) *Inspector* means a person employed by the Board to conduct inspections and investigations to provide appropriate and adequate control over License Holders.

(2) *Inspections* shall include normal routine and special investigations to be conducted in any manner as approved by the Board, and not restrictive to any certain procedure.

(k) **KEG:** *Keg* means a container of beer with a capacity of at least 4 gallons, which is designed to dispense beer directly from the container. **ABCA § 5-303(a)**

(l) **LICENSEE or LICENSE HOLDER:** *Licensee* or *License Holder* means:

(1) Any individual 21 years of age or older, firm, corporation, or limited liability company to which the Board has issued a license.

(2) With regard to any Board Rule, *Licensee* or *License Holder* shall also include any agent or employee of a licensee as described in this section.

(m) **MEAD**: *Mead* means a fermented alcoholic beverage consisting primarily of honey and water. **ABCA §1-101(w)**

(n) **OFFENSE**: *Offense* means any single violation of the Board Rules or violation of the Alcoholic Beverages and Cannabis Article of the Maryland Code.

(o) **OUTDOOR DINING SERVICE:** *Outdoor Dining Service* means an outdoor space for seasonal dining that is not permanently enclosed or permanently climate controlled.

(p) **PECUNIARY INTEREST:** *Pecuniary Interest* means a real, provable financial interest in the business to be conducted under any license either applied for or issued by the Board. Pecuniary Interest must be a reasonable (fair market) value or a minimum total investment of $100.00.

(q) **PERSON:** *Person* means an individual, an association, a partnership, a corporation, a trust, or any other entity, and the officers, directors, and other individuals in active control of the activities of the association, partnership, corporation, trust, or other entity; or the State or a political subdivision of the State, or a unit or an instrumentality of the State or a political subdivision of the State; or another state or a political subdivision of that state. **ABCA § 1-101(z)**

(r) **RESIDENCY (UNITED STATES):** *Lawful Permanent Residency* means residency that can be proven by submission of a Permanent Residence Card (green card or alien registration card) (Form 1-551) as part of the applicant's documentation with the license application.

(s) **RESIDENT APPLICANT/LICENSE HOLDER:**

(1) *Resident Applicant* means an applicant, a licensee, or a license holder for an alcoholic beverage license who will be on the licensed premises a minimum of thirty (30) hours per week, is a resident of Harford County at the time the application is filed. This must be the license holder/applicant's primary residence; and he or she must continue to reside in Harford County for as long as the license is in effect.* **ABCA § 22-1405**

(2) A license holder may only serve as the *Resident License Holder* for one licensed business.

(3) The Resident Applicant must have a financial interest in the business holding the license. **ABCA §22-1405**

*The Harford County Liquor Control Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021, regarding resident applicants. The AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

(t) **RESPONSIBLE OPERATOR:** *Responsible Operator* means an applicant, a licensee, or a license holder for an alcoholic beverage license who will be on the licensed premises a minimum of thirty (30) hours per week, in the capacity of a manager or supervisor, and who holds a financial interest in the license.

(u) **RESTAURANT:** **ABCA § 1-101(cc); ABCA § 22-103; § 22-902; § 22-906; § 22-910**

(1) *Restaurant* (regarding any Class B Beer and Wine License; or any Class B Beer, Wine, and Liquor or Class D Tavern License) means an establishment that accommodates the public and is equipped with a dining room with facilities for preparing and serving regular meals in accordance with Paragraph 9, as may be approved by the Harford County Liquor Control Board.

(2) The Board and the County Department of Health shall approve the sanitary facilities, running hot and cold water, equipment for the proper cleaning of dishes and kitchenware, and adequate number of toilets in the restaurant.

(3) The establishment shall have one or more signs in front of the establishment that designate *restaurant* or food and beverages sold; and do not advertise any other business.

(4) There must be sufficient food on the premises at all times for the regular serving of meals.

(5) To obtain a Class B Beer, Wine, and Liquor License, an establishment must:

(i) Serve full course meals at least twice daily, as defined in paragraph (9);

(ii) Have regular seating for 60 or more persons at dining tables and/or booths.

1. Seating must be approved by the Fire Marshal's office; and does not include seats at bars, counters, or outside service areas.

(iii) Have been in full-time operation as a restaurant for no less than six months immediately preceding filing of the application;

(iv) has had a greater daily average in receipts from food sales than from beer, wine, and liquor sales during the 6 months immediately before the application for the license was made.

(6) To obtain a Class BNR License, an establishment must:

(i) Serve full course meals at least twice daily, as defined in paragraph (9);

(ii) Have regular seating for 60 or more persons at dining tables and/or booths. Seating must be approved by the Fire Marshal's office; and does not include seats at bars, counters, or outside service areas;

(iii) Have a minimum capital investment of $250,000 for new dining room facilities and newly installed kitchen equipment, not including the cost of land, buildings, or a lease (paid invoice verification required).

(7) To maintain a Class B Beer, Wine and Liquor License, an establishment must:

(i) Have monthly gross receipts for the sale of food be no less than 50% of the gross receipts of the total sales of food and alcoholic beverages combined;
(ii) Continuously serve full course meals at least twice daily, as defined in paragraph (9); and
(iii) Continuously maintain regular seating for 60 or more persons at dining tables and/or booths.).

(8) To maintain a Class BNR License, an establishment must:
(iv) Have monthly gross receipts for the sale of food be no less than 40% of the gross receipts of the total sales of food and alcoholic beverages combined;
(v) Continuously serve full course meals at least twice daily, as defined in paragraph (9); and
(vi) Continuously maintain regular seating for 60 or more persons at dining tables and/or booths.

(9) *Full Course Meals at least twice daily* shall include at least two of the following: breakfast, lunch, or dinner (to be served during customary hours for such meals) at least 5 days per week. Meals must consist of more than just appetizers, snack foods, and/or prepackaged foods.

(10) For license holders of a license with an option for off-premises sales of liquor, only the off-premises sales of beer and wine are to be included in the gross receipts. Off sales of liquor are to be kept separately.

1:02 TIME

(a) In computing any period of time prescribed by these Rules and Regulations, the method provided by Maryland Rule 1-203 of the Annotated Code of Maryland shall govern.

(b) When computing any period of time prescribed by these Rules and Regulations, the day of the act, event, or default after which the designated period of time begins is not included.

(c) If the time period allowed is more than 7 days, intermediate Saturdays, Sundays, and holidays are counted; but if the period of time allowed is 7 days or less, these days are not counted.

(d) When the last day computed is a Saturday, Sunday, or holiday; the period runs until the end of the next day that is not one of those days.

(e) For the filing of papers with the Board, if the Board office is not open, or is closed for a part of the day, the period runs until the end of the next day that is not a Saturday, Sunday, holiday, or a day on which the Board office is not open during its regular hours.

(f) In determining the latest day for performance of an act which is required by these Rules and Regulations to be performed a prescribed number of days before a certain day, act, or event, all days prior hereto, including intervening Saturdays, Sundays and holidays are counted in the number of days so prescribed. The latest day is included in the determination unless it is a Saturday, Sunday, or holiday, in which event the latest day is the first preceding day which is not one of those days.

(g) Whenever a party has the right or is required to do some act or take some proceeding within a prescribed period after service upon the party of a notice or other paper and service is made by mail, 3 days shall be added to the prescribed period.

CHAPTER TWO
PROCEDURES

2:01 BOARD RULES & REGULATIONS ABCA § 1-201; ABCA § 22-209

(a) It is the legislative intent that the Board be empowered to administer and enforce the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland; and may adopt regulations to carry out this Article.

(b) The Board shall hold public hearings on all proposed alterations of its regulations.

(c) At least 2 consecutive weeks before the scheduled public hearings, the Board shall:
(1) Advertise the public hearings in at least one newspaper of general circulation published in the County; or
(2) Post notice of hearing hearings online.

2:02 APPLICATIONS BR

(a) Application for a new license, transfer of an existing license, a change of officers transfer, a change in license class, or a change in the physical location of an existing license, including all associated forms, must be made on original forms. Photocopies and/or facsimiles will not be accepted.

(b) All forms must be completed by the applicant, or under the personal supervision of the applicant, and must be easily legible. Board staff are not permitted to fill in information on behalf of the applicant.

(c) All applications shall include a checklist of required items. An incomplete application will be returned.

(d) Each applicant for a license (or license holder) must have a real, provable financial interest in the business to be conducted under any license either applied for or issued by the Board. The amount invested must be a reasonable (fair market) value, or a minimum total investment of $100.00.

(e) All applications for a license on behalf of an individual, partnership, corporation, or limited liability company must include:
(1) A complete financial disclosure for all applicants (proof of same required), which shall be for the use of the Board only;

(2) A complete consent for records check and police questionnaire form for all individual applicants, which shall be for the use of the Board only; and
(3) Copies of proper identification (i.e., state-issued driver's licenses or identification cards, permanent resident card, etc.) for all applicants.

(f) The Harford County Liquor Control Board is required to obtain the criminal arrest history for all applicants for a license from the Central Repository and county police, including the county sheriff's department and all municipal police departments in the county. **ABCA § 22-1403; § 4-107**

(g) An applicant for a new license, transfer of an existing license, a change of officers transfer, or a change in license class or the physical location of an existing license must obtain all required permits and licenses (including, but not limited to, trader's license, Health Department approval, Fire Marshal's approval, retail sales tax and federal and State ID numbers, Certificate of Occupancy permits, etc.).

(h) All applicants for a license are required to obtain a copy of the Board's Rules & Regulations; and pass a licensee test comprised of basic knowledge of those Rules & Regulations.

2:03 APPLICATION PROCESS & FEE BR

(a) No application for the issuance of a new license, transfer of an existing license, a change of officers transfer, or a change in license class or the physical location of an existing license will be accepted unless made on forms prescribed by the Board, and the proper processing fee is paid.

(b) All processing fees shall be determined by a majority vote of the Board.

(c) Time for processing an application for a license is approximately 8 weeks from the time the application is filed (complete and in order, including all required documents, forms, and fees). This time period permits investigation and review of the application; and the required posting and advertisement of the license hearing notice and the Board's decision.

(d) Applicants must have approvals from the Health Department, Fire Marshal, Planning & Zoning, and a copy of the Certificate of Occupancy permit (and any other required approvals or releases) prior to hearing.

(e) Before holding a hearing for an application for a license, the Board shall publish notice of the application 2 times in 2 successive weeks in one newspaper of general circulation published in the county and or post notice of the application hearing online at least 14 days before the application hearing date.

ABCA § 22-1505; ABCA § 22-1702

(f) The hearing must be held within 30 days of the date last advertised, or additional advertising is required. The cost of all additional advertising shall be paid by the applicant. **ABCA § 4-209**

(g) Hearings posted solely online must be held within 30 days of the date last posted; otherwise, any new hearing date scheduled must be posted online. The Board may charge an additional processing fee to cover administrative costs associated with the reposting.

(h) The Board will render its decision within fourteen (14) days of the hearing.

(i) The Board shall publish its decision on an application for a new or transfer license; a change of officers transfer, a change in license class, or a change in the physical location of an existing license in one newspaper of general circulation in the county and on the Board's website. **ABCA § 22-1505**

(j) The decision of the Board becomes effective 5 days after the date of publication of the decision. The Board may waive the 5-day period if no written or oral objection is raised to the Board's decision by the end of the application hearing. **ABCA § 22-1508**

(k) Any application having no activity or notification to the Board of an anticipated hearing date for 90 days will be deemed withdrawn and a new application will be required.

2:04 INDIVIDUAL APPLICANT (SOLE PROPRIETORSHIP) ABCA § 22-1402

(a) An applicant not operating the business under a corporation, limited liability company, or partnership may apply as an individual; operate the licensed business as an individual; and must be the sole owner of the business.

(b) The applicant must be a resident of Harford County at the time the application is filed; and must remain a resident of the county for as long as the license is in effect.*

*The Harford County Liquor Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021 regarding resident applicants. The

AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

(c) An applicant under this section is not required to be a registered voter.

2:05 PARTNERSHIP ABCA § 22-1402; ABCA 22-1405, BR(f)

(a) If the business is operated under a partnership, application must be made by all partners, as individuals.

(b) All applicants must be current residents of Harford County at the time the application is filed and must remain a resident of the County for so long as the license is in effect.*

*The Harford County Liquor Control Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021 regarding resident applicants. The AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

(c) The license holders are required to remain residents of the county for as long as the license in effect.

(d) Business interest requirements: The license holders shall:
- (1) For a Class B (Beer and Wine or Beer, Wine, and Liquor) License, own at least 10 % of the business;
- (2) For a Class A, A-1, or A-2 (Off-Sale Only) License, own at least 25% of the business;
- (3) For a Class C-1, C-2, or C-3 License, may own any amount or no amount of the business;
- (4) For all other license classes, own at least 10% of the business.

(e) An applicant under this section is not required to be a registered voter.

(f) One or more of the license holders shall be present on the premises for a substantial amount of time on a daily basis (a minimum of 30 hours a week).

2:06 CORPORATION ABCA § 22-1402; ABCA § 22-1405; ABCA § 22-1703

(a) A license for the use of a corporation shall be applied for by and issued to at least 3 officers of the corporation (as individuals), all of whom must hold a minimum of 10% pecuniary interest in the corporation.

(b) One of the three individual applicants who apply for a license shall be a resident of Harford County at the time the application is filed and must remain a resident of the County for so long as the license is in effect.* .
*The Harford County Liquor Control Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021 regarding resident applicants. The AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

(c) For a license issued after July 1, 1984, the resident applicant/responsible operator shall:
   (1) For a Class B (Beer and Wine or Beer, Wine, and Liquor) License, own at least 10 % of the total corporation;
   (2) For a Class A, A-1, or A-2 (Off-Sale Only) License, own at least 25% of the total corporation;
   (3) For a Class C-1, C-2, or C-3 License, own any amount or no amount of the total corporation;
   (4) For all other license classes, own at least 10% of the total corporation;
   (5) Serve as manager or supervisor; and
   (6) Be physically present on the premises for a substantial amount of time on a daily basis (a minimum of 30 hours per week). See also Board Rule 3:19.

(d) If there are fewer than three officers of a corporation, each officer holding a pecuniary interest in the corporation shall apply for the license.

(e) If a close corporation does not have officers or directors, one or more resident stockholders who own more than 50% of the stock together may apply for the license.

(f) Exemptions for Class B or Class BNR applicants:
  (1) In this paragraph, *owner* means a person who has a real, provable financial interest in the business; and includes a stockholder or managerial employee of the actual owner.
  (2) Stock ownership requirements do not apply to an applicant for a Class B hotel or restaurant beer, wine, and liquor license, or a Class BNR beer, wine, and liquor license in which:
    (i) A majority of the stock is owned or controlled either directly or indirectly by one or more corporations and is authorized for sale by the United States Securities and Exchange Commission;
    (ii) At least one license holder is a responsible operator of the business conducted on the licensed premises who is responsible for the day-to-day operation of the business; and
    (iii) Each license holder is a named officer of the corporation.
  (3) The residency requirements remain in effect for a Class B hotel or restaurant beer, wine, and liquor license or a Class BNR beer, wine, and liquor license for as long as the license is in effect.

(g) A Class ALP (Assisted Living Program) License shall be applied for by and issued to the manager of the Assisted Living Program.
  (1) The pecuniary interest requirements, including stock ownership and limited liability company membership interests, do not apply to an applicant for a Class ALP beer, wine, and liquor license.

(h) Upon receipt by the Board of a letter of resignation from an officer (license holder) of the corporation, the remaining officers shall:
  (1) Have 10 days to notify the Board of the resignation; and
  (2) Have 30 days from the date of notification to file the required application and associated documentation to make any necessary changes to the license.
  (3) Failure to comply with paragraphs (g)(1) and/or (g)(2) may result in the suspension or revocation of the license.

(i) A corporation on whose behalf application is made must be in good standing at the time the application is filed.

2:07 LIMITED LIABILITY COMPANY ABCA § 22-1405; ABCA § 22-1703

(a) A license for the use of a limited liability company shall be applied for by and issued to at least 3 authorized persons (as individuals), all of whom must hold a minimum of 10% pecuniary interest in the limited liability company.

(b) One of the three individual applicants who apply for a license shall be a resident of Harford County at the time the application is filed and must remain a resident of the County for so long as the license is in effect. *.

*The Harford County Liquor Board follows the advice of the Maryland Attorney General issued in AG Opinion 106oag082 dated May 4, 2021 regarding resident applicants. The AG Opinion states that the non-durational residency requirements imposed on alcoholic beverages license applicants in Harford County likely violate the Commerce Clause of the United States Constitution as interpreted by the Supreme Court in Tennessee Wine & Spirits Retailers Ass'n v. Thomas, 139 S.Ct. 2449 (2019). As a result, the HCLCB does not require an applicant to be a resident of Harford County.

(c) For a license issued after July 1, 1984, the responsible operator shall:
- (1) For a Class B (Beer and Wine or Beer, Wine, and Liquor) License, own at least 10 % of the limited liability company;
- (2) For a Class A, A-1 or A-2 (Off-Sale Only) License, own at least 25% of the limited liability company;
- (3) For a Class C-1, C-2, or C-3 License, own any amount or no amount of the limited liability company;
- (4) For all other license classes, own at least 10% of the limited liability company;
- (5) Serve as manager or supervisor; and
- (6) Be physically present on the premises for a substantial amount of time on a daily basis (a minimum of 30 hours per week). See also Board Rule 3:19.

(d) If there are fewer than three authorized persons of a limited liability company, each person holding a pecuniary interest in the limited liability company shall apply for the license.

(e) Upon receipt by the Board of a letter of resignation from an authorized person (license holder) of the limited liability company, the remaining authorized persons shall:
- (1) Have 10 days to notify the Board of the resignation; and
- (2) Have 30 days from the date of notification to file the required application and associated documentation to make any necessary changes to the license.
- (3) Failure to comply with paragraphs (e)(1) and/or (e)(2) may result in the suspension or revocation of the license.

(f) A limited liability company on whose behalf application is made must be in good standing at the time the application is filed.

2:08 INTEREST IN MORE THAN ONE LICENSE

(a) Except as otherwise provided in this title, a person may not have interest in more than one license, whether the license is held or controlled by direct or indirect ownership; by franchise operation, by stock ownership, by interlocking directors or interlocking stock ownership, or any other manner, directly, or indirectly.

ABCA § 4-203; ABCA § 22-1503

(b) Under paragraph (a) of this section, an indirect ownership interest is presumed to exist between any combination of individuals, corporations, limited liability companies, partnerships, limited partnerships, joint ventures, associations, or other persons if any of the following conditions exist between them:

(1) A common parent company;
(2) A franchise agreement;
(3) A licensing agreement;
(4) A concession agreement;
(5) Dual membership in a chain of businesses commonly owned and operated;
(6) A sharing of directors, stockholders, partners, or members, or a sharing of directors, stockholders, partners, or members of parents or subsidiaries; or
(7) A sharing of a common trade name, trademark, logo, theme, or mode of operation identifiable by the public. **ABCA § 22-1503**

(c) The Board may issue a maximum number of:

(1) 9 Class B licenses to the same person; **ABCA § 22-1607**
(2) 2 Class DBR licenses to the same person; or **ABCA § 22-403**
(3) 5 Class MT Licenses to the same person. **ABCA$ 22-1005.1**
(4) (i) The Board may issue 1 Class GSF (Golf Simulator Facility) License under §22-1003.2 of the Alcoholic Beverages and Cannabis Article to the holder of one or more Class B Licenses.
(ii) A Class GSF (Golf Simulator Facility) License issued under paragraph (c)(4)(i) of this section shall be included in the total number of licenses that may be issued to the same person under paragraph (c)(1) of this section.

(d) Licenses issued by different local licensing boards to a single license holder:

ABCA § 4-203

(1) A single individual may hold Class B beer, wine, and liquor licenses or Class BNR licenses issued by different local licensing boards only for restaurants, hotels, or motels.
(2) The number of licenses that a single individual may hold is limited only by the cap imposed by each local licensing board on the licenses that the local licensing board issues.

(3) The licenses may be issued for the use of the license holder, or a partnership, a corporation, an unincorporated association, or a limited liability company.
(4) Except as otherwise provided by the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland, an individual may not be issued in the State more than one Class A, A-1, or A-2, Class C, or Class D license for the use of that individual or a partnership, a corporation, an unincorporated association, or a limited liability company.

(e) A license holder may only serve as the Responsible Operator for one licensed business.

(f) Except by way of renewal, a license with an off-sale privilege may not be issued for or transferred to a chain store, a supermarket, a discount house, or a franchisor, franchisee, or concessionaire of an establishment listed in this paragraph.

ABCA § 4-205; § 22-1603

2:09 FELONY CONVICTION — ABCA § 4-107; ABCA § 4-109; ABCA § 22-1506

(a) The Board may not issue a license to a person or an agent of the person who has been convicted in a federal or State court of a felony, or a violation of the laws governing the manufacture or sale of alcoholic beverages; maintaining or operating a brothel; or gaming.

2:10 POSTING OF PREMISES — ABCA § 22-1505(a); 22-1702(a)(b)

(a) For a hearing on an application for the issuance of a new license, transfer of an existing license, a change of officers transfer, or a change in license class or the physical location of an existing license, the Board shall post a notice in a conspicuous location on the exterior of the location described in the application.

(b) The notice shall be posted and remain posted for 20 days before the hearing; and is not to be removed before the final hearing, unless the application has been withdrawn.

2:11 CHURCH & SCHOOL DISTANCE REQUIREMENTS ABCA § 22-1602

(a) Board Rule 2:11 does not apply to:

(1) a license in effect on July 1, 1975, or the issuance or transfer of a Class B (on-sale) beer, wine, and liquor license for use on any premises licensed on July 1, 1975;

(2) a license in effect on July 1, 1977;

(3) the renewal, transfer, or upgrading of a license, unless the license is transferred to a new location; and

(4) the issuance of:

(i) a 1-day license that is to be used on the premises of a place of worship or school;

(ii) a Class HC (Health Club) license;

(iii) a Class GC (golf course) license;

(iv) a Class CCFA (continuing care facility) license;

(v) a Class ALP (assisted living program) license; and

(vi) a gift basket permit.

Distance from place of worship —300-foot general restriction

(b) (1) (i) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the Board may not issue a license for an establishment that is within 300 feet of a place of worship.

(ii) The distance from the establishment to the place of worship is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the place of worship.

(iii) Paragraph (1) of this subsection does not apply to the issuance of:

(i) a 1-day license for use in a building;

(ii) a license issued to a hotel, motel, restaurant, club, caterer, brewery, or distillery in a municipality; and

(iii) a Class H beer, wine, and liquor license issued to a caterer for use in a banquet facility in an establishment if:

1. the construction of the establishment was completed after July 1, 1991; and
2. the establishment is used for emergency operations by a volunteer fire company.

Distance from place of worship restriction—Waiver

(c) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a place of worship and issue a license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a place of worship under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the establishment is located in a municipality, the municipality where the establishment is located; or

2. if the establishment is located outside the boundaries of a municipality, the county;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving a recommendation:

1. in favor of the waiver, the Board shall hold a public hearing; or

2. to deny a waiver, the Board shall deny the waiver.

(3) In making a decision whether to waive the distance restrictions from a place of worship, the Board shall consider:

(i) comments received from members and leaders of the place of worship; and

(ii) comments made at the public hearing held by the Board.

Distance from school

(d) (1) (i) Except as provided in paragraph (2) of this subsection, the Board may not issue a license to a business establishment that is within 1,000 feet of a public or private school building.

(ii) The distance from the establishment to the public or private school is to be measured from the nearest point of the building of the establishment to the nearest point of the building of the school.

(2) The Board may issue a license to a business establishment in Harford County and in a municipality in Harford County if the business establishment is not located within 300 feet of a public or private school.

(3) A decision of the County Board of Education to locate a public school building within 1,000 feet of the premises of a license holder may not be the basis to revoke or deny the renewal, transfer, or upgrading of the license.

Distance from school restriction—Waiver

(e) (1) Subject to paragraphs (2) and (3) of this subsection, the Board may waive the distance restrictions from a public or private school building and issue a Class B (on-sale) restaurant license or a Class B-Café license on a case-by-case basis.

(2) Before the Board decides whether to waive the distance restrictions from a public or private school building under paragraph (1) of this subsection:

(i) a public hearing shall be held by the governing body of:

1. if the restaurant is located in a municipality, the municipality where the restaurant is located; or

2. if the restaurant is located outside the boundaries of a municipality, the county where the restaurant is located;

(ii) the governing body shall make a recommendation to the Board regarding whether the distance restrictions should be waived; and

(iii) after receiving the recommendation, the Board shall hold a public hearing.

(3) In making a decision whether to waive the distance restrictions from a public or private school building, the Board shall take into consideration:

(i) the recommendation from the governing body;

(ii) comments received from parents whose children attend the public or private school; and

(iii) comments made at the public hearing held by the Board.

2:12 RETAIL FLOOR SPACE LIMITATIONS — ABCA § 4-206

(a) The Board may not issue a license for use in an establishment in which more than 10,000 square feet of floor space is to be devoted to the sale of alcoholic beverages for off-premises consumption.

(b) In this section, *floor space* means the space devoted to the retail sale of alcoholic beverages for off-premises consumption that:

(1) For a license without on-premises consumption privileges, is within the four walls of the building from which the licensed business operates; or

(2) For a license with on-premises consumption and off-premises consumption privileges, is used to sell, display, or store alcoholic beverages.

(c) *Floor Space* includes a basement in a licensed premises, and any area off the licensed premises where the alcoholic beverages are lawfully stored.

(d) Any variations in the limitations outlined in this section shall be handled in that manner set forth in ABCA § 4-206.

2:13 ZONING — ABCA § 1-405(b); BR(b)

(a) A license may not be issued for a premises unless the premises conforms with all applicable zoning laws, regulations, or ordinances.

(b) This rule shall not prevent the renewal, transfer, or modification of licenses issued to such premises on or before applicable grandfathering provisions.

2:14 WORKERS' COMPENSATION INSURANCE CERTIFICATE ABCA § 1-404; BR(b)

(a) Before a license may be issued by the Board, a license holder shall file with the Board a certificate of compliance with the Maryland Workers' Compensation Act; or a copy of the policy information page, listing both the policy or binder number and coverage dates.

(b) A current certificate of Workers' Compensation Insurance must be on file with the Board at all times.

2:15 GRANTING OF LICENSES ABCA § 4-202; 4-210; 22-1507

(a) Before the Board issues a license, the Board shall consider and determine as suitable:
   (1) The moral character and financial responsibility of the applicant;
   (2) The general fitness of the applicant to uphold the public trust; and
   (3) The appropriateness of the location described in the application, taking into consideration the number of existing licenses and any objections from property owners living in the immediate neighborhood of the location described in the application.

(b) Before deciding whether to approve or deny a license application, the Board shall consider the factors outlined in ABCA § 4-210.

(c) Licenses may be issued, transferred, upgraded, or renewed subject to any restrictions and/or conditions the Board feels is warranted in a situation.

(d) If the Board determines that an applicant has made a material false statement or acted fraudulently in connection with the application; or if the license is issued, the operation authorized by the license would unduly disturb the peace of the residents of the neighborhood of the location described in the application, the application will be denied.

2:16 PROTEST

(a) General Protest: **ABCA § 4-209**
   (1) The signers of any protest against the issuance or transfer of a license must state their full name and address; the location of the premises; and the reasons for protest.

(2) Any person may address any relevant issue at the hearing; and will be given a reasonable opportunity to speak.

(b) Renewal Protest: **ABCA § 4-406**

(1) A protest against a license renewal may be made by at least 10 signatories who are residents, commercial tenants who are not holders of or applicants for a license, or real estate owners; and located in the immediate vicinity of licensed premises; or by the Board on its own initiative.

(2) If a protest against renewing a license is filed at least 30 days before the license expires, the Board may not approve the renewal without holding a hearing.

(3) The Board shall hear and determine the protest in the same manner as it hears and determines an original application.

2:17 TENTATIVE APPROVAL BR

(a) If application is filed for a proposed licensed premises on which construction has not been completed, the Board may give tentative approval of the application based on proposed written plans and specifications submitted to the Board.

(b) The proposed licensed premises must have a legal description of the property address, map, and parcel number (with proof provided).

(c) Any major structural or other changes (i.e., increase in size of the premises or second floor added, etc.) to the plans and specifications submitted must be pre-approved by the Board; otherwise the tentative approval may be withdrawn, and a new application will be required.

(d) Final Approval will not be granted until:

(1) All improvements to the proposed license premises are completed;

(2) Final approvals are received from all required agencies (including, but not limited to, Health Department, Fire Marshal, and a Certificate of Occupancy Permit);

(3) A final approval hearing date is advertised and held before the Board; and

(4) The business is ready for operation and open to the public.

(e) The duration of any tentative approval granted by the Board shall be 6 months from the date of initial approval; with an additional 6 months granted if requested in writing.

(f) A tentative approval shall not exceed one calendar year from the date of initial approval, unless an additional hearing is held before the Board and further reasonable extension granted.

(g) Written progress reports must be submitted to the Board every 60 days throughout the tentative approval period; otherwise the tentative approval will be voided.

(h) The Board reserves the right to withdraw the tentative approval at any time. Should tentative approval be withdrawn for any reason, a new application will be required. No fees paid relating to the license application will be refunded upon the withdrawal of a tentative approval.

2:18 SUPPLEMENTAL APPLICATIONS (FOR CHANGE OF OFFICERS)

ABCA § 4-306; BR

(a) Class C1-C2-C3 (Club) Licenses:
   (1) All Class C1, C2, and C3 licenses are issued to at least 3 officers of the club.
   (2) Any time there is a change of the officers of the club (whether through club elections or other means), a supplemental application must be filed at the time of the change.
   (3) A copy of the minutes showing the election of the officers named on the application must also be submitted along with the application.

(b) Corporations and Limited Liability Companies:
   (1) A supplemental application may be used to remove or replace a license holder who no longer holds an office in the corporation or is no longer an authorized person of the limited liability company, and no longer holds a pecuniary interest in the business.
   (2) Proper documentation of the change must be submitted along with the application.
   (3) If the majority stock or interest holder is to be removed or replaced, a change of officers transfer application (rather than a supplemental application) must be filed.

2:19 RENEWAL APPLICATIONS

ABCA § 4-404; ABCA § 4-407; ABCA § 22-1802; ABCA § 22-1803; BR (b), part of (c), (d)-(i)

(a) License renewal applications must be filed with the Board office between February 1st and April 1st (inclusive) of each year.

(b) Renewal applications filed by March 15th must be accompanied by the proper processing fee; applications filed after March 15th must be processed separately and will be charged a late fee.

(c) The Board may consider a license renewal application received after April 1 for 30 days before it takes final action on the application; which may result in the inability of the license holder to serve or sell alcoholic beverages for the time period between the expiration of the prior license (April 30) and the approved effective date of the license renewal.

(d) All applications must be original documents; no photocopies or facsimiles will be accepted.

(e) Before any license renewal shall be approved, the license holder must be clear of all tax liabilities due to the State Comptroller and/or Harford County. Any license not cleared by all agencies by close of business on April 30th will be deemed expired by the Board. A grace period not to exceed 10 days may be granted by the Board for good cause shown in writing.

(f) The Board may not renew a license if it is determined that the license holder is not qualified to obtain a license renewal; but shall issue to the license holder by way of renewal the class or type of license for which the Board determines the license holder is qualified.

(g) The Board shall deny a license renewal application if, during the license year, the license holder was convicted of a State or federal offense that, in the judgement of the Board, renders the license holder unfit or unqualified to obtain a renewed license. Under these circumstances, the Board shall hold a public hearing before renewing the license; and may inquire into all relevant facts and circumstances concerning the offense at the hearing.

(h) Any license approved for renewal must be paid for and picked up within 10 days of the effective date, or the license will be declared null and void as if never issued. A license is not considered valid until both the annual license fee has been paid, and the license picked up from the Board office.

(i) License Renewal Protests – See Board Rule 2:16 (b).

2:20 TRANSFERS BR (b), (c)

(a) The Board shall transfer a license that is issued for use in a business if the business is sold (in its entirety) to a different owner and the new owner qualifies as a license holder. **ABCA § 22-1703**

(b) A copy of the asset purchase agreement or contract of sale must be filed with Board. No management agreement shall be accepted for any licensed premises.

(c) Settlement on the sale of the business shall occur simultaneously with the issuance of the transferred license. Settlement must be held within 30 days of the date the Board approves the transfer; otherwise the approval will be voided; and a new application will be required. Upon written request (signed by both parties), the Board may grant an extension for good cause shown.

(d) Applications for transfer are subject to the same requirements as an application for a new license. In any transfer of location, the Board shall determine the question of public need and accommodation. **ABCA § 4-302(b)(4)**

(e) The Board may not transfer the location or ownership of a license for use in a business that is intended to be operated as a drive-through purchase facility where alcoholic beverages are to be sold at retail and dispensed through a window or door to a purchaser in or on a motor vehicle for off-premises consumption; or an off-sale license with the privilege of operating the premises as a drive-through purchase facility. **ABCA § 22-1704**

(f) If a license is transferred before its expiration date, the Board shall allow the transferee to operate under the license fee already paid until the license expiration date without additional charge. If a license is transferred on its expiration date, the charge for the transfer is the same as the fee for the issuance of the license. **ABCA § 22-1705**

(g) If approved, the transfer license shall be issued upon payment of a $20.00 fee, in addition to the regular processing fee. **ABCA § 4-305**

2:21 TRANSFEROR'S OBLIGATIONS BR (c)

(a) No application for the transfer of a license will be granted unless:
  (1) All sales and use, amusement, admission, and withholding taxes have been paid to the Comptroller;
  (2) Any and all taxes due to Harford County have been paid; and

(3) A bulk transfer permit has been obtained if the inventory of alcoholic beverages is to be transferred in any manner, including by sale, gift, inheritance, and assignment; and regardless of whether consideration is paid for the inventory.

ABCA § 4-302

(b) The Board may not allow the transfer of a license until the transferor has complied with the Bulk Transfer Act under Title 6 of the Commercial Law Article and provided to the Board an affidavit that certifies compliance with the Bulk Transfers Act.

ABCA § 4-304

(c) The Board may not process an application for transfer of a license if the existing license holder has any pending hearings, legal or administrative, relating to any violation of the alcoholic beverage laws of Maryland.

2:22 NEW OPERATIONS – TRANSFERS – CHANGES IN CLASS, ETC. BR

(a) Before any business shall be licensed or be eligible for transfer of an existing license, the business must be in operation and open to the public.

(b) All required approvals (including but not limited to, Health Department, Fire Marshal, Planning & Zoning, clearance of all tax liabilities, etc.) must have been obtained prior to the hearing before the Board.

(c) A copy of the Final Certificate of Occupancy permit must be filed with the Board.

(d) If a Temporary Certificate of Occupancy permit is accepted for hearing, the Final Certificate of Occupancy must be submitted within the time period specified on the Temporary Certificate of Occupancy; otherwise, the license will be seized by the Board and held until a Final Certificate of Occupancy permit is provided.

(e) Any new or transfer license approved by the Board must be paid for and picked up within 10 days of the effective date, or the license will be declared null and void as if never issued. A license is not considered valid until both the annual license fee has been paid, and the license picked up from the Board office. The Board may grant a reasonable extension for good cause shown in writing.

2:23 MULTIPLE APPLICATIONS ABCA § 4-214

(a) Except as provided in paragraph (c) of this section, if a license is denied, another license application may not be considered from the same applicant or for the same location for 6 months after the denial.

(b) If a subsequent application by the same applicant or for the same location is denied within a 2-year period immediately after the first denial, another application may not be considered from that applicant, or for that location, until the 2-year period expires.

(c) This section does not apply to an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or the location, if the license was denied because the Board determined that the applicant was not a proper person to be issued the license.

2:24 GRAND OPENINGS (NEW BUSINESS) BR

(a) If there is to be a grand opening promotion prior to the opening of the business to the public, a written request must be presented to and special permission granted by the Board.
(b) A grand opening may only take place after the license has been approved and issued.
(c) Grand openings must occur within thirty (30) days of the date of issuance of the license which can be extended by the Board upon written request for good cause shown.

2:25 REGULATORY POWER OF THE BOARD ABCA § 4-202(d)

(a) The Board shall have the power and authority to:
    (1) Restrict, in accordance with a definite standard, the number of licenses the Board considers sufficient for a neighborhood;
    (2) Regulate the use of mechanical music boxes and other sound-making devices;
    (3) Divide a municipality or county into districts; and
    (4) Establish areas in which a license may not be issued.

(b) The Board may also restrict activities and areas for service of alcohol for any licensed business.

2:26 ANNUAL AUDIT OF THE BOARD'S FINANCES REQUIRED ABCA § 22-205.1

(a) At the end of each fiscal year, the Board shall submit a financial audit for review to:
(1) the County Executive; and
(2) the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates.

(b) The financial audit is not subject to approval by the County Executive or the Harford County Delegation to the Maryland General Assembly, consisting of Harford County Senators and Delegates.

2:27 LICENSE NOT PROPERTY ABCA § 4-212; ABCA § 22-1509

(a) A license issued by the Board is not property and does not confer property rights; and is subject to suspension, revocation and restrictions authorized by law and regulations authorized under the Alcoholic Beverages and Cannabis Article.

(b) A license issued by the Board is not subject to a writ of execution by a judgement creditor of a license holder; a distraint for rent; or sale or transfer, unless the license accompanies the business for which the license is issued.

2:28 EXPIRATION DATE OF LICENSES ABCA § 4-211

(a) Except as otherwise provided in the Alcoholic Beverages and Cannabis Article, a license issued by the Board shall be dated as of the date of issue and shall expire at midnight on the next April 30 after its issuance.

(b) This section does not apply to special and/or temporary licenses, which shall expire as otherwise provided.

2:29 SEASONAL CLOSING ABCA § 22-2202; BR subsection (c)

(a) The Board may authorize the closing of a licensed premises for not more than nine (9) months if it is determined that the licensed premises is seasonally operated.

(b) The license holder must submit a written request at least 30 days prior to the anticipated date of closing and the anticipated date of reopening.

(c) A license holder may not reopen once permission to close for the season has been granted without prior authorization from the Board.

2:30 VACATION OF PREMISES ABCA § 4-702; ABCA § 4-703; ABCA § 4-705; BR (d)

(a) A license issued by Board expires on the 10th day after a license holder has closed the business associated with and as described in the alcoholic beverage license issued for the premises; or vacated or been evicted from the licensed premises.

(b) The Board may postpone the expiration of a license for an additional period, not to exceed 20 days, to avoid hardship.

(c) Paragraph (a) of this section does not apply if an application is pending or has been approved for a transfer of the license to another location or another person.

(d) A license holder who intends to close the business for a period of 10 consecutive days or more:
   (1) Must notify the Board office in writing prior to the initial closing date of the following:
      (i) The reason for the closing;
      (ii) The estimated time the business will not be in operation; and
      (iii) The future intention as to the use of the license.
   (2) Unless the Board approves such a closure; the premises will be considered vacated for failure to operate in compliance with the license requirements and provisions; and, after a hearing before the Board, the license shall be declared null and void, as if never issued.

2:31 LICENSE HELD IN ESCROW BR

(a) Upon written request, the Board may hold a license in escrow pending sale of the business, transfer of the license, a change in the physical location of the business, or other special circumstances as approved by the Board.

(b) The escrowed license will remain viable until the expiration date of the license (April 30) unless renewed as indicated in paragraph (c).

(c) A license held in escrow by the Board may only be renewed one time following the date the license was initially placed in escrow.

2:32 HEARING RELATED TO VIOLATIONS ABCA § 4-603; BR(b)(c)(d)

(a) Any license holder against whom there are charges of violation of the rules, regulations, or laws governing the sale of alcohol shall receive written notice at least 10 days prior to the hearing date of the following:
   (1) The rules, regulations, or laws which the license holder is charged with allegedly violating;
   (2) The date of the alleged violation (if it relates to a specific instance); and
   (3) The date, time, and place of hearing.

(b) All named license holders must appear at time of hearing for any violation or discussion as directed by the Board, unless previously excused by the Board. Failure of a license holder to appear shall be considered an automatic additional violation, with a fine of no less than $250.00 and no more than $2,000.00.

(c) The General Manager, or other individual as designated by the Board, has the power to summon witnesses relating to hearings on behalf of the Board.
(d) The Board has the power to excuse witnesses who have been summoned to appear before the Board.
(e) The Board shall report its findings within 14 days after the date of the hearing, or, if earlier, at the next regularly scheduled meeting of the Board.

2:33 PENALTIES BR

(a) All Board orders shall take effect immediately, unless otherwise specified by the Board.

(b) Suspensions of license privileges shall begin on the date specified by the Board; and shall be in consecutive days.

(c) Fines shall be paid by the date set by the Board, or the license may be seized and held until the fines are paid.

2:34 JUDICIAL REVIEW (APPEALS) ABCA § 4-902; ABCA § 4-903, BR(e)

(a) The following decisions of the Board are subject to judicial review upon payment of all costs incident to the underlying hearing before the Board:
   (1) A limitation, restriction, or prohibition imposed on an aggrieved applicant for a license or aggrieved license holder; or

(2) An approval, a suspension, a revocation, or a restriction; or a refusal to approve, suspend, revoke, or restrict a license or license holder.

(b) The following persons may petition for judicial review of a Board decision to the Circuit Court of Harford County:
(1) A holder of a license issued by the Board;
(2) Any applicant for a license; and
(3) A group of not more than 10 persons who are residents or real estate owners in the precinct or voting district where the licensed place of business is located or proposed to be located.

(c) To seek judicial review of a Board decision, a license holder, an applicant for a license, or a group shall have been aggrieved by the decision of the Board; and appeared at the Board hearing in person, by representation, or by submitting a written document that was introduced at the hearing.

(d) All petitions for judicial review must be filed within 30 days after the date of the order or action of which review is sought; or the date written notice of the order or action was sent to the petitioner; whichever is later. **MD Rule 7-203(a)**

(e) All costs associated with the judicial review process, including but not limited to, preparation of transcripts (by a third-party service) and copying of pertinent papers must be paid by the party filing the petition for judicial review. A copy of the transcripts must be forwarded to the Board office.

2:35 STAY OF THE BOARD'S ORDER ABCA § 4-904

(a) Upon written request, the Board may stay any order that is the subject of a pending petition for judicial review until the final determination of the petition.

2:36 BONDS POSTED FOR DENIED, SUSPENDED, OR REVOKED LICENSES: ABCA § 22-2103; BR(f)

(a) The Board may not issue a license to an applicant if the license has been previously denied, suspended, or revoked unless:
(1) The applicant executes a surety bond of $1,000 to the State (to be approved by the Board); or
(2) The Board accepts $1,000 in cash (or cashier's check); and deposits the cash and records the deposits; and

(3) The surety bond or cash deposit is conditioned upon the faithful observance of the laws governing alcoholic beverages in the State.

(b) The bond shall secure the payment of all costs, fines, and penalties imposed on the applicant on a charging document for violation of alcoholic beverage laws in the county.

(c) The applicant shall deposit an approved bond with the Board; and the Board shall record the bond in a book kept for that purpose. The record or a certified copy of the record is evidence of the Bond.

(d) The Board may stop requiring a license holder to post a bond if the Board finds that the license holder has complied with the terms of a bond for 1 calendar year.

(e) If the Board determines that the license holder has failed to observe the terms of the bond, and sufficient notice is given to the license holder; the Board may petition for forfeiture of the bond in the Circuit Court for Harford County. If that Circuit Court declares the bond forfeited, the bond shall be payable to the Board.

(f) There can be no ordering, accepting of deliveries, or sales of alcoholic beverages during the time a license is suspended or revoked.

2:37 REFUND OF LICENSE FEES ABCA § 4-113; ABCA § 22-1406; BR(d)

(a) Except as provided in paragraphs (b) and (c) of this section, a license holder is not entitled to a refund of the unearned portion of the license fee.

(b) A refund shall be issued to a license holder on surrender of the license if:
(1) Receivership or bankruptcy of the business entity on whose behalf the license was issued occurs and a license transfer is not requested, with the refund issued for the benefit of the creditors of the license holder;
(2) The license holder dies, with the refund issued for the benefit of the estate of the deceased license holder;
(3) The license holder volunteers for or has been called into the armed forces of the United State or the organized State militia;
(4) The license holder surrenders a license and obtains a new license of another class carrying a higher fee, with the refund deducted from the higher fee;
(5) A license holder, against whom charges are pending when the license is renewed, is found guilty and the license is revoked, with the refund issued to the

license holder in an amount based on the date that the revocation becomes final;

(6) The issuance of a license by the Board is reversed on judicial review and the operation of the establishment is prohibited; with the refund issued to the license holder in an amount based on the date that the refusal to grant the renewal becomes final; or

(7) The licensed premises are taken by the federal government, the State, or a municipality for public use.

(c) A license holder is entitled to a refund of the unearned portion of the license fee if the license holder voluntarily surrenders the license.

(d) All refunds pursuant to subsection (c) shall be prorated on a quarterly basis, in accordance with the license year (May 1 to April 30).

2:38 DEATH OF A LICENSE HOLDER ABCA § 4-802 – 4-806

(a) Subject to the provisions of this section, a license expires when the license holder dies.

(b) On application to the Board and payment of a fee of $1, the Board may issue a certificate of permission for the continuation of the business in the name of the personal representative or special administrator for the benefit of the estate of the estate of the deceased license holder.

(c) This permission may be granted for a period not exceeding 18 months after the date of the granted license, unless the license expires earlier.

(d) If the license expires earlier than 18 months after the date of granted permission, the Board may issue a renewal license on application by the personal representative or special administrator for a period not exceeding 18 months after the death of the license holder.

(e) The personal representative or special administrator granted permission for continuation of the business may apply to the Board for the transfer of the license for the benefit of the estate of the license holder. On approval of the application for transfer and payment of the balance of any license fee due until the expiration of the license year, the license is reinstated.

(f) During the period of continuation, the license in existence at the time of the license holder's death, any associated certificate of permission, or renewal license, and/or the personal presentative or special administrator of the estate of the deceased license holder are all subject to:
    (1) The right of protest, revocation, suspension, and restriction; and
    (2) The Alcoholic Beverages and Cannabis Article, provisions of the Tax-General Article and the provisions of the Board Rules and Regulations.

(g) The personal representative or special administrator of the estate of the deceased license holder may obtain any refund to which the deceased license holder would have been entitled if the license had been surrendered for cancellation on the date of the license holder's death if:
    (1) The business of a license holder is not continued under paragraph (b) of this section; and
    (2) The license is not transferred under paragraph (e) of this section.

CHAPTER THREE
STANDARDS OF OPERATION

3:01 OWNERSHIP & OPERATION BR

(a) Every license holder or applicant (other than clubs) shall be the actual owner and operator of the business conducted on the licensed premises.

(b) The identity of any person (not a license holder) with any financial interest in the business which holds that license must be disclosed to the Board in writing.

(c) If it is discovered that persons other than an applicant for a new license or a transfer of an existing license is the actual owner or operator of the business, the license will be revoked, terminated, or denied.

(d) A Responsible Operator is not permitted to meaningfully engage in the day-to-day operations of more than one licensed business; including, but not limited to, the sale of alcoholic beverages, the stocking or ordering of alcoholic beverage inventory; the hiring or firing of employees, the signing of business checks, and/or receiving payroll monies.

(e) Should a license holder, during the license year, fail to maintain any or all of the requirements as set forth in these Rules or the Alcoholic Beverage and Cannabis Article, the Board, in its discretion and after public hearing, may revoke, suspend, or change the license to the appropriate type.

3:02 COOPERATION BR

(a) License holders and their agents and employees shall cooperate with all representatives of any governmental agencies; including, but not limited to, the Board, the Harford County Health Department, the State Fire Marshal's Office, Harford County Government, and any municipal governments; whenever such persons are engaged in official business.

3:03 DISPLAY OF LICENSES ABCA § 4-508; BR(b)

(a) A license holder shall frame the license under glass and display the license conspicuously in the licensed premises.

(b) All other required licenses and permits shall be displayed as required by the applicable licensing authority.

3:04 SIGNS ABCA § 22-103(c)

(a) Every restaurant licensed by the Board must have one or more signs in front of the establishment that designate *restaurant* or food and alcohol sold; and do not advertise any other business.

3:05 KEG REGISTRATION ABCA § 5-303; BR(g)

(a) A license holder may not sell or otherwise transfer, or offer to sell or otherwise transfer, the contents of a keg for off-premises consumption unless:
   (1) The license holder provides to the purchaser a keg registration form approved and distributed by the Executive Director that is designed to be affixed to the keg and that indicates the name and address of the licensed establishment and a registration number;
   (2) The purchaser provides identification and completes and signs a registration form with the following information:
      (i) The purchaser's name and address as shown on the identification produced; and
      (ii) The date of purchase, and
   (3) The license holder affixes the completed registration form to the keg and retains a copy of the form for 30 days on the licensed premises.

(b) On return of a registered keg from the purchaser, the license holder shall remove or obliterate the keg registration form affixed to the keg and note the removal and the date of the removal on the copy of the keg registration form retained by the license holder at the licensed premises.

(c) If a keg is made of disposable packaging that does not have to be returned to the license holder, the license holder shall indicate on the keg registration form that the keg is disposable. Disposal of empty kegs made of disposable packaging does not constitute obliteration of the keg registration form.

(d) A license holder may charge a keg registration fee to a purchaser.

(e) A license holder who violates this section is subject to a fine not exceeding $100, or a suspension or revocation of the license, or both a fine and suspension or revocation.

(f) The existence of a completed registration form signed by the purchaser creates a presumption that the license holder has complied with the requirements of this section.

(g) An off-sale only licensed business shall only receive or store on its premises kegs which are registered with the Executive Director, and for which there is a valid keg registration.

3:06 RECORDS ABCA § 22-1904; BR (d) – (f); (h)

(a) A holder of a license with an on-sale privilege shall:

(1) keep complete and accurate books of account of daily receipts and expenditures in the form that the Board requires; and

(2) procure vouchers or purchase slips for all alcoholic beverages, food, and other items bought for sale.

(b) An on-sale license holder shall:

(1) keep the records required under subsection (a) of this section at the location designated in the license or another location in the county; and

(2) on at least 5 days' notice, make the records available for inspection by the Board or a designee of the Board.

(c) (1) If a report required by this section or an investigation by the Board, a Board officer, or any other person indicates that a holder of a license with an on-sale privilege is violating this title, the Board shall summon the license holder and conduct a hearing.

(2) If the charges at the hearing are sustained, the Board:

(i) shall impose a fine of not less than $250 and not more than $2,000; and

(ii) may suspend or revoke the license holder's license immediately.

(d) For purposes of this section, the Records required under paragraph (a) shall include either hard copy or digital Records in a downloadable format.

(e) A license holder shall keep such Records for a period of two years from the date of each purchase, which shall include the following:

(1) The date of each purchase;

(2) The quantity purchased; and

(3) The name and address of each seller.

(f) All Records shall be kept open to inspection at all times by the Board or a designee of the Board. The license holder shall continue to retain Records for any alcoholic beverages that remain on the premises after the initial two-year period.

(g) With the approval of the Board, an inspector may contract with or hire an independent accounting firm to audit the books and accounts of any license holder.

ABCA § 22-207 (b)(2)

(h) A license holder shall keep on the licensed premises, in either hard copy format or electronic format, records containing the legal names, aliases, addresses, dates of birth, and a legible photocopy of a government-issued identification of all persons performing services, tasks, duties or any activity for the benefit of the licensee(s). This shall include any W-2 employee either employed directly by the License Holder or a third party agency. This requirement does not apply to or include vendors, distributors or those not performing tasks on a daily basis at the licensed premises. Such records shall be open for inspection at all times by a designee of the Board, any police agency of Harford County, and any other governmental agency.

3:07 SANITATION, SAFETY & LIGHTING BR

(a) If it is found that any license holder is not maintaining the premises in a clean, sanitary manner, the Board, after public hearing, may impose penalties as provided for in ABCA § 22-2706.

(b) A license holder shall operate his or her establishment at all times in accordance with the applicable requirements of any governmental agencies; including, but not limited to the Board, the Harford County Health Department, the State Fire Marshal's Office, Harford County Government, and any municipal governments, as well as the requirements of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland.

(c) There should be adequate lighting to ensure the readability of the menu.

3:08 COMPLIANCE WITH HARFORD COUNTY HEALTH DEPARTMENT REGULATIONS

(a) A license holder shall comply with the regulations governing eating and drinking establishments by the Maryland State Department of Health and Mental Hygiene and the Harford County Health Department, including, but not limited to:

(1) Approved sanitary facilities (See Board Rule 3:09) **ABCA § 22-103(b)**

(2) Running hot and cold water at all bar fixtures and in all kitchens;

ABCA § 22-103(b)

(3) Equipment for the proper cleaning of dishes and kitchenware;

ABCA § 22-103(b)

(4) The prominent display in the kitchen and employee restrooms of placards pertaining to the washing of hands before leaving;

(5) The changing of bar cloths at frequent intervals and the prohibition against using bar cloths to wipe glasses or other receptacles from which food or drinks are served; and

(6) Not allowing any garbage, rubbish, or other waste materials to accumulate on the licensed premises, and providing approved containers for the disposition of same, which shall be kept covered at all times.

3:09 RESTROOM FACILITIES

(a) Other than the holder of a Class A, Class A-1, or a Class A-2 license, a license holder shall provide on the licensed premises adequate toilet facilities for the public.

ABCA § 22-103(b)

(b) All restrooms shall be adequately lighted, and entirely enclosed and separate and apart from rooms where food and drink are stored or served. In all restrooms containing more than one toilet; each toilet shall be installed in a separate enclosure.

(c) All restrooms shall contain ventilation ducts where an outside window is not present.

(d) The equipment in all restrooms shall consist of the following, which shall be in proper working order at all times:

(1) Properly operating toilets (open seat type) and urinals;

(2) Hand-washing basin with hot and cold running water;

(3) Individual towels or electronic dryers; and

(4) Soap.

(e) All walls and floors must meet the requirements of the Harford County Health Department. Walls, floors, and equipment must be maintained in a clean, sanitary condition at all times. Restrooms must be cleaned at least once daily with intermittent cleaning as necessary during the time the premises is open to the public.

3:10 PUBLIC WELFARE (a) – BR ; (b) - ABCA § 4-604

(a) A license holder shall operate the licensed premises in such a manner as to avoid disturbing the peace, health, safety, and welfare of the community.
(b) The Board may revoke or suspend a license for any reason to promote the peace or safety of the community in which the premises are located.

3:11 TELEPHONE BR

(a) A license holder shall, inside the licensed premises, provide telephone equipment (a landline), the number of which shall be on file with the Board. A license holder shall notify the Board immediately of any change in the business telephone number.

3:12 ADDRESS CHANGES – LICENSED PREMISES BR

(a) Should a license holder move their licensed premises to any other section of their property; or build an addition to or erect an entirely new building, that causes the number or street address of the licensed premises to change, the license as previously issued continually binds the holder to all laws, rules, and regulations governing the sale of alcoholic beverages until the license is modified to reflect the change in address.

(b) In all respects, the license holder must promptly inform the Board of any change in address.

3:13 TEMPORARY ABSENCE OF LICENSE HOLDER BR

(a) If the responsible operator or a designated Harford County resident and/or sole license holder intends to be absent from the licensed business for more than 7 consecutive days, that license holder shall notify the Board in writing at least 5 business days in advance of such absence.

(b) The written notice shall include:
    (1) The date of departure;
    (2) The date of return;
    (3) The name and contact information for the individual(s) responsible for the licensed business in the absence of such license holder; and
    (4) The license holder's contact information during the absence.

3:14 ALCOHOL AWARENESS TRAINING ABCA§ 4-505(f); ABCA § 22-1903; BR (e),(f)

(a) The license holder or an individual designated by the license holder who is employed in a supervisory capacity shall be certified by a state-approved alcohol awareness program; and be present on the licensed premises during the hours in which alcoholic beverages may be sold.

(b) The training shall be valid for 4 years, and the holder shall be retrained in a similarly approved program for each successive 4-year period.

(c) On request, a valid certificate shall be presented to the Board, a representative of the Board, or any federal, state, or local law enforcement agency.

(d) A license holder who violates this section is subject to:
(1) For the first offense, a $100 fine; and
(2) For each subsequent offense, a fine not exceeding $500, or a suspension or revocation of the license, or both.

(e) For a first offense where the license holder admits responsibility and does not request to appear:
(1) The Board may give written notification that the license holder has the option of paying the preset fine in the amount of $100 in lieu of appearing before the Board for a show cause hearing. Payment of the preset fine will constitute a violation and will be noted as such on the license holder's record.

(f) For a second or subsequent offense within a three (3) year period, a License Holder must appear before the Board.

3:15 COMPLAINTS ABCA § 4-603; ABCA § 22-2603

(a) Complaints (written or otherwise) for any violation of the Alcoholic Beverages and Cannabis Article or the Board's Rules & Regulations as initiated by the Board and/or received from a peace officer or the mayor and/or council of a municipality or on the written complaint of at least 10 residents real estate owners, or voters of the precinct in which the licensed premises are located shall be investigated by a Board inspector.

(b) If the investigation shows that the complaint or information is supported by evidence and charges are brought against the license holder, the Board shall give written notice to the license holder at least 10 days prior to a hearing on the charges arising from the complaint. If, after hearing, the charges are substantiated, the Board may fine,

suspend, or revoke any license issued under the provisions of the Alcoholic Beverages Article.

3:16 SUSPENSION, REVOCATION, AND FINES

ABCA § 4-604; ABCA § 22-2102; ABCA § 22-2706(b)

(a) If, after public hearing, the Board finds a license holder to be in violation of any of the provisions of the Alcoholic Beverages and Cannabis Article of the Annotated Code of Maryland, or the Board Rules & Regulations, the following penalties may be imposed:
   (1) For a first offense within the licensing period:
      (i) A fine not exceeding $2,000; or
      (ii) Suspension or revocation of the license; or
   (2) For a subsequent offense within the same licensing period as the first offense:
      (i) A fine not exceeding $2,000; and
      (ii) Suspension or revocation of the license.
   (3) A license that is suspended under paragraphs (a)(1) or (a)(2) of this section and included the imposition of a fine, shall not be reinstated unless and until the fine is paid in full with the Board.

(b) Each case before the Board will be handled individually, with consideration given to the circumstances and testimony presented. Any penalties assessed shall be determined by the Board at the time of the decision.

3:17 SERVICE OF ALCOHOLIC BEVERAGES ON AN OUTSIDE DECK, PATIO, OR ADJACENT GROUNDS BR

(a) No service, possession, or consumption of alcoholic beverages is permitted on an outside deck, patio, or adjacent grounds without prior approval by the Board.

(b) To request approval, a license holder must submit a completed Outside Service Area application, including:
   (1) A written plan containing a detailed description of the exact area to be utilized for outside service and the times for service. In addition, the Board may require that a stationary and/or a movable structure be used for containment of the service area.
   (2) A diagram illustrating the proposed area for outside service. Photos may also be submitted.
   (3) Specific information on the type of structure to be used for containment and how the area is to be controlled or monitored.

(4) Roping or tape is not an acceptable product for containment.

(c) The area for which outside service is requested must be attached to the licensed premises (building) in some manner, well-lit, and be equipped with adequate seating.

(d) All applicable permits must be approved and obtained from all required agencies (i.e. Health Department, Planning & Zoning, Fire Marshal, etc.) Final approval from the Board is contingent upon fulfillment of all requirements imposed by required agencies in connection with the outside service area.

(e) An inspection of the requested service area by a Board inspector may be required prior to final approval of the request.

(f) The license holder is responsible for monitoring the outside service area at all times. No bottles, cans, glasses, or containers of any kind may be taken from that area.

(g) Once approval for outside service is granted, yearly requests are not required unless and until there is a material change in the service area or method of monitoring.

3:18 SERVICE OF ALCOHOL AT SPECIAL EVENTS BR

(a) For purposes of this section, a *special event* is defined as a tasting event, festival, fundraiser, catered event, or other events as approved by the Board on a case-by-case basis.

(b) Limit on Servings.

(1) An individual may consume cordials, beer, wine, or liquor in a quantity of not more than:

(i) 0.5 ounce from each offering of a cordial;

(ii) 1 ounce from each offering of beer or wine; and

(iii) 0.5 ounce from each offering of liquor.

(2) No more than 6 offerings may be provided to any person during the event; only 2 of which may be a cordial or liquor.

(3) The Board may waive the restricted number of offerings for a special event, if requested in advance by the license holder.

(c) For special events held outside the licensed premises:

(1) An outside event application must be completed and submitted by the license holder.

(2) An original signature of the property owner is required in order for the outside event application to be considered by the Board.

(3) Outside Event applications not filed in a timely manner may not be approved by the Board.

3:19 HOURS OF RESPONSIBLE OPERATOR BR

(a) In accordance with these Board Rules, the Responsible Operator of a licensed establishment must be physically present on the premises for a substantial amount of time on a daily basis (cumulative and not less than 30 hours per week).

(b) The hours that fulfill the 30 hour per week requirement are hours during which the licensed establishment is open for business and during the hours in which alcoholic beverages may be sold to its customers.

(c) This Board Rule 3:19 will be enforced by the Board Inspector as part of his or her visits to the licensed establishment which may include routine or any other type of inspection.

(1) Should the Board Inspector perform a minimum of three (3) visits to the licensed establishment and the General Manager of the Board determine that the Responsible Operator is not present at the licensed establishment and fulfilling the 30 hour per week requirement, the Responsible Operator will be required to submit his or her work schedule to the Board in accordance with subsections (c)(1)(a) and (c)(1)(b).

(i) The work schedule as referenced in (c)(1) of this Rule, shall be provided to the Board, via the General Manager, within five (5) days of written notice from the Board and shall set forth the hours the Responsible Operator purports to fulfill the 30 hour per week requirement at the licensed establishment.

(ii) The work schedule shall be submitted to the Board, via the General Manager, on a monthly basis at least five (5) days in advance of the start of each month until notice is given by the Board that this requirement is no longer necessary.

(2) Should the Responsible Operator fail to meet the 30 hour per week requirement and/or fail to provide the work schedule as required under (c)(1) of this Rule, the licensed establishment will be subject to the fines and penalties as set forth in Board Rule 3:16.

3:20 LABELING – INFUSED BEVERAGES ABC § 6-315; BR (c)(e)

(a) A licensee or his or her agent(s) may not furnish or serve any beer, wine or liquor, or combination thereof, from any bottle, faucet, spigot, container, or other dispensing apparatus unless the trade name or the brand name of the product(s) served appears in plain view of the consumer in legible lettering affixed to the bottle, container, or dispensing device.

(b) Premixes/Infusions – A container may be used to mix or serve edible ingredients, to include food items such as fruit, with legal alcoholic beverages for immediate consumption, but in no instance shall the premix be served more than 4 days after it is mixed or prepared for consumption.

(c) The container used to prepare pre-mixes/infusions shall not exceed 20 liters/5.28 gallons.

(d) The container will be labeled with all ingredients, including the name of the pre-mixed drink or infusion, the date prepared, the legal brand of spirits used, the amount of legal spirits used, and the expiration date.

(e) Upon expiration, any remaining contents of the pre-mix or infusion must be discarded, and not reused.

(f) Mixed Drinks – A drinking glass or other similar open container may be used to mix edible ingredients with legal alcoholic beverages and served to an individual for immediate consumption.

(g) Licensees pre-mixing or infusing legal distilled spirits shall comply with all applicable county, state, and federal food safety regulations.

CHAPTER FOUR
PROHIBITED PRACTICES

4:01 MINORS ABCA § 6-304; ABCA § 6-309; BR(c)-(e)

(a) A license holder or an employee of a license holder may not sell or provide alcoholic beverages to an individual under the age of 21 years.

(b) A license holder, a proprietor, or an operator of an establishment that provides alcoholic beverages may not allow on-premises consumption or possession of alcoholic beverages by an individual under the age of 21 years, regardless of who purchased or obtained the alcoholic beverages.

(c) A license holder or an employee of a license holder shall be fully responsible for determining that the individual to whom alcoholic beverages is sold is over the age of 21 years; and every license holder or employee of a license holder shall have the right to refuse the sale of alcoholic beverages to any individual who does not provide sufficient proof of legal age to the satisfaction of the license holder or employee of a license holder.

(d) A person under the age of 21 years is not permitted to sit at the bar on any licensed premises in Harford County. Minors (under 18 years of age) must be seated at a table separate from the bar, with a parent or guardian.

(e) A person under the age of 21 years is not permitted on the premises of any Class D license after 11:00 p.m., unless accompanied by a parent or legal guardian.

4:02 EVIDENCE OF PURCHASER'S AGE ABCA § 4-506; ABCA § 6-305; ABCA § 6-306; BR(b) and (c)

(a) A license holder or an employee of the license holder may accept as proof of an individual's age:
   (1) If the individual is a resident of the State, the individual's driver's license, or identification card as provided for in the Maryland Vehicle Law; or
   (2) A United States military identification card; or
   (3) the individual's electronic credential issued by the Motor Vehicle Administration under Title 16, Subtitle 10 of the Transportation Article.

(b) A license holder or an employee of a license holder may (at the discretion of the license holder) accept as proof of an individual's age:
   (1) A valid driver's license or identification card duly issued by a state other than Maryland; or
   (2) A valid driver's license or identification duly issued by the State of Maryland (or another state) in the vertical format, if the individual is 21 years of age.

(c) Should a license holder or an employee of a license holder question the eligibility of a purchaser of any type of alcoholic beverages, such license holder or employee may require 2 different types of proof of age; including, but not limited to, any of those items referenced in paragraphs (a) and (b) of this section.

(d) A license holder or an employee of the license holder may require an individual to sign a book that the license holder keeps if the individual has shown documentary evidence that substantiates the individual's age to allow the purchase of alcoholic beverages; and the age of the individual remains in question.

(e) The book authorized under paragraph (d) of this section shall contain copies of the form found in § 4-506 of the Alcoholic Beverages Article.

(f) The establishment of the following facts by a seller of alcoholic beverages to an underage individual is prima facie evidence of innocence and a defense to a prosecution for serving alcoholic beverages to an underage individual:
   (1) The purchaser falsely represented in writing and supported with other documentary evidence that the purchaser was of legal age to purchase alcoholic beverages;
   (2) On the basis of the appearance of the purchaser, an ordinary and prudent individual would believe the purchaser to be of legal age to purchase alcoholic beverages; and
   (3) The sale was made in good faith and in reliance on the written representation and appearance of the purchaser.

4:03 INTOXICATED INDIVIDUALS ABCA § 6-307; ABCA § 22-2705; BR(d)

(a) A license holder or an employee of the license holder may not sell or provide alcoholic beverages to an individual who, at the time of the sale or delivery, is visibly under the influence of an alcoholic beverage.

(b) A license holder or an employee of a license holder may not knowingly sell or provide an alcoholic beverage to a habitual drunkard.

(c) In paragraph (b) of this section, *knowingly* means the knowledge a reasonable individual would have under ordinary circumstances based on the habits, appearance, or personal reputation of an individual.

(d) A license holder or an employee of a license holder may not allow any person who is visibly under the influence of alcoholic beverages to remain on the licensed premises.

4:04 CONSUMPTION OR INTOXICATION WHILE ON DUTY BR

(a) For a license holder or employee of a license holder to be able to properly determine the amount of alcohol to be sold and consumed by the public, the license holder or employee must be sober.

(b) A license holder or employee of a license holder shall not consume any alcoholic beverages or any controlled substance while on duty that could impair the judgment of the license holder or employee.

(c) A license holder or employee of a license holder shall not be on duty or serve alcoholic beverages at any time, for any reason, while in an impaired or intoxicated state, regardless of where the alcoholic beverages or other controlled substance(s) were consumed.

(d) For purposes of this section, the term *on duty* is defined by the Board to include, but is not limited to:
   (1) A license holder or employee of a license holder who is signed in as working; or
   (2) A license holder or employee of a license holder who is in charge of and/or in control of the licensed premises; or
   (3) A license holder or employee of a license holder who is present in areas of the licensed premises that are not generally accessible by or visible to the public; or
   (4) A license holder or employee of a license holder who is interacting with the public in any capacity.

(e) Tasting of alcohol for quality control or education training for employees of the licensed premises:
   (1) Must take place in areas that are not generally accessible by or visible to the public;
   (2) All participants must have valid Alcohol Awareness training; and
   (3) No consumption of alcohol is allowed at any time.

4:05 LOITERING BR

(a) A license holder may not allow an individual who is not a patron of the licensed premises to loiter on or about the premises for which the license is issued.

(b) A restaurant may serve a meal without an alcoholic beverage to an individual.

(c) A license holder may not allow patrons utilizing a designated smoking area to act in such a manner as to disturb the peace, health, safety, or welfare of the community.

4:06 SOLICITATION ABCA § 4-503; BR(d)-(g)

(a) A license holder may not employ a solicitor or salesperson outside of the licensed place of business to solicit orders for the sale of alcoholic beverages.

(b) The sale of alcoholic beverages may not occur outside of the licensed premises.

(c) This section does not prohibit:
- (1) Receiving orders by mail, telephone, or messenger;
- (2) The filling of orders by delivery; or
- (3) The payment for orders at the place of delivery.

(d) No license holder shall permit any person, whether employed in or a frequent customer of the business, to solicit (for himself/herself or others) from patrons of the licensed business:
- (1) The purchase of any products sold by the business; or
- (2) The money with which to buy any products sold by the business; or
- (3) The money with which to play any amusement device located on the licensed premises.

(e) No license holder shall permit any employee to accept product or money as a gift from a patron, except by way of a gratuity.

(f) No license holder shall pay, offer to pay, or allow to be paid by any person, any commission, gratuity, or fee (whether in money, goods, or other consideration) for or in connection with the sale of any product or the use of any amusement or entertainment device associated with the licensed business.

(g) No license holder shall use any loudspeaker or other sound-making device which projects sound outside the licensed premises for the purpose of soliciting orders for the sale of alcoholic beverages.

4:07 FREE FOOD ABCA § 6-310

(a) Except as provided in paragraph (b) of this section, a license holder may not directly or indirectly give, or offer without charge, food to a customer to induce the customer to purchase alcoholic beverages for on-premises consumption.

(b) This section does not apply to hors d'oeuvres, pretzels, cheese, or crackers that are placed on a counter in the licensed premises for customers to consume without charge.

(c) The placement of food (other than the types described in paragraph (b) of this section) by a license holder in the licensed premises for customers to consume without charge is prima facie evidence of a violation of this section.

4:08 FREE DRINKS DURING & AFTER HOURS ABCA § 6-308; BR(a),(b),(d)-(f)

(a) A license holder or an employee of a license holder shall not permit any alcoholic beverages to be served, dispensed, furnished, or provided free of charge in any part of the licensed premises during the hours prohibited by law.

(b) The providing of free alcoholic beverages is prohibited at any time except as otherwise provided by these Rules. Patrons must be charged a nominal fee for any alcoholic beverage, which is defined to be no less than 1/3 of the regular or non-promotional price of that alcoholic beverage.

(c) A license holder may not allow an individual to consume on the licensed premises an alcoholic beverage that is:
   (1) Not purchased on the premises from the license holder; and
   (2) Not otherwise allowed by the Alcoholic Beverages and Cannabis Article and/or these Rules & Regulations to be consumed on the premises.

(d) A license holder shall not use an alcoholic beverage and/or bar tab as a prize for any contest.

(e) A license holder shall not use the word *free* in connection with any advertisement of any kind relating to alcoholic beverages.

(f) A license holder shall not directly or indirectly encourage over-consumption of alcoholic beverages in any manner.

4:09 PROHIBITED HOURS ABCA § 22-2003; 22-2004; 22-2006

(a) No license holder may sell alcoholic beverages on the licensed premises between the hours of 2 a.m. and 8 a.m.

(b) Unless otherwise stated, the hours during which license privileges may be exercised by all classes of licenses are:
   (1) For 6-Day Licenses: Monday through Saturday – 8 a.m. to 2 a.m.
   (2) For 7-Day Licenses: Monday through Sunday – 8 a.m. to 2 a.m.

(c) Last Call – The Board requires that:
   (1) Last call be no later than 1:45 a.m.;
   (2) No sales of alcohol be made after 2:00 a.m.;
   (3) There be no consumption of alcohol after 2:15 a.m.;
   (4) All tables and serving counters be cleared of alcoholic beverage glasses, bottles, or containers by 2:30 a.m.

4:10 ELECTION DAY BR

(a) In Harford County, on the day of any election, a license holder may exercise all privileges permitted by the license held.

4:11 PUBLIC ACCOMMODATION – RESTAURANT CLOSED TO THE PUBLIC BR

(a) With Admission Charge:
   (1) Holders of restaurant licenses open to the public for 2 meals served during customary hours shall notify the Board if portions of the restaurant are to be closed for an entertainment event.
   (2) An admission fee may only be charged to patrons who attend the entertainment event.

(3) Should a license holder utilize this privilege, no persons under the legal age of 21 years shall be permitted on the premises unless accompanied by a parent or guardian over 21 years of age.

(b) For Private Event:

(1) Holders of restaurant licenses open to the public for 2 meals served during customary hours shall notify the Board if the restaurant is to be closed for a private event.

(2) Notification should be made in writing at least 7 days prior to the private event.

4:12 ALCOHOLIC BEVERAGE CONTAINERS – REFILL / REMOVAL

(a) Refill: **ABCA § 6-313**

(1) A license holder or an agent or employee of a license holder may not:

(i) Tamper with or change the quantity or quality of the contents of a container of an alcoholic beverage after the container has been lawfully sealed; and while the contents remain in the container; or

(ii) Except as specifically authorized by the alcoholic beverage laws with respect to refillable beer and wine containers, refill a container of an alcoholic beverage with a substance after the container has been emptied of its original contents.

(2) A license holder may not possess a container of an alcoholic beverage that has been tampered with or refilled in violation of paragraph (1) of this subsection.

(b) Removal: **ABCA § 4-1103**

(1) An individual who, at a licensed premises, purchases a meal and a bottle of wine, the contents of which are partially consumed with the meal, may remove the bottle and its contents from the licensed premises if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.

(2) A bottle of wine that is removed from the licensed premises under subsection (b)(1) of this section is an *open container* for purposes of § 10-125 of the Criminal Law Article.

4:13 RESTRICTION OF LIQUOR QUANTITY FOR CONSUMPTION BR

(a) No license holder or employee of a license holder shall serve more than 4 ounces of liquor (distilled spirits) to one person at one time for consumption on the premises.

(b) A license holder may not at any time offer more than 3 drinks for the price of one.

4:14 SALE OR DELIVERY BY MANUFACTURER/WHOLESALER

ABCA §2-214(a);§2-313(a)

(a) Except as otherwise provided with respect to a 1-day (per diem) license, a holder of a manufacturer's or wholesaler's license may not sell or deliver alcoholic beverages to a person in the State that does not hold a license or permit under the Alcoholic Beverages and Cannabis Article.

4:15 SALE OR DELIVERY BY A RETAIL DEALER (CLASS A & A-1 LICENSES)

ABCA § 4-507(b);ABCA § 4-503(b)(c); BR (a)(4); (c-f)

(a) Retail delivery to a purchaser of alcoholic beverages is prohibited unless a license holder first obtains a letter of authorization from the Board.
   (1) The Board may issue a letter of authorization only after a review by the Board.
   (2) The Board may not issue a letter of authorization to any license holder who has been found to be in violation of any Board Rule or state or local law prohibiting the sale of alcoholic beverages to a minor within 5 years of the violation date.
   (3) At the time of application for a letter of authorization, the license holder shall submit to the Board information concerning the training of its delivery persons in Alcohol Awareness.
   (4) DELIVERIES ARE NOT PERMITTED OUTSIDE OF HARFORD COUNTY.

(b) The sale of alcoholic beverages may not occur outside the licensed premises. This paragraph does not; however, prohibit:
   (1) Receiving orders by mail, telephone, or messenger;
   (2) The filling of orders by delivery; or
   (3) The payment for orders at the place of delivery.

(c) Delivery of alcoholic beverages must be made from the licensed premises by the license holder or an employee of the license holder who:
   (1) Is 21 years of age or older; and
   (2) Holds a valid Alcohol Awareness training certificate.

(d) Upon delivery, the license holder or employee of the license holder and the person receiving the delivery shall complete and sign a form provided by the Board.
   (1) The delivery must be received and signed for by a person 21 years of age or older (proper identification must be provided).
   (2) The license holder shall retain the form for not less than 2 years after the date of delivery and shall make the forms available for review upon the request of the

Board, a representative of the Board, or any federal, state, or local government or law enforcement agency.

(e) The person making the delivery for a license holder shall refuse to deliver alcoholic beverages under this section:
  (1) When the intended recipient is under 21 years of age;
  (2) When the intended recipient refuses to sign the form required under paragraph (d) of this section; or refuses to provide a valid driver's license or other valid proof of identity (with a photo and proof of age);
  (3) When the intended recipient appears to be intoxicated; or
  (4) When the person making the delivery is presented with other matters that may cause concern, including but not limited to:
    (i) The presence of underage individuals on the premises not clearly accompanied by responsible parents or guardians; or
    (ii) The proof of age and identity presented appears to be fake or does not appear to belong to the recipient.

(f) The Board may revoke a current letter of authorization if the license holder has been found to be in violation of:
  (1) The provisions of this section; or
  (2) Any Board Rule or any state or local law prohibiting the sale of alcoholic beverages to a minor.

4:16 EMPLOYEES — ABCA § 22-1902; BR (c)(2),(c)(3),(d),(f)

(a) A license holder may not employ or allow any individual (including family members) under the age of 18 years to sell or serve alcoholic beverages.

(b) A license holder may not employ an individual under the age of 21 years to act as a bartender or serve alcoholic beverages at a permanent full-service bar; unless the individual is:
  (1) At least 18 years of age; and
  (2) Is the son or daughter of the owner of the licensed premises.

(c) A license holder may employ or allow an individual at least 18 years of age:
  (1) To serve alcoholic beverages while acting as a server; or
  (2) To act as a server at a licensed golf course service cart; or
  (3) To act as a server or bartender at a temporary bar during events at a licensed stadium, per diem licensed events, or a license holder's approved outside service events.

(d) Individuals under the age of 18 may be used as bus persons to clean tables; but may not engage in the distribution or sale of alcoholic beverages.

(e) Individuals at least 16 years old may act as a bartender's assistant who:
  (1) May replace ice, remove trash, or perform similar tasks that do not involve alcoholic beverages; but
  (2) May not engage in the distribution or sale of alcoholic beverages.

(f) This section does not apply to a Class D Tavern License, where all employees, managers, or agents must be 21 years of age.

4:17 ILLEGAL POSSESSION (a) - ABCA § 6-311; (b) - ABCA § 6-308(b)

(a) A license holder may not:
  (1) Purchase any alcoholic beverage except from a licensed manufacturer or wholesaler, private bulk sale permit holder, or non-resident winery permit holder;
  (2) Sell any alcoholic beverage to any other retail dealer except the holder of a Class C per diem beer and wine, or beer, wine, and liquor license; or
  (3) Keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the retail dealer.

(b) A license holder may not allow an individual to consume on the licensed premises an alcoholic beverage that is:
  (1) Not purchased on the premises from the license holder; and
  (2) Not otherwise allowed by the Alcoholic Beverages and Cannabis Article to be consumed on the premises.

4:18 RELATIONS WITH MANUFACTURERS / WHOLESALERS ABCA § 2-315; ABCA § 2-216; ABCA § 6-311

(a) A license holder shall not:
  (1) Purchase any alcoholic beverages, except from a licensed manufacturer or wholesaler, private bulk sale or
  (2) Sell any alcoholic beverages to any other license holder; or
  (3) Keep or allow to be kept any alcoholic beverage on the licensed premises except those that have been purchased by the license holder; or

(4) Have any interest in the business of any manufacturer or wholesaler of alcoholic beverages; or
(5) Grant to a wholesaler or manufacturing entity ("Entity") a financial interest in the business premises on or in which a license holder sells alcoholic beverages; or
(6) Grant to an Entity a financial interest in a business that the license holder conducts; or
(7) Borrow or receive from an Entity any money or any other thing of value, or any gift, or gratuity; or
(8) Accept, receive, or make use of money, a gift, or an advertisement provided by an Entity or become indebted to an Entity, expect for the purchase of alcoholic beverages and allied products purchased for resale; or
(9) Receive an advertisement from an Entity other than a wholesaler of beer and malt beverages.

(b) Product-specific advertisement rules and requirements are set forth in ABCA § 2-2:16 and ABCA § 2-3:15. A license holder may only accept that signage which complies with those provisions.

(c) Exceptions to the restrictions referenced in this section may apply to a holder of a Class 6 Pub Brewery license or a holder of a Class 7 Microbrewery license, as set forth in ABCA § 2-216 and ABCA § 2-315.

4:19 FALSE STATEMENTS ABCA § 6-330; ABCA § 4-210; ABCA § 4-606

(a) An applicant or license holder may not make any false statements in any application or associated documents or in any written or oral statement to the Board or its representatives.

(b) The making of such false statements shall be grounds for the refusal or revocation of said application or license; after which:
(1) If the license is refused, the applicant may not apply for another license for a period of 6 months after the refusal.
(2) If the license is revoked, the Board:
(i) Shall not issue another license to the person whose license is revoked;
(ii) Shall not issue any license for the same premises for 6 months after the revocation; and
(iii) May decide not to issue another license for the same premises.

4:20 DRUGS BR

(a) No license holder shall directly or indirectly allow the possession, use, transfer, or dispensing of any illegal, controlled, dangerous, or narcotic substance on the licensed premises.

4:21 DISCRIMINATION BR

(a) No license holder shall directly or indirectly refuse, withdraw from, or deny to any person the services, accommodations, advantages, facilities, and privileges offered on the licensed premises on the grounds of race, color, creed, national origin, or handicap.

4:22 INSPECTIONS & GAMBLING ABCA § 22-2102; BR(d)

(a) The Board and general manager shall have frequent inspections made of the premises of all license holders.

(b) The Board may impose the penalties in § 22-2706 of this title if, after a public hearing, the Board finds that:
- (1) a license holder or an agent or employee of the license holder:
  - (i) has violated this article or regulations adopted under this article;
  - (ii) has failed to observe in good faith the purposes of this article; or
  - (iii) has not maintained the premises in a clean and sanitary manner;
- (2) on the licensed premises there is:
  - (i) illegal gambling;
  - (ii) an illegal gambling device; or
  - (iii) an alcoholic beverage not authorized to be sold under the appropriate license; or
- (3) the license holder has been convicted in federal or State court of a felony.

(c) (1) The Board shall report its findings within 14 calendar days after the hearing or, if earlier, at the next regularly scheduled meeting of the Board.
- (2) The Board shall report cases of potential criminal wrongdoing to the State's Attorney and the Sheriff for prosecution.

(d) Instant Ticket Lottery Machines:
- (1) A veteran’s organization may be issued a license under the State Government Article (§ 9-112) for not more than 5 instant lottery machines, to be located and

operated at its principal meeting hall in the county in which the veteran's organization is located.

4:23 NUDITY & SEXUAL DISPLAYS ABCA § 4-605

(a) Revocation required:
- (1) Except as provided under paragraph (2) of this section, the Board shall revoke a license if, after hearing before the Board, an activity listed in this section is found to have occurred on the licensed premises.
- (2) The license of a person may not be revoked under paragraph (1) of this section if:
  - (i) The person operates a theater, a concert hall, an art center, or a similar establishment that is primarily devoted to the arts or theatrical performances, and
  - (ii) The performances express matters of serious literary, artistic, scientific, or political value.

(b) Prohibited attire and conduct. – An individual may not:
- (1) Be employed or used in the sale or service of alcoholic beverages in or on the licensed premises while the individual is unclothed or in attire, costume, or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;
- (2) Be employed or act as a hostess or in a similar capacity to mingle with the patrons while the hostess or individual acting in a similar capacity is unclothed or in attire, costume, or clothing described in item (1) of this section;
- (3) Encourage or allow an individual on the licensed premises to caress or fondle the breasts, buttocks, anus, or genitals or another individual; or
- (4) Allow an employee or other individual to wear or use a device or covering exposed to view that simulates any portion of the breast, genitals, anus, or pubic hair.

(c) Prohibited entertainment. – With respect to entertainment provided, a person may not:
- (1) Allow an individual to perform an act of or an act that simulates:
  - (i) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
  - (ii) The caressing or fondling of the breast, buttocks, anus, or genitals; or
  - (iii) The display of the pubic hair, anus, vulva, or genitals;
- (2) Subject to item (1) of this section, allow an entertainer whose breasts or buttocks are exposed to perform closer than 6 feet from the nearest patron; or

(3) Allow in individual to use an artificial device or inanimate object to depict, perform, or simulate an activity prohibited under item (1) of this section.

(d) Prohibited motion pictures, still pictures, electronic reproduction, or other visual reproduction. – A person may not show a motion picture, a still picture, an electronic reproduction, or other visual reproduction depicting:
(1) An act or a simulated act of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or a sexual act that is prohibited by law;
(2) An individual being caressed or fondled on the breast, buttocks, anus, or genitals;
(3) A scene in which an individual displays the vulva, anus, or genitals; or
(4) A scene in which an artificial device or inanimate object is used to depict, or a drawing is used to portray, a prohibited act described in this section.

(e) Individuals who must leave the premises. – A person may not allow an individual to remain in or on the licensed premises who exposes to public view any portion of the individual's genitals or anus.

(f) Effects of other statutes. – This section does not allow any conduct or form of attire prohibited by any other statue, ordinance, rule, or regulation.

4:24 ILLEGAL CONDUCT BR(a);ABCA § 4-604

(a) No license holder shall directly or indirectly commit or allow the commission on the licensed premises of any act which is:
(1) Contrary to any applicable federal, state, or local, statute, law, or ordinance; or
(2) Against the public peace, safety, health, welfare, quiet, or morals.

(b) A violation of section (a) of this Rule may subject the License Holder to suspension or revocation of the License as set forth in the Alcoholic Beverages and Cannabis Article § 4-604.

4:25 STORAGE ABCA § 4-502(b)

(a) A license holder may store or keep alcoholic beverages only:
(1) On the premises covered by the license; or
(2) At a public warehouse, government-controlled warehouse, or individual warehouse for which a permit has been issued by the State of Maryland (per ABCA § 2-113 – Individual Storage Permit).

4:26 ALTERATIONS OF THE LICENSED PREMISES BR

(a) Without prior submission of written plans and approval by the Board, no license holder shall:
  (1) Undertake any remodeling of the licensed premises, with the exception of the application of paint and/or floor covering to an existing structure; or
  (2) Make any structural alteration, expansion of, or additions to the licensed premises; or
  (3) Substantially modify the interior or exterior of the licensed premises; or
  (4) Change the way alcoholic beverages are controlled, contained, and/or dispensed in association with the licensed premises.

4:27 GIFTS BR

(a) No applicant or license holder shall give or otherwise transfer to any member of the Board or any of its agents or employees, directly or indirectly, any commission, remuneration, or gift whatsoever, other than an invitation to an approved *Grand Opening* or related event.

4:28 CHANGE OF TRADE NAME BR

(a) A license holder may not change the trade name of the licensed business without prior written notification to, and approval from, the Board.

4:29 CHANGES IN LICENSE INFORMATION BR

(a) Changes in the information submitted in association with a license issued by the Board that would serve to alter pertinent information in the files of the Board shall be reported to the Board office within 10 business days of the change or related occurrence.

(b) Changes referred to in paragraph (a) of this section include, but are not limited to, the following:
  (1) Change of the telephone number for the business or a license holder;
  (2) Change of the physical address of the business or a license holder;
  (3) The death of a license holder;
  (4) The formation or dissolution of a corporation, limited liability company, or other business entity;

(5) A change in the stock or interest held by a license holder;
(6) A change of name by a license holder (through marriage, etc.);
(7) A change of officers or license holders; and/or
(8) A change in hours of operation

(c) A license holder who wishes to be removed from the license must notify the Board office in writing within that time period set forth in paragraph (a).

4:30 SALE OF THE LICENSED BUSINESS BR

(a) If a license holder intends to offer the business for sale, prior written notice shall be submitted to the Board office.

4:31 CONSUMPTION ABCA § 22-2501; ABCA § 22-2703; BR(d)

(a) Except as provided in paragraph (b); and otherwise provided by the Alcoholic Beverages and Cannabis Article, a person may not knowingly allow the consumption, possession, or transfer of alcoholic beverages in an establishment that is a restaurant, tavern, hotel, club, dance studio, disco, or place of public entertainment if:
(1) The establishment is not licensed by the Board;
(2) The person possesses or controls the establishment as the owner, lessee, or user; and
(3) The establishment is:
(i) Open to public or licensed by the State; or
(ii) Licensed by the State or a county unit other than the Board.

(b) The prohibition in paragraph (a) does not apply to:
(1) The room of a registered guest in a hotel, motel, hospice; or
(2) The property of:
(i) A volunteer fire company;
(ii) A catering establishment;
(iii) A community or civic association;
(iv) A swim club;
(v) A social, civic, nonprofit, charitable fraternal, patriotic, educational, or public service organization; or
(vi) A religious institution that has been in existence for at least 3 years.
(3) The Board may exempt a place similar to one listed in paragraph (a) on a case-by-case basis.
(4) The Board shall adopt regulations to administer this subsection.

(c) Upon submission and Board approval of a written application or petition for exemption from the prohibition referenced in paragraph (a) of this section; a person may possess alcoholic beverages on the premises of a license holder if:
  (1) the alcoholic beverages are owned by a member of a club licensed for the sale of beer and wine or beer, wine, and liquor and are consumed on the premises;
  (2) the alcoholic beverages:
    (i) have been brought on the premises of an on-sale restaurant for consumption and use in a private dining room at a private gathering; and
    (ii) have not been provided by the license holder of the restaurant; or
  (3) a dance or social event is:
    (i) held on the premises of an establishment of a holder of a Class C license; and
    (ii) 1. advertised as being bring your own (BYO); or
    2. sponsored by a member of the club or by a guest that a club member sponsors.

(d) An exemption approved under paragraph (c) will not be granted:
  (1) On a regular or permanent basis to any person, firm, partnership, corporation, or limited liability company or other business entity; or
  (2) Until the Board is satisfied that granting the exemption will not have a detrimental effect on the public interest, or the purposes and provisions or the Alcoholic Beverages and Cannabis Article and the Board Rules & Regulations.

4:32 PLACES WHERE DRINKING IS PROHIBITED ABCA § 6-321(a)(b); BR(c)

(a) Except as provided in paragraph (b), an individual may not consume an alcoholic beverage:
  (1) On public property;
  (2) On the mall, adjacent parking area, or other outside area of a shopping center;
  (3) On an adjacent parking area or other outside area of any other retail establishment; and
  (4) In a parked vehicle located in an area described in item (1), (2), or (3) of this paragraph.

(b) An individual may consume an alcoholic beverage on:
  (1) Public property if authorized by the governmental entity that has authority over the property; or
  (2) Private property described under paragraph (a)(2) though (4) of this section if authorized by the owner of the property; or a special license has been issued.

(c) An individual may not consume alcoholic beverages anywhere except inside the licensed building(s), unless the Board has granted approval for an outside deck, patio, or other designated outside service area.
    (1) No bottles or cans may be opened inside the licensed building(s) and taken outside to be consumed, unless taken into an area approved by the Board.
    (2) The license holder or employees of the license holder shall be responsible for controlling the area and enforcing this paragraph.

4:33 SELF-SERVICE BAR BR

(a) Self-Service Bars are prohibited in any licensed establishment unless authorized by the Board prior to May 1, 2022.

CHAPTER FIVE
DESCRIPTION OF LICENSE CLASSES

5:01 CLASS A – BEER & WINE – OFF SALE ONLY LICENSE ABCA § 22-802

(a) The Board may issue the license only to a proprietor of a retail store selling food, drugs, or other similar commodities.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license.

(c) The license holder:
  (1) Shall sell the beer and wine in a sealed package or container; and
  (2) May sell beer in individual bottles or cans, and wine in split bottles.

(d) The package or container described in paragraph (c) may not be opened and its contents may not be consumed on the premises where the beer or wine is sold.

(e) The annual license fees are:
  (1) $625 for a 6-day license; and
  (2) $850 for a 7-day license.

5:02 CLASS A1 or A2 – BEER, WINE & LIQUOR – OFF SALE ONLY LICENSE ABCA § 22-901

(a) A license under this section authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license.

(b) The license holder:
  (1) Shall sell the beer, wine, or liquor in a sealed package or container that may not be opened or its contents consumed on the licensed premises; but
  (2) May sell wine in split bottles, and beer in individual bottles and cans.

(c) If the majority of the retail sales on the licensed premises are for items other than beer, wine, and liquor, the license holder shall provide a separate outside entrance for the use of beer, wine, and liquor customers.

(d) If the business of the licensed premises consists predominantly of selling other types of retail items (such as drugs or groceries):

(1) The beer, wine, and liquor shall be displayed and purchased in an area separate and distinct from that for the other retail items; and
(2) The Board may require a partition to separate the beer, wine, and liquor from the other types of retail items.

(e) Required minimum stock. – A license holder shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.

(f) The annual license fees are:
(1) $1,470 for a 7-Day Class A-1 License; and
(2) $980 for a 6-Day Class A-2 License.

5:03 CLASS ALP (ASSISTED LIVING PROGRAM) LICENSE ABCA §22-1001

(a) The Board may issue the license to a manager of an assisted living program that:
(1) is licensed by the Department of Human Services under § 19-1804.1 of the Health-General Article; and
(2) may be operated under a management agreement.

(b) The Board may issue a maximum of five Class ALP licenses to a person.

(c) The license authorizes the license holder to:
(1) Provide beer and wine for on-premises consumption by a resident or a guest of a resident of the assisted living program; and
(2) (i) store liquor that has been purchased by a resident in a secure locker that is accessible only to individuals at least 21 years old;
(i) prepare mixed drinks using liquor that has been purchased by a resident and mixers provided by the resident or license holder; and
(ii) serve liquor that has been purchased by a resident; or a mixed drink that is prepared using a resident's liquor to a resident or guest of a resident for on-premises consumption.

(d) The license holder may provide or serve beer, wine, and liquor for on-premises consumption on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.

(e) (1) The license holder shall require each individual who serves beer, wine, or liquor on the premises to hold a certificate of completion from an approved alcohol awareness program as described in § 4-505 of the Maryland Alcoholic Beverages and Cannabis Article.

(2) An employee of the assisted living program who is at least 18 years old may serve alcoholic beverages or assist in preparing mixed drinks.

(f) The annual license fee is $3,500.

(g) The church and school distance requirements as set forth in these Rules do not apply to the ALP license.

5:04 CLASS B – RESTAURANT OR HOTEL – BEER, WINE & LIQUOR LICENSE

ABCA § 22-902

(a) There is:
(1) a Class B beer, wine, and liquor 6-day license; and
(2) a Class B beer, wine, and liquor 7-day license.

(b) The Board may issue the license to a license holder for use by:
(1) a hotel that:
(i) accommodates the public and provides service ordinarily found in hotels; and
(ii) has:
1. at least 25 rooms;
2. a lobby with a registration and mail desk; and
3. a dining room that serves full-course meals at least twice daily; or
(2) a restaurant that:
(i) serves full-course meals at least twice daily on each day it is open;
(ii) has regular seating at tables, not including seats at bars or counters, for at least 60 individuals;
(iii) has had a greater daily average in receipts from food sales than from beer, wine, and liquor sales during the 6 months immediately before the application for the license was made.

(c) (1) The license authorizes the license holder to sell beer, wine, and liquor, including at a bar or counter in a hotel, at retail at the place described in the license, for on-premises consumption.
(2) A holder of a license issued before July 1, 1984, also may sell:
(i) beer and wine for off-premises consumption, including:
1. subject to paragraph (3) of this subsection, beer in individual bottles and cans; and
2. wine in split bottles; and
(ii) liquor, if the license holder was granted an off-sale liquor option.

(3) Beer may be sold for off-premises consumption in:
(i) bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or
(ii) a containerized package, if the package holds at least six bottles or containers.

(d) (1) A license holder with an option authorizing the sale of liquor for off-premises consumption may exercise that option in an area that:
(i) is described in the license application;
(ii) may not exceed 20% of the area normally used in the operation of the restaurant, not including additions or extensions; and
(iii) unless sales are conducted only from behind a bar, is separate and distinct from the restaurant seating area.
(2) If the license application indicates that sales of beer, wine, and liquor for off-premises consumption will be more extensive than from behind a bar, the applicant shall provide a separate outside entrance for purchasers of alcoholic beverages for off-premises consumption.
(3) To meet food sale requirements, receipts for sales of liquor for off-premises consumption may not be included in the calculation of sales.

(e) (1) Subject to paragraph (2) of this subsection, if a restaurant holding a Class B beer, wine, and liquor license is located within a freestanding establishment containing bowling lanes associated with the restaurant, the license holder may sell and allow customers to carry or consume alcoholic beverages within any place in the bowling alley or restaurant.
(2) The additional privilege under this subsection is available between 6 p.m. and the normal closing time for the license.
(3) This subsection:
(i) only confers additional privileges on licenses for restaurants that are associated with bowling alleys; but
(ii) does not create a separate class of license for bowling alleys.

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

(g) (1) The annual license fees for a 6-day license are:
(i) $2,260 for a hotel; and
(ii) $1,720 for a restaurant.
(2) The annual license fees for a 7-day license are:
(i) $2,685 for a hotel; and
(ii) $2,145 for a restaurant.

(3) The annual license fees for an option to sell liquor for off premises consumption are:
  (i) $350 for a 6-day restaurant; and
  (ii) $450 for a 7-day restaurant.

5:05 CLASS B3 – RESTAURANT OR HOTEL – BEER, WINE & LIQUOR LICENSE

ABCA § 22-904

(a) The Board may issue a Class B-3 license to a person who:
  (1) Has been operating a restaurant or hotel under a Class B beer, wine, and liquor license for 1 year before the application for the Class B-3 license;
  (2) Accounts for at least 25% of the business at the restaurant or hotel from the sale of food; and
  (3) In the judgement of the Board, has equipped and stocked the restaurant or hotel for the continued regular sale of food to customers and guests.

(b) Scope of authorization. –
  (1) The Board may issue a license under this section for use in a restaurant or hotel at retail at the place described in the license.
  (2) Except as provided in paragraph (3), the license authorizes the license holder to sell beer, wine, and liquor at retail at the place described in the license, including at a restaurant and a bar or counter in a hotel, for on-premises consumption.
  (3) A holder of a license issued before July 1, 1984, may sell:
    (i) Beer, wine, and liquor for on-premises consumption;
    (ii) Beer and wine for off-premises consumption, including:
      1. Subject to paragraph (4) of this section, beer in individual bottles and cans; and
      2. Wine in split bottles; and
    (iii) Liquor, if the license holder has been granted a liquor option.
  (4) Beer may be sold for off-premises consumption in:
    (i) Bottles or cans exceeding 12 ounces in weight or size, if the beer is sold in a quantity of less than six; or
    (ii) A containerized package, if the package holds at least six bottles or containers.

(c) Off-sale liquor option.
  (1) A license holder with an option authorizing the sale of liquor for off-premises consumption may exercise that option in an area that:
    (i) Is described in the license application;

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

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

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

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

(d) Required minimum stock for liquor option. – A license holder with an off-sale liquor option shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under Board Rule 4:09(b).

(f) The license may be used for off-premises catering provided that:

(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and

(2) The event is held in Harford County.

(g) This license may not be transferred as a Class B-3 license upon the sale of the business in its entirety to another person or business entity. The license must revert to a Class B beer, wine, and liquor license to be transferred.

(h) The annual license fees are:

(1) For a 6-day hotel license:

(i) $2,620 for beer, wine, and liquor – on sale only; and

(ii) $2,620 for beer and wine on and off sale, liquor on sale only.

(2) For a 7-day hotel license:

(i) $3,045 for beer, wine, and liquor – on sale only; and

(ii) $3,045 for beer and wine on and off sale, liquor on sale only.

(3) For a 6-day restaurant license:

(i) $2,050 for beer, wine, and liquor – on sale only;

(ii) $2,050 for beer and wine on and off sale, liquor on sale only; and

(iii) $2,400 for beer, wine, and liquor – on and off sale.

(4) For a 7-day restaurant license:

(i) $2,435 for beer, wine, and liquor – on sale only;

(ii) $2,435 for beer and wine on and off sale, liquor on sale only; and

(iii) $2,885 for beer, wine, and liquor – on and off sale.

5:06 BOWLING ALLEYS — ABCA § 22-902(e)

(a) A Class B beer, wine and liquor license may be issued to a restaurant located within a freestanding establishment containing bowling lanes associated with the restaurant; subject to the following requirements:
   (1) There must be a separate and distinct area distinguishing the bar and restaurant from the bowling lane area; and
   (2) There must be food facilities within that bar and restaurant area.

(b) As an additional privilege, the license holder may sell and allow customers to carry or consume alcoholic beverages within any place in the bowling alley or restaurant between the hours of 6 p.m. and the normal closing time for the licensed business. This privilege may be permitted any time between 8 a.m. and 2 a.m. if the bowling facility is closed to the public for a private function.

(c) The proposed facility must meet the approval of the Board, the Harford County Health Department, and any other applicable agencies.

5:07 CLASS BNR – BEER, WINE & LIQUOR LICENSE — ABCA § 22-906 BR (a)(1)(i-ii);(b),(e),(g)

(a) The Board may issue the license for use by a newly opened restaurant that:
   (1) Has a minimum capital investment of $250,000 for new dining room facilities and newly installed kitchen equipment, not including the cost of land, buildings, or a lease;
      (i) At the discretion of the Board, a professional written appraisal of existing kitchen equipment and dining room facilities may be considered as part of the required investment, provided the equipment/facilities were purchased or installed no more than 2 years prior to the date of application for consideration of such equipment/facilities.
      (ii) To be accepted for consideration under paragraph (a)(1)(i) of this section, the appraisal must have been prepared no more than 90 days before submission to the Board.
   (2) Serves full-course meals at least twice daily (as defined in Board Rule 1:01(u)(9));
   (3) Has regular seating at tables (not including seats at bars or counters), for at least 60 individuals; and

(4) Meets other standards set out in the regulations of the Board (including Board Rule 1:01(u)(6),(7),(8) and (9)).

(b) The Board does not include seating in an outside service area or deck in the calculation of seating for at least 60 individuals as provided in (a)(3).

(c) The Board may decide the number of licenses to be issued, and to whom the license shall be issued.

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

(e) The license may be used for off-premises catering, provided that:
(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
(2) The event is held in Harford County.

(f) The annual license fee is $3,000.

(g) A Class BNR license may not be transferred to a Class B or Class B3 beer, wine, and liquor license for the sole purpose of decreasing the annual license fee paid by the holder.

5:08 CLASS B-FD (FINE DINING) – BEER, WINE & LIQUOR LICENSE

ABCA § 22-905; BR (b)(4,5),(c),(d)

(a) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.

(b) A license holder shall:
(1) Serve only full-course dinners at least 5 days a week, with a menu to include specific dedicated meal courses or pairings (no sandwiches, etc.). Lunch or brunch service of any kind permissible may be served no more than 2 days per week, with a separate and distinct menu.
(2) Open the restaurant for business not later than 5 p.m.;
(3) Comply with the requirements of § 22-103 of the Alcoholic Beverages and Cannabis Article and Board Rule 1:01(o); including the minimum seating for 60 individuals;
(4) Have a minimum capital investment of $350,000, as determined by the Board on a case-by-case basis; and

(5) Have wait staff in formal attire acceptable to the Board (no jeans, t-shirts, athletic wear, etc.).

(c) Monthly gross receipts from the sale of food must account for no less than 65% of the total combined monthly gross receipts from food and alcohol sales.

(d) The license may be used for off-premises catering, provided that:
(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
(2) The event is held in Harford County.

(e) The license holder may sell beer, wine, and liquor during the hours and days as set out under Board Rule 4:09(b).

(f) The Board shall adopt regulations to carry out this section.

(g) The annual license fees are:
(1) $2,500 for a 6-day license; and
(2) $2,900 for a 7-day license.

5:09 CLASS 6 PUB-BREWERY LICENSE ABCA § 2-208

(a) The license may be issued only to the holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant. The pub-brewery shall be located immediately adjacent to the restaurant where the malt beverage is to be sold to the public.

(b) A license holder may brew malt beverages at a single location for consumption on the restaurant premises; but may not brew more than 2,000 barrels of malt beverage each calendar year.

(c) A license holder may sell at retail malt beverages for off-premises consumption in a sealed refillable container. The container may be returned for refilling, and shall be sealed by the license holder when refilled. A license holder may not sell malt beverages to a retail dealer in the State for subsequent sale or distribution of the malt beverage under the retail license.

(d) Except for a license transferred to a new location, the license may be transferred under Title 4, Subtitle 3 of the Alcoholic Beverages and Cannabis Article if an application for transfer is filed at the same time with the Board and the Executive Director.

(e) If the Class B beer, wine, and liquor (on-sale) license of the holder is suspended, the Class 6 pub-brewery license shall be suspended for the same period.

(f) The license is void if:
  (1) The restaurant described in paragraph (a) of this section ceases to be operated as a restaurant; or
  (2) The Class B beer, wine, and liquor (on-sale) license of the holder is revoked or transferred to a different location.

5:10 CLASS 7 MICRO-BREWERY LICENSE ABCA § 2-209

(a) Except as otherwise provided in the Alcoholic Beverages and Cannabis Article, the license may be issued only to the holder of a Class B beer, wine, and liquor (on-sale) license that is issued for use on the premises of a restaurant.

(b) A license holder may:
  (1) Brew and bottle malt beverages at the location described in the license;
  (2) Obtain a Class 2 rectifying license for a premises located within 1 mile of the existing Class 7 micro-brewery location to bottle malt beverages brewed at the micro-brewery location only;
  (3) Contract to brew and bottle malt beverages with and on behalf of the holder of a Class 2 rectifying license, Class 5 brewery license, Class 7 micro-brewery license, Class 8 farm brewery license, or a nonresident dealer's permit;
  (4) Store the finished product under an individual storage permit or at a licensed public storage facility for subsequent sale and delivery:
    (i) To a holder of a wholesaler's license;
    (ii) To an authorized person outside the State; or
    (iii) For shipment back to the micro-brewery for sale on the retail premises; and
  (5) Enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:
    (i) The festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of the Alcoholic Beverages and Cannabis Article; and
    (ii) The temporary delivery agreement is in writing.

(c) Production limitations.

(1) A license holder may not collectively brew, bottle or contract for more than 45,000 barrels of malt beverage each calendar year.
(2) In determining the barrelage limitation under paragraph (1) of this subsection, any salable beer produced under a contractual arrangement accrues only to the license holder that owns the brand.
(3) A license holder that wishes to produce more than the barrelage authorized under section (c)(1) shall divest itself of any retail license and obtain a Class 5 brewery license.
(4) A license holder that has licenses for two locations may not collectively brew, bottle, or contract for more than 45,000 barrels of malt beverages in aggregate from both of its locations each calendar year.

(d) A license holder may not own, operate, or be affiliated with another manufacturer of beer except for a Class 2 rectifying license authorized under section (b)(2); and may not be granted a wholesaler's license.

(e) On-sale and off-sale privileges.
(1) The on-sale privilege authorizes the license holder, each calendar year, to sell at retail for on-premises consumption:
(i) Up to 5,000 barrels of beer brewed under the license; or
(ii) If the license holder has licenses for two locations, beer that totals annually up to 5,000 barrels in aggregate from both its locations; and has been brewed at the location where it is sold.
(2) A license holder may sell and deliver beer brewed under the license to a holder of a wholesaler's license, or a person outside the State that is authorized to acquire beer.

(f) The hours and days for retail sales under the license are those established for a holder of a Class B beer, wine, and liquor license.

(g) A license holder may sell at retail beer brewed under the license for off-premises consumption:
(i) In a sealed refillable container that may be returned for refilling, and shall be sealed by the license holder when refilled; and
(ii) As prepackaged beer in a nonrefillable container.

5:11 CLASS B INN – BEER, WINE & LIQUOR LICENSE ABCA § 22-1005

(a) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate an inn that:

(1) Has at least 11 rooms or suites, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time;
(2) Has a seated dining capacity of sufficient size to accommodate overnight guests and dinner patrons who participate in regular meals and special dinner events on the premises of the establishment as authorized under section (c); and
(3) Has a kitchen facility that has been approved by the local governmental unit.

(b) In this section, *guest* means an individual whose name and address appear on the registry that the inn maintains.

(c) The license authorizes the holder to:
(1) Sell beer, wine, and liquor for on-premises consumption by a guest in conjunction with a meal;
(2) With the approval of the Board, serve beer, wine, and liquor to guests and dinner patrons on a patio, a deck, a terrace, the grounds, or any other outdoor area that is an integral part of the premises;
(3) Allow a guest to have beer, wine, and liquor delivered to the guest in a sealed package by the inn, if the guest is in a building that is:
(i) Considered part of the inn operation; and
(ii) Located within the same mail unit number as the inn or is not more than one-eighth of a mile from the inn;
(4) Hold a special dinner event on the premises of the establishment; and
(5) Allow an individual who is not a guest to patronize the establishment for a regular or special dinner meal.

(d) The license authorizes the holder to sell beer, wine, and liquor for on-premises consumption during catered events at the inn if the license holder is under contract to cater the event; the license holder caters the event; and food is served at the catered event.

(e) The license holder may sell beer, wine, and liquor to guests for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004 of the Alcoholic Beverages and Cannabis Article, and Board Rule 4:09(b).

(f) The license does not authorize the sale of beer, wine, and liquor to an individual who is not a guest or a patron of the dining facility of the inn; or is registered as a guest at the inn only to obtain beer, wine, and liquor.

(g) An inn may not be operated only to sell or provide beer, wine, and liquor. If an inn ends operations as an inn, the license is void; and shall be returned to the Board by the license holder.

(h) Beer, wine, and liquor in open containers may not be transferred, carried, taken, or delivered to, from, or between the inn and other buildings that are considered part of the inn.

(i) The Board shall adopt regulations to carry out this section, and to ensure that the primary purpose of the license is to allow the license holder to operate an inn.

(j) The annual license fee is:
(1) $2,500 for an inn that has at least 11 but not more than 24 rooms or suites; and
(2) $3,295 for an inn that has at least 25 rooms or suites.

5:12 CLASS B-BB (BED & BREAKFAST) BEER, WINE & LIQUOR LICENSE

ABCA § 22-1001.1

(a) The Board may issue the license to a license holder who is approved by the appropriate local governmental unit to operate a bed and breakfast that:
(1) Provides services ordinarily provided by a bed and breakfast;
(2) Has at least one room, but not more than 10 rooms, each with sleeping accommodations, excluding resident management quarters, that the public for consideration may use for a specified time; and
(3) Has a kitchen facility that has been approved by the appropriate local governmental unit.

(b) The license authorizes the license holder to sell beer, wine, and liquor to a guest if the name and address of the guest appears on the registry that the bed and breakfast maintains; and the guest is an occupant of a sleeping room in the bed and breakfast.

(c) The license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption to a guest of a catered event at the bed and breakfast if the license holder is under contract to cater the event; the license holder caters the event; and food is served at the catered event.

(d) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004 of the Alcoholic Beverages and Cannabis Article, and Board Rule 4:09(b).

(e) The license does not authorize the sale of beer, wine, and liquor to an individual who is not a guest of the bed and breakfast; or is registered as a guest at the bed and breakfast only to obtain beer, wine, and liquor.

(f) A bed and breakfast may not be operated only to sell or provide beer, wine, and liquor. If the bed and breakfast ends operations as a bed and breakfast, the license is void; and shall be returned to the Board by the license holder.

(g) The Board shall adopt regulations to carry out this section; and ensure that the primary purpose of the license is to allow the license holder to operate as a bed and breakfast.

(h) The annual license fee is $1,000.

5:13 CLASS B CAFÉ – BEER & WINE LICENSE ABCA § 22-805; BR (c)(3)(i)(ii), (d)(1,2)

(a) The Board may issue the license for use by a café if:
  (1) The Board determines that the café has adequate tables, chairs, food, and facilities for preparing and serving meals;
  (2) The average gross monthly receipts from the sale of cooked or prepared food served at the café and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer and wine sold for on-premises consumption; and
  (3) Not more than 10% of the total square footage of the café is dedicated to the public display of beer and wine that are offered for sale.

(b) The Board shall set the maximum number of cafe licenses that it may issue under this section.

(c) The license:
  (1) Authorizes the license holder to sell beer and wine 7 days a week at a café, at retail, at the place described in the license for on- and off-premises consumption;
  (2) Has a wine tasting privilege for on-premises consumption for every day of the year; and
  (3) May be used for off-premises catering, provided that:
    (i) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
    (ii) The event is held in Harford County.

(d) The Board shall set the maximum and minimum seating capacity for the café.

(1) There is a minimum of ten (10) seats required for the Café license and a maximum of fifty-nine (59) seats allowed under the license.
(2) The maximum number of seats set by subsection (d)(1) of this rule is exclusive of outdoor seating.
(3) Licenses issued prior to May 1, 2022, that may have seating other than as described in subsection (d)(1) of this Rule are exempt from the seating requirements as set forth in that subsection.

(e) The annual license fee is $1,575.

5:14 CLASS B CAFÉ – BEER, WINE & LIQUOR LICENSE

ABCA § 22-903; BR (c)(1-2), (e)(1-2)

(a) The license authorizes the holder to sell beer and wine for on- and off-premises consumption; and liquor for on-premises consumption.

(b) The license is a 7-day license with an on-premises wine tasting privilege for every day of the year.

(c) The license may be used for off-premises catering, provided that:
(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
(2) The event is held in Harford County.

(d) The Board shall set the maximum number of café licenses that it may issue under this section.

(e) The Board shall set the maximum and minimum seating capacity for the café.
(1) There is a minimum of ten (10) seats required for the Café license and a maximum of fifty-nine (59) seats allowed under the license.
(2) The maximum number of seats set by subsection (e)(1) of this rule is exclusive of outdoor seating.
(3) Licenses issued prior to May 1, 2022, that may have seating other than as described in subsection (e)(1) of this Rule are exempt from the seating requirements as set forth in that subsection.

(f) The license may be used only if:
(1) The Board determines that the establishment has adequate tables, chairs, food, and facilities for preparing and serving meals;

(2) The average gross monthly receipts from the sale of cooked or prepared food served at the establishment and other items approved by the Board exceed 50% of the average monthly receipts from the sale of beer, wine, and liquor sold for on-premises consumption; and
(3) Not more than 10% of the total square footage of the establishment is dedicated to the public display of beer and wine that is offered for sale.

(g) The license holder may sell beer, wine, and liquor during the hours and days as set out for a Class B beer, wine, and liquor license under § 22-2004(b) of the Alcoholic Beverages and Cannabis Article, and Board Rule 4:09(b).

(h) The annual license fee is $3,000.

5:15 CLASS B1 – BEER & WINE LICENSE ABCA § 22-803; BR (e),(f),(g)

(a) The Board may issue the license for use by a restaurant, as defined in Board Rule 1:01(u).

(b) Except as provided in paragraph (d) of this section, the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license for on-premises consumption.

(c) A license holder must serve 2 full-course meals at least twice daily, as defined under Board Rule 1:01(u)(9).

(d) The holder of a license issued before July 1, 1984:
(1) May sell beer and wine for on- and off-premises consumption.
(2) May sell wine in split bottles.
(3) May sell beer in bottles or cans exceeding 12 ounces in weight or size for off-premises consumption in a quantity of less than six.
(4) May sell beer in a containerized package holding at least six bottles or containers.

(e) The license holder shall comply with the food sales and minimum seating capacity requirements under Board Rule 1:01(u)(5) only for the purpose of meeting the requirements necessary to apply for a Class B beer, wine, and liquor license.

(f) The license may not be used for off-premises catering of alcoholic beverages.

(g) Use of distilled spirits for cooking purposes only.

(1) A Class B-1 beer and wine license holder may submit a written request for permission to use and store a limited number of specific distilled spirits to be used in cooking recipes only.
    (i) No more than 2 bottles of each type approved by the Board may be stored on the premises at any time.
    (ii) The license holder may obtain the approved spirits from a retail dealer.
    (iii) To obtain permission for additional spirits, the license holder must submit another written request.
(2) Distilled spirits kept on the premises of a Class B-1 license holder in this manner may not be sold or served to any persons for consumption by the glass.

(h) The annual license fees are:
    (1) $350 for a 6-day license; and
    (2) $500 for a 7-day license.

5:16 CLASS B2 – BEER & WINE LICENSE ABCA § 22-804; BR(e),(f),(g)

(a) The Board may issue the license to the holder of a Class B-1 license for use by a restaurant that:
    (1) Was operating for 1 year before an application for the license was made; and
    (2) Is equipped and stocked for the continued regular sale of food to customers and guests, as determined by the Board.

(b) The license holder need not meet the food sales or minimum seating capacity requirements set forth in Board Rule 1:01 (u)(5).

(c) Except as provided in section (d), the license authorizes the license holder to sell beer and wine at a restaurant, at retail, at the place described in the license, for on-premises consumption.

(d) The holder of a license issued before July 1, 1984:
    (1) May sell beer and wine for on- and off-premises consumption.
    (2) May sell wine in split bottles.
    (3) May sell beer in bottles or cans exceeding 12 ounces in weight or size for off-premises consumption in a quantity of less than six.
    (4) If beer is sold in a containerized package, the package shall hold at least six bottles or containers.

(e) The license may not be used for off-premises catering of alcoholic beverages.

(f) Use of distilled spirits for cooking purposes only.
  (1) A Class B-2 beer and wine license holder may submit a written request for permission to use and store a limited number of specific distilled spirits to be used in cooking recipes only.
    (i) No more than 2 bottles of each type approved by the Board may be stored on the premises at any time.
    (ii) The license holder may obtain the approved spirits from a retail dealer.
    (iii) To obtain permission for additional spirits, the license holder must submit another written request.
  (2) Distilled spirits kept on the premises of a Class B-2 license holder in this manner may not be sold or served to any persons for consumption by the glass.

(g) The license may not be transferred as a Class B-2 license upon the sale of the business in its entirety to another person or business entity. The license must revert to a Class B1 license to be transferred.

(h) The annual license fees are:
  (1) $500 for a 6-day license; and
  (2) $700 for a 7-day license.

5:17 CLASS C-1, C-2 & C-3 (CLUB) – BEER & WINE LICENSE BR(d),(e),(f)

(a) Class C-1 beer and wine license. **ABCA § 22-806**
  (1) The Board may issue the license for use by a nonprofit association or corporation that:
    (i) Is organized for patriotic or war veterans' purposes; and
    (ii) Has held regular meetings at an established headquarters for 1 year before the application for the license was made.
  (2) The license authorizes the license holder to sell beer and wine to members of the nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on-premises consumption.
  (3) The annual license fees are $150 for a 6-day license; and $225 for a 7-day license.

(b) Class C-2 beer and wine license. **ABCA § 22-807**
  (1) The Board may issue the license for use by a nonprofit association or corporation that:
    (i) Is organized for fraternal purposes; and
    (ii) Has held regular meetings at an established headquarters for 1 year before the application for the license was made.

(2) The license authorizes the license holder to sell beer and wine to members of the nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on-premises consumption.
(3) The annual license fees are $350 for a 6-day license; and $425 for a 7-day license.

(c) Class C-3 beer and wine license. **ABCA § 22-808**
(1) The Board may issue the license for use by a nonprofit association or corporation that:
(i) Is organized for athletic, educational, or social purposes; and
(ii) Has held regular meetings at an established headquarters for 1 year before the application for the license was made.
(2) The license authorizes the license holder to sell beer and wine to members of the nonprofit association or corporation and guests of members, at retail, at the place described in the license, for on-premises consumption.
(3) The annual license fees are $450 for a 6-day license; and $525 for a 7-day license.

(d) It is not permissible for any non-member (not invited as a guest by the non-profit association or corporation) to enter and be served alcoholic beverages. Therefore, the names of all guests and non-members who are served alcoholic beverages must be recorded in a log book. For purposes of this section, a *guest* is defined as someone that is invited by a member to participate in an activity on the licensed premises, and whose expenses while on the premises (recreation, food, drinks, etc.) shall be paid for by the member.

(e) To maintain a Class C-1, C-2, or C-3 beer and wine license, the premises must be equipped and stocked for the continued regular sale of food to members, non-members, and guests.

(f) Service of alcoholic beverages on an outside patio, deck, or other outside area must be approved by the Board, upon consideration of the applicable documentation.

5:18 CLASS C-1, C-2 & C-3 (CLUB) – BEER, WINE & LIQUOR LICENSE

BR(d),(e),(f),(g)

(a) Class C-1 licenses – War Veterans' organization. **ABCA § 22-907**
(1) The Board may issue the license for use by a war veterans' organization that:
(i) Is a nationally chartered nonprofit organization or club;

(ii) Has been incorporated for at least 5 years immediately preceding the filing of the application for the license;
(iii) Is composed only of members who served in the armed forces of the United States in a war in which the United States has been engaged;
(iv) Operates only for the use of members of the war veterans' organization and guests accompanied by members;
(v) Meets in a clubhouse that is principally used for club purposes; and
(vi) Has at least 50 members.

(2) The license authorizes the license holder to sell or provide beer, wine, and liquor at a club at the place described in the license, for on-premises consumption by members and guests.

(3) Consumption by Non-members and Guests:
(i) The license authorizes the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:
1. Non-members of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and
2. Guests who attend the event.
(ii) The license holder shall:
1. Contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
2. Ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.
(iii) This paragraph does not prohibit a license holder from obtaining a Class C per diem license.

(4) The license holder may sell beer, wine, and liquor during the hours and days as set out under Board Rule 4:09(b).

(5) The annual license fees for the 6-day (Monday through Saturday) license, depending on the size of the membership of the war veterans' organization, are:
(i) $350, for a membership of 50 to 99;
(ii) $600, for a membership of 100 to 250;
(iii) $850, for a membership of 251 to 450; and
(iv) $1,000, for a membership of at least 451

(6) The annual license fees for the 7-day (Monday through Sunday) license, depending on the size of the membership of the war veterans' organization, are:
(i) $450, for a membership of 50 to 99;
(ii) $700, for a membership of 100 to 250;
(iii) $950, for a membership of 251 to 450; and
(iv) $1,100, for a membership of at least 451.

(b) Class C-2 licenses – Fraternal organization. **ABCA § 22-908**

(1) The Board may issue the license for use by a fraternal organization that:
   (i) Is a lodge or chapter of a nationally chartered fraternal organization;
   (ii) Is composed of inducted members;
   (iii) Operates a clubhouse or building for the use of its members, and that has facilities for preparing and serving food on the premises to members and guests; and
   (iv) Has at least 100 members paying the dues that were required by its national organization in the year immediately preceding the year for which the license was applied for or issued, as determined by the Board.

(2) The license authorizes the license holder to sell or provide beer, wine, and liquor at a club at the place described in the license, for on-premises consumption by members and guests.

(3) Consumption by Non-members and Guests:
   (i) The license authorizes the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:
      1. Non-members of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and
      2. Guests who attend the event.
   (ii) The license holder shall:
      1. Contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
      2. Ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.
   (iii) This paragraph does not prohibit a license holder from obtaining a Class C per diem license.

(4) The license holder may sell beer, wine, and liquor during the hours and days as set out under Board Rule 4:09(b).

(5) The annual license fees for the 6-day (Monday through Saturday) license, depending on the size of the membership of the fraternal organization, are:
   (i) $800, for a membership of 100 to 250;
   (ii) $1,050, for a membership of 251 to 450; and
   (iii) $1,200 for a membership of at least 451.

(6) The annual license fees for the 7-day (Monday through Sunday) license, depending on the size of the membership of the fraternal organization, are:
   (i) $900, for a membership of 100 to 250;
   (ii) $1,150, for a membership of 251 to 450; and
   (iii) $1,300, for a membership of at least 451.

(c) Class C-3 licenses – Country club, social organization, topiary garden, or yacht or boat club. **ABCA § 22-909**

(1) The Board may issue the license for use by:

(i) A country club that:

1. May be operated for profit or not for profit;
2. Has at least 75 members paying dues of at least $50 per year per member; and
3. Maintains a regular or championship golf course of at least 9 holes or a swimming pool that is at least 20 by 40 feet;

(ii) A social organization that:

1. May be operated for profit or not for profit;
2. Has at least 100 members paying dues of at least $200 per year per member;
3. Has at least 51% of its membership consisting of:
    a. Active members of the Armed Forces of the United States;
    b. Veterans of the Armed Forces of the United States;
    c. Active or retired first responders and the spouses and children of the eligible members of items 1 through 3 of this paragraph;
4. Is secured by electronic means and is accessible only to members and their guests over the age of 21;
5. Requires each server of alcoholic beverages at the social organization to hold a certificate of completion from an approved Alcohol Awareness program as described in § 4-505 of the Alcoholic Beverages and Cannabis Article;
6. Has parking facilities to accommodate the vehicles of members and their guests;
7. Is zoned for business or commercial use; and
8. Maintains a list of all active members available for review by the Board.

(iii) A topiary garden that:

1. Operates a public museum and garden for the members of the topiary garden and the public as guests of the members;
2. Is open to the public for at least 6 days a week for at least 6 hours a day at least 5 months each year; and
3. Has food preparation facilities on the premises for the convenience of guests; or

(iv) A yacht or boat club that:

1. May be operated for profit or not for profit;
2. Owns real property in the county; and

3. Has at least 150 dues-paying members, of whom at least 50 own a yacht, boat, or other vessel.

(2) The license authorizes the license holder to sell or provide beer, wine, and liquor at a club at the place described in the license, for on-premises consumption by members and guests.

(3) Consumption by Non-members and Guests:

(i) The license authorizes the license holder to sell or provide beer, wine, and liquor for on-premises consumption by:

1. Non-members of the club that have rented or leased an area of the licensed premises for entertainment, a conference, or a social event; and
2. Guests who attend the event.

(ii) The license holder shall:

1. Contract to provide food for consumption at the event described in subparagraph (i) of this paragraph; or
2. Ensure that food will be available for consumption at the event described in subparagraph (i) of this paragraph.

(iii) This paragraph does not prohibit a license holder from obtaining a Class C per diem license.

(4) The license holder may sell beer, wine, and liquor during the hours and days as set out under Board Rule 4:09(b).

(5) The annual licenses fees are:

(i) $1,300 for the 6-day (Monday through Saturday) license; and

(ii) $1,400 for the 7-day (Monday through Sunday) license.

(d) Except as provided for in paragraphs (a)(3), (b)(3), and (c)(3) of this section, it is not permissible for any non-member (not invited as a guest by the non-profit association or corporation) to enter and be served alcoholic beverages. Therefore, the names of all guests and non-members who are served alcoholic beverages must be recorded in a log book. For purposes of this section, a *guest* is defined as someone that is invited by a member to participate in an activity on the licensed premises, and whose expenses while on the premises (recreation, food, drinks, etc.) shall be paid for by the member.

(e) To maintain a Class C-1, C-2, or C-3 beer, wine, and liquor license, the premises must be equipped and stocked for the continued regular sale of food to members, non-members, and guests.

(f) Subject to requirements of the Harford County Health Department, paragraph (e) of this section may not apply to a Class C3 license issued for the use of a social organization as defined by paragraph(c)(1)(ii) of this section.

(g) Service of alcoholic beverages on an outside patio, deck, or other outside area must be approved by the Board, upon consideration of the applicable documentation.

5:19 CLASS CC (COMMUNITY COLLEGE) – BEER AND WINE LICENSE ABCA § 22-809

(a) The Board may issue the license to officers of a community college for use on enclosed parts of the community college campus that are:
   (1) Owned by the community college; and
   (2) Used and equipped by the community college to promote or host events, including artistic, cultural, or civic exhibits, meetings, festivals, shows, or other entertainment productions.

(b) The license authorizes the license holder to sell beer and wine, at retail, at the place described in the license, for on-premises consumption to:
   (1) Individuals who attend an event that is open to the public; and
   (2) Members of a club, a society, or an association and their guests who attend an event that is held for that group.

(c) The license holder may not sell beer and wine on the community college campus at a student sporting event, or an event that is sponsored by students.

(d) The license holder may sell beer and wine at events that are held on the community college campus for a maximum of 25 days per year.

(e) After an event is over, the license holder may not allow alcoholic beverages to be consumed on the licensed premises from midnight to noon the following day.

(f) A license holder may not allow an individual to carry alcoholic beverages onto or from the licensed premises, except a wholesaler of beer or wine who conducts business regarding an event for which a license has been issued under this section.

(g) The annual license fee is $1,500.

5:20 CLASS CCFA (CONTINUING CARE FACILITY FOR THE AGED) LICENSE ABCA § 22-1002

(a) The Board may issue the license to the officers of a continuing care facility for the aged that:

(1) Provides continuing care as defined under § 10-401 of the Human Services Article;
(2) Is licensed as a related institution under Title 19, Subtitle 3 of the Health – General Article;
(3) Is certified by the Department of Aging; and
(4) Is exempt from federal income tax under § 501(c)(3) of the Internal Revenue Code.

(b) The license authorizes the license holder to sell beer, wine, and liquor on the licensed premises for on-premises consumption.

(c) The license holder may sell beer, wine, and liquor for on-premises consumption during the hours and days as set out in Board Rule 4:09(b).

(d) The annual license fee is $5,000.

5:21 CLASS D (TAVERN) – BEER, WINE & LIQUOR LICENSE

ABCA § 22-910
BR(b)(c)(d)(f)(h)(i)(k)

(a) There is:
(1) A Class D beer, wine, and liquor (on-sale) 7-day license; and
(2) A Class D beer, wine, and liquor (on- and off-sale) 7-day license.

(b) The Board may issue a Class D license to a current Class B license holder that has held the Class B license for a period of 6 months immediately preceding the application for the license. The 6-month requirement may be reduced or waived by the Board for good cause shown in writing.

(c) Issuance of the Class D beer, wine, and liquor (on- and off-sale) license shall be at the discretion of the Board and is subject to the Board's determination of the question of public need and accommodation.

(d) The Class D beer, wine, and liquor (on- and off-sale) license shall be subject to the same restrictions and provisions as a Class A-1 beer, wine, and liquor license; including, but not limited to:
(1) A license holder shall continually maintain a minimum stock of $8,000 wholesale value in beer, wine, and liquor.
(2) Unless sales are conducted only from behind a bar, the area utilized for sales of beer, wine, and liquor for off-premises consumption shall be separate and distinct from the restaurant seating area (a partition may be required).

(3) If sales will be more extensive than from behind a bar, the license holder shall provide a separate outside entrance for purchasers of alcoholic beverages for off-premises consumption.

(e) To maintain a Class D license, the premises shall be equipped and stocked for the continued regular sale of food; which must be offered until 11:00 p.m.

(f) A Class D license holder shall comply with the food requirements of serving Full Course Meals as defined in these Board Rules which provides: *Full Course Meals at least twice daily* shall include at least two of the following: breakfast, lunch, or dinner (to be served during customary hours for such meals) at least 5 days per week. Meals must consist of more than just appetizers, snack foods, and/or prepackaged foods. See Board Rule 1:01(u)(1),(4),(9).

(g) Holders of a Class D license must be open for business at least 5 days per week; and daily business hours must be registered with the Board. Any business closure or changes in the daily business hours must be approved by the Board.

(h) There is no regular seating capacity requirement for a Class D license, unless the holder intends to upgrade the license to a Class B or Class B-3 license.

(i) Employees and patrons.

(1) In a business establishment for which a Class D license is issued for use, all servers, bartenders, managers, or employees must be 21 years of age or older.
(2) No patron under 21 years of age is permitted to sit at the bar on the premises of a Class D license holder; and must be seated at a table separate from the bar, with a parent or guardian.
(3) No patron under 21 years of age is permitted on the premises of a Class D license holder after 11:00 p.m., unless accompanied by a parent or legal guardian.

(j) The applicant shall surrender to the Board the applicant's Class B license on the issuance of the Class D license.

(k) The license may be used for off-premises catering provided that:

(1) Off-premises catering is or was permitted under the Class B license surrendered;
(2) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
(3) The event is held in Harford County.

(l) The Board may determine the number of licenses to be issued; and the Board shall adopt regulations to carry out this section.

(m) The annual license fees are:
(1) $3,000 for an on-sale license; and
(2) $4,000 for an on- and off-sale license.

5:22 CLASS DBR (BEER ONLY) LICENSE ABCA § 22-403

(a) The license may be issued to the holder of a Class 5 brewery license.

(b) The Board may issue a maximum number of 2 licenses to the same person.

(c) The license serves as the on-premises consumption permit and the license equivalent to a Class D license specified under § 2-207(f)(1) of the Alcoholic Beverages and Cannabis Article.

(d) The license holder is not required to sell food; but is required to provide prepackaged snacks.

(e) The license holder may sell beer brewed at the brewery for on-premises and off-premises consumption to the extent the license holder is allowed under the license holder's Class 5 brewery license.

(f) Minimum capital investment:
(1) The value of the equipment used on the premises may be used toward meeting any minimum capital investment requirement imposed on a holder of the license.
(2) The Board has not set a minimum capital investment requirement for this license.

(g) The hours of sale are as provided for in Board Rule 4:09(b).

(h) The annual license fee is $500.

5:23 CLASS GC (GOLF COURSE) – BEER, WINE & LIQUOR LICENSE ABCA § 22-1003

(a) The Board may issue the license to the owner or operator of a golf course that:
(1) Is open to the public;

(2) Is operated for profit; and
(3) Has a minimum of 18 holes.

(b) The license authorizes the holder to sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes only. A patron need not be seated to be served.

(c) The license holder may sell beer, wine, and liquor during the hours and days as set out in Board Rule 4:09(b).

(d) The church and school distance requirements set out in § 22-1602 of the Alcoholic Beverages and Cannabis Article (Board Rule 2:11) do not apply to a Class GC license.

(e) The annual license fee is $3,500.

5:24 CLASS GCR (GOLF COURSE RESTAURANT) LICENSE ABCA § 22-1003.1

(a) The Board may issue a Class GCR license to the owner or operator of a golf course that:
(1) is open to the public;
(2) is operated for profit;
(3) has a minimum of 18 holes; and
(4) has a kitchen facility that has been approved by the appropriate local governmental unit.

(b) (1) The license authorizes the license holder to sell beer, wine, and liquor for consumption on the land and in the buildings, including the clubhouse, used for golfing purposes and for non-golf related events.
(2) A patron need not be seated to be served.
(3) The license is limited to on-premises sales only.

(c) The license holder may sell, beer, wine, and liquor during the hours and days as set out for a Class C beer, wine, and liquor license.

(d) The annual license fee is $3,500.

5:25 CLASS GSF (GOLF SIMULATOR FACILITY) LICENSE ABCA § 22-1003.2

(a) There is a Class GSF (golf simulator facility) license.

(b) The Board may issue the license for use by a golf simulator facility that:
(1) is open to the public;
(2) has at least five golf simulator bays; and
(3) has accommodations that are predominantly dedicated to golf simulator bays and seating dedicated to golf simulator bays.

(c) An applicant for the license shall submit to the Board a floor plan or layout of the proposed licensed premises that illustrates that the proposed license premises is predominantly dedicated to golf simulator bays and has seating dedicated to golf simulator bays.

(d) The license holder may sell beer, wine, and liquor for on-premises consumption:
(1) if the license holder offers food on the premises at all times when alcoholic beverages are being sold; and
(2) during normal business hours and in accordance with § 22-2004 of the Maryland Alcoholic Beverages and Cannabis Article.

(e) (1) The license holder's annual gross sales from:
(i) alcoholic beverages may not exceed 35% of the annual gross sales of the golf simulator facility:
(ii) golf simulator bay rental fees shall be at least 50% of the annual gross sales of the golf simulator facility; and
(iii) food shall be at least 15% of the annual gross sales of the golf simulator facility.
(2) Before the Board may renew the license the license holder shall provide the Board with an annual gross sales report for alcohol, golf simulator bay rental fees, and food that shows the license holder has met the requirements of paragraph (1) of this subsection.

(f) The annual license fee is $1,500.

5:26 CLASS H (CATERERS) – BEER, WINE & LIQUOR LICENSE ABCA § 22-1201

(a) The Board may issue the license to a person that owns, leases, or operates an establishment that has:
(1) One or more banquet rooms available for public events; and
(2) Food preparation facilities on the premises.

(b) The license authorizes the holder to:
- (1) Sell or provide all alcoholic beverages at retail for consumption on the premises of the catering establishment during an event; and
- (2) Contract with a sponsor of a public or private event to provide food and alcoholic beverages; or
- (3) Enter into an exclusive lease with a volunteer fire company for a banquet facility that the volunteer fire company owns.

(c) The license holder may:
- (1) Contract with the sponsor or volunteer fire company under paragraph (b)(3) to allow patrons to bring their own alcoholic beverages onto the premises of the license holder for consumption at a catered event;
- (2) Contract to provide alcoholic beverages at a catered event held off the premises of the license holder if:
  - (i) The license holder also contracts to provide food for consumption at the event; and
  - (ii) The event is held in Harford County.
- (3) Once during a calendar year on a date that the holder selects, provide food, and sell or provide alcoholic beverages for on-premises consumption at an event that the license holder sponsors.

(d) A holder of a Class B hotel or restaurant beer, wine, and liquor license that provides catering services on or off the premises for which the license is issued is not required to obtain a Class H license; but is subject to paragraph (c)(2) of this section.

(e) The annual license fee is $1,500.

(f) State caterer's license. – A State caterer's license may be issued as a general statewide or a limited statewide caterer's license. **ABCA § 2-502, 503**
- (1) The Executive Director may issue a State caterer's license to a person that:
  - (i) Is engaged in the business of catering;
  - (ii) Meets all State and local requirements for and holds all required licenses relating to the conduct of the catering business;
  - (iii) Holds any catering license that may be required under the Alcoholic Beverages and Cannabis Article in the jurisdiction in which the person's principal place of business is located; and
  - (iv) Holds a retail license that may be annually renewed other than a Class C license; or
  - (v) Does not hold a license, but has a permanent office and storage facility for alcoholic beverages in the State; and

(vi) Meets all other requirements of this section.

(2) A licensed retail dealer that operates only in the jurisdiction under authority of the Board need not acquire a State caterer's license. **ABCA § 2-502**

(3) The State caterer's license scope of authorization, duties and restrictions, and fees are set forth in § 2-503, § 2-504, and § 2-505 of the Alcoholic Beverages and Cannabis Article, respectively.

(g) The Board may conduct an investigation at a catered event to enforce the prohibitions under § 6-304 and § 6-307 of the Alcoholic Beverages and Cannabis Article against selling or providing alcoholic beverages to individuals who have not attained the legal drinking age or are visibly under the influence of an alcoholic beverage.

ABCA § 2-506

(h) If the Board determines that alcoholic beverages were unlawfully sold or provided at a catered event, the Board shall report its findings to the Executive Director, and the Executive Director shall take the action the Executive Director determines is appropriate. **ABCA § 2-506**

5:27 CLASS H-CC (CORPORATE CLUB/CONFERENCE CENTER) LICENSE

ABCA § 22-1004.1

(a) The Board may issue the license for an establishment with:

(1) A banquet room, conference room, or meeting room that is suitable for public gatherings and equipped with food preparation facilities; and

(2) Subject to paragraph (b) of this section, a corporate dining room that is reserved for members of a private club and their guests.

(b) A corporate dining room described in paragraph (a) of this section:

(1) Shall be equipped for the sale of food; and

(2) May be used by a private club of at least 25 members who pay an annual membership fee.

(c) The license holder may:

(1) Sell beer, wine, and liquor during an event contracted with another person in:

(i) A room as described in (a)(1) of this section; or

(ii) Another area in the licensed premises that the Board approves;

(2) Hold multiple events in the licensed premises simultaneously; and

(3) Contract to provide beer, wine, and liquor at an event held off the licensed premises if the event is in Harford County and the license holder contracts to provide food for consumption at the event.

(d) The license holder may not hold more than 4 self-sponsored events per year in the banquet, conference, or meeting room.
(e) Not more than 6 Class H-CC licenses may be in effect at a time.

(f) The annual license fee is $3,000.

5:28 CLASS HC – HEALTH CLUB LICENSE ABCA 22-1004

(a) There is:
    (1) a 6-day Class HC (health club) beer and wine license; and
    (2) a 7-day Class HC (health club) beer and wine license.

(b) The Board may issue the 6-day or 7-day license to a person who:
    (1) sells health club services, as defined in § 14-12B-01 of the Commercial Law Article;
    (2) has a health club facility that offers:
        (i) an indoor or outdoor swimming pool; or
        (ii) pickleball courts;
    (3) has at least 150 members who pay dues; and
    (4) owns or leases real property in the county for use as a for-profit or nonprofit health club facility.

(c) (1) The 6-Day license authorizes the license holder to sell beer and wine from Monday through Saturday in a bar area at a swimming pool or an indoor lounge or both.
    (2) The 7-day license authorizes the license holder to sell beer and wine from Monday through Sunday in a bar area at a swimming pool or an indoor lounge or both.

(d) The 6-day license holder and the 7-day license holder may sell beer and wine for on-premises consumption from 1 p.m. to 9 p.m.

(e) The license holder shall purchase beer and wine from an authorized and licensed wholesaler.

(f) The license holder shall provide prepackaged food or snacks at all times when beer and wine are sold.

(g) The annual license fees are:
    (1) $1,300 for a 6-day license; and

(2) $1,400 for a 7-day license.

5:29 HOTEL LOBBY LICENSE ABCA § 22-1004.2

(a) The Board may issue a Hotel Lobby license for use by a hotel that does not have a restaurant.

(b) (1) A license authorizes the license holder to sell beer, wine, and liquor from a store in the hotel lobby to patrons of the hotel for on-premises consumption.
(2) Beer may be sold only in a can or bottle that does not exceed 12 ounces.
(3) Wine may be sold only in a bottle that does not exceed 750 milliliters.
(4) Liquor may be sold one in a bottle that does not exceed 50 milliliters.

(c) A license holder may sell beer, wine, and liquor:
(1) on Monday through Saturday, from noon to 10 p.m.; and
(2) on Sunday, from 11 a.m. to 10 p.m.

(d) A license holder may not sell beer, wine, and liquor:
(1) through a vending machine; or
(2) by stocking beer, wine, and liquor in a guest room for purchase.

(e) (e) The annual license fee is $1,250.

5:30 CLASS MT (MOVIE THEATER) – BEER, WINE & LIQUOR LICENSE ABCA § 22-1005.1

(a) The Board may issue the license for use by the owner of a movie theater.

(b) To be eligible for the license, the owner of a movie theater is required to provide documentation to the Board that the owner has made an investment of at least $250,000 in the movie theatre.

(c) The Board may not issue more than five (5) Class MT Licenses to the same person.

(d) Hours and days of sale.
(1) The license holder may sell beer, wine, and liquor for on-premises consumption from 4 p.m. to midnight on the days that the movie theater is open.
(2) Beer, wine, and liquor may be sold only:
(i) In single-serve containers; and

(ii) From a counter separate from a counter serving candy, popcorn, and nonalcoholic beverages.

(3) A movie theater for which the license is issued:

(1) Is subject to the Alcohol Awareness training requirements under § 4-505 of the Alcoholic Beverages and Cannabis Article and Board Rule 3:15.

(2) Shall offer for sale food other than candy and popcorn.

(e) The annual license fee is $500.

5:31 RESORT COMPLEX LICENSE ABCA 22-1005.4

(a) There is a resort complex license.

(b) The Board may issue one resort complex license to the person owning, leasing, or operating a resort complex. "Resort Complex" means a parcel or contiguous parcels of land:

(1) of at least 10 acres;

(2) under common ownership; and

(3) with facilities that:

(i) include lodging, conference spaces, meeting spaces, active outdoor open spaces, waterfront beach activities, or a marina;

(ii) serve the public; and

(iii) resulted in a capital investment of at least $500,000 exclusive of the cost of the land.

(c) The license authorizes the holder to sell beer, wine, and liquor from:

(1) one or more outlets in the resort complex where the beer, wine, and liquor may be consumed in conjunction with recreation or the playing of music and dancing at designated locations in the resort complex;

(2) one or more outlets in the resort complex that operate as a restaurant;

(3) bars or counters at one or more locations in the resort complex daily for on-premises consumption;

(4) one designated outlet in the resort complex for culinary education and entertainment which may include off-premises consumption; and

(5) one designated outlet in the resort complex for off-premises consumption.

(d) A license holder may serve alcoholic beverages:

(1) At one or more outside outlets in the resort complex on Monday through Sunday from 6 a.m. to midnight;

(2) At one or more inside outlets in the resort complex:

(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
(ii) on Sunday, from 6 a.m. to midnight; and

(3) at one designated outlet for off-premises consumption:
(i) on Monday through Saturday, from 6 a.m. to 2 a.m. the following day; and
(ii) on Sunday, from 6 a.m. to midnight.

(e) A resort complex license is exempt from any quota or restriction on off-sale licenses issued for the election district in which the resort complex is located.

(f) (1) Certain areas in the resort complex may be excluded from the portion of the property that is considered to be the licensed premises.

(2) A person other than the resort complex license holder may obtain a different class of license for an area excluded under paragraph (1) of this subsection.

(g) (1) Subject to paragraph (2) of this subsection, a resort complex for which the license is issued is subject to the alcohol awareness training requirements under § 4-505 of the Maryland Alcoholic Beverages and Cannabis Article.

(2) The Board my determine the minimum number of employees from each outlet in the resort complex that must complete the alcohol awareness training required under this subsection.

(h) The annual license fee is $4,000.

5:32 PERFORMING ARTS NON-PROFIT ORGANIZATION LICENSE § 22-1005.2

(a) In this section, “performing arts nonprofit organization” means a nonprofit organization that organizes the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films.

(b) There is a performing arts nonprofit organization beer, wine, and liquor license.

(c) The Board may issue the license to a performing arts nonprofit organization.

(d) (1) The license authorizes the holder to sell or serve beer, wine, and liquor at retail for on-premises consumption at up to three locations designated at the time of application.

(2) The locations designated at the time of application must:
(i) be suitable for the production of plays, acts, dramas, concerts, or similar events by individuals performing on a stage or the showing of films; and

(ii) meet any other requirements established by the Board.

(3) The license holder may alter the authorized locations each time the license is renewed.

(e) The license holder may sell or serve beer, wine and liquor:
(1) 1 hour before and after a performance;
(2) during a performance;
(3) during an intermission; and
(4) during a reception within 1 hour before or after a performance.

(f) The license may not be transferred to another location not identified on the application.

(g) The license holder shall purchase beer, wine, and liquor from a retail license holder or an authorized and licensed wholesaler.

(h) A license holder may not sell or issue more than 750 tickets to any event or performance at which the holder will sell or serve beer, wine, or liquor.

(i) Issuance of a license under this section does not prohibit the Board from issuing a Class C per diem license to the performing arts nonprofit organization for an event outside the scope of the license.

(j) The license holder shall serve or offer for sale snacks at all times beer, wine, and liquor are sold.

(k) (1) the license holder shall:
(i) Keep complete and accurate records of all alcoholic beverages sold, served, and purchased under this section;
(ii) On written request of the board or the executive director, report on the form that the board or executive director requires information relating to the alcoholic beverages that are the subject of the records required to be kept; and
(iii) On request of the board or the executive director, make the report under oath.
(2) (i) Except as provided in subparagraph (ii) of this paragraph, each license holder shall keep any records at the location designated in the license.
(ii) if the license holder is allowed to have more than one location, the license holder may keep the records at the principal location.
(iii) The records shall:
1. Meet form and content requirements of the board or the executive director;
2. Be preserved for at lease 2 years a manner that ensures permanency; and

3. Be made available for audit or inspection during regular business hours by the board, the executive director, or a designee of the board or the executive director.

(3) (i) If a report required by this section or an investigation by the board, a board officer, the executive director, or any other person indicates that the license holder is violating this section, the board may summon the license hoder and conduct a hearing.

(ii) If the charges at the hearing are sustained, the board:

1. May impose a fine of not less than $250 and not more than $2,000; and
2. May suspend or revoke the license holder's license immediately.

(l) The annual license fee is $750.

5:33 PERFORMING ARTS THEATER LICENSE ABCA § 22-1005.3

(a) In this section, "performing arts theater" means an area, a building, or a structure designed and used for plays, acts, dramas, concerts, or histrionics by actors or actresses performing on a stage.

(b) There is a performing arts theater beer, wine, and liquor license.

(c) The Board may issue the license for use on the premises of a performing arts theater operated by a for-profit organization.

(d) The license authorizes the holder to sell or serve beer, wine, and liquor at retail for on-premises consumption.

(e) The license holder may sell or serve beer, wine, and liquor:

(1) 1 hour before and after a performance;
(2) during a performance;
(3) during an intermission; and
(4) during a reception 1 hour before and after a performance.

(f) The license may not be transferred to another location.

(g) The license holder shall purchase beer, wine, and liquor from an authorized and licensed wholesaler.

(h) The license holder shall serve or offer for sale snacks at all times when beer, wine, and liquor are sold.

(i) The annual license fee is $1,500.

5:34 STADIUM – BEER, WINE & LIQUOR LICENSE ABCA § 22-1006

(a) (1) In this section the following words have the meanings indicated.
(2) "Concession manager" means a person that provides and supervises under contract the comprehensive management of all food and beverage concession sales on the licensed premises.
(3) "Licensed premises" includes the stadium facility and stadium parking lots.

(b) There is a stadium beer, wine, and liquor license.

(c) The Board may issue the license for a stadium to the owner, lessee, or concession manager of a professional baseball stadium.

(d) (1) Subject to paragraph (2) of this subsection, the license authorizes the license holder to sell beer, wine, and liquor for on-premises consumption.
(2) The license holder may sell, serve, or allow the consumption of beer, wine, and liquor on the stadium parking lots only with the prior written approval of the Board.

(e) (1) Subject to paragraph (2) of this subsection, the license holder may sell beer, wine, and liquor on Monday through Sunday, from 8 a.m. to 2 a.m. the following day.
(2) During a baseball game, a holder of a stadium license may not sell beer, wine, or liquor:
(i) after the beginning of the eighth inning; or
(ii) during a doubleheader game, after the beginning of the sixth inning of the second game.

(f) (1) An individual who serves beer, wine, and liquor on the licensed premises shall hold a certificate from an alcohol awareness program that the Board approves.
(2) (i) Subject to subparagraph (ii) of this paragraph, an individual may serve beer, wine, and liquor during a baseball game.
(ii) An individual may serve beer, wine, and liquor in a glass container only on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.
(3) (i) This paragraph does not apply to wine and liquor served on the club level, in an area in the stadium designated by the license holder to hold a special event, or in a dining area where patrons are seated.

(ii) An individual may dispense wine and liquor during a baseball game only from a stationary structure that is in the stadium and equipped with a motor vehicle driver's license scanner.

(4) A license holder may not allow a roving vendor to dispense wine and liquor.

(5) A license holder may not allow a person to carry beer, wine, and liquor onto or off of the licensed premises.

(g) The annual license fee is $7,000.

5:35 CLASS C (PER DIEM) LICENSES BR(c)(1-5),(d)-(i)

(a) A Class C per diem beer and wine license entitles the license holder to:

ABCA § 4-1203

(1) Exercise any of the privileges conferred by the license:

(i) For the use of a person holding an entertainment event that is conducted by a club;

(ii) At the place described in the license; and

(iii) For a period not exceeding 7 consecutive days.

(2) A holder of a wholesaler's license may enter into an agreement with the holder of a 1-day Class C per diem beer and wine license to:

(i) Deliver beer or wine allowed under the license starting 2 days before the effective date of the license; and

(ii) Accept returns not more than 2 days after the expiration date of the license.

(3) Delivery of beer or wine ordered in accordance with an agreement made under subparagraph (2) of this section may be made only if the holder of the 1-day per diem license possesses the license at the time of delivery.

(b) A Class C per diem beer, wine, and liquor license entitles the license holder to:

ABCA § 4-1204

(1) Exercise any of the privileges conferred by the license:

(i) For the use of a person holding an entertainment event that is conducted by a club;

(ii) At the place described in the license; and

(iii) For a period not exceeding 7 consecutive days.

(2) Alcoholic beverages sold under a Class C per diem beer, wine, and liquor license shall be purchased by the license holder from a retail dealer.

(c) Applications for a per diem license:

(1) Must be filed with the Board office at least 30 days prior to the event date. Applications filed late may incur additional fees and/or result in a failure to obtain the requested license for the event.
(2) Unless previously provided, must be accompanied by:
    (i) The organization's bylaws;
    (ii) Articles of Incorporation or Organization;
    (iii) IRS tax determination letter; and
    (iv) Certification letter issued by the State.
(3) For events held in outside areas, must also include:
    (i) A diagram detailing the control and containment of the alcoholic beverages during the event;
    (ii) Information regarding the type of fencing to be used for control and containment of the area where alcoholic beverages are to be consumed;
    (iii) Information regarding staffing to ensure proper carding and control during the event; and
    (iv) Payment of the outside event fee.
(4) Must be made by 2 individuals affiliated in an official capacity with the non-profit organization. One of the applicants must be present at all times during the event. The Board will hold both applicants responsible for any violation of the laws pertaining to the sale, consumption, and possession of alcoholic beverages at the event.
(5) An applicant for a per diem license must appear before the Board prior to the issuance of the license if any of the following conditions are true:
    (i) The license is for a first-time organization or event;
    (ii) The applicant is a first-time applicant; or
    (iii) The applicant has not held a per diem license at any time during the 3 years immediately preceding the instant application.
(6) Approval by the Board: **ABCA § 22-1309**
    (i) A simple majority of the total number of the members of the Board may act to approve or deny an application for a per diem license:
        1. In a formal meeting, with a quorum present; or
        2. In accordance with paragraph (6)(ii) of this subsection, through oral or written contact by any method by the Chair with each member of the Board.
    (ii) The Chair shall make a written record under paragraph (6)(i) of this subsection of how each member and the Chair voted.
    (iii) The Board may not require the publication of an application for a per diem license as a prerequisite to the issuing of the license.

(d) A per diem license approved by the Board must be prominently displayed in a conspicuous location near where the alcohol is being dispensed during the event.

(e) Per diem license holders and volunteers/employees for the event may not consume any alcohol during the event.

(f) The holder of a per diem license may not permit any person to drink alcoholic beverages not purchased from or provided by the license holder on the premises. .

(g) Adequate food in conjunction with the sale of alcoholic beverages must be provided for attendees based on the capacity of the event. *Adequate food* is defined as more than cookies, crackers, pretzels, and/or other pre-packaged foods.

(h) The holder of a per diem license may sell alcoholic beverages from 8 a.m. on the effective date of the license to 2 a.m. the following morning. At no time should alcoholic beverages be sold to visibly intoxicated persons.

(i) Monies derived from event-related alcohol sales shall benefit the non-profit organization. The Board may audit sales receipts and donation records.

(j) Fees. **ABCA § 22-1309.1**

(1) The fee for a Class C per diem beer and wine license is $15 per day.
(2) The fee for a Class C per diem beer, wine, and liquor license is $30 per day.

5:36 FIRE DEPARTMENT – MULTIPLE EVENT LICENSE ABCA § 22-1311; BR (f)(2-4)

(a) The Board may issue a multiple event beer and wine license to a fire department.

(b) The license holder may sell or provide beer and wine for on premises consumption:

(1) At an entertainment event held by the fire department; or
(2) By a person who has rented or leased an area of the licensed premises for an event and guests who attend the event.

(c) The license holder shall:

(1) Contract to provide food for consumption at the event described in paragraph (b)(2) of this section; or
(2) Ensure that food will be available for consumption at the event described in paragraph (b)(2) of this section.

(d) The Board may not:

(1) Issue for a fire department a multiple event beer and wine license more than one time in any year; or

(2) Authorize a multiple event beer and wine license for more than 40 days in a calendar year.

(e) This section does not prohibit a fire department from obtaining a Class C per diem license.

(f) Notification of event dates required.
(1) A license holder shall notify the Board at least 7 days before each event for which the license is to be used.
(2) Subject to paragraph (f)(3) of this section, a multiple event license shall be brought to the Board office to be signed for any event.
(3) A written request for 10 or more dates may be sent to the Board office at least 7 days before the first date requested, and the Board Inspector will visit the premises to sign the multiple event license.
(4) A license holder is not permitted to write in any dates on the multiple event license. All dates must be written in and signed by Board employees only.

(g) The annual license fees are:
(1) $150 for not more than 10 events per year;
(2) $300 for not more than 20 events per year;
(3) $450 for not more than 30 events per year; and
(4) $600 for not more than 40 events per year.

5:37 WINE PERMIT ABCA § 4-1209

(a) The Board may issue a wine permit to a non-profit organization for a fund-raising event.

(b) A wine permit authorizes the holder to:
(1) Hold a fund-raising event on the federally bonded premises of a winery, provided the winery is operated under a Class 3 winery license or Class 4 limited winery license and holds a Class A light wine license; and
(2) Purchase wine in sealed containers from the winery and sell wine at the event in open containers at retail for consumption on the permit premises.

(c) The winery hosting the event shall cosign the permit.

(d) A winery may not host more than 6 events under this section per calendar year.

(e) The permit fee is $15.

5:38 WINE CORKAGE PERMIT ABCA § 4-1102

(a) An individual in a restaurant, club, or hotel for which a Class B or Class C license allowing the sale of wine is issued may consume wine not purchased from or provided by the license holder only if:
  (1) The wine is consumed with a meal during the hours of sale specified by the license;
  (2) The individual obtains the approval of the license holder;
  (3) The wine is not available for sale on the license holder's wine list; and
  (4) The license holder obtains a permit from the Board before allowing an individual the privilege of consuming wine not purchased from or provided by the license holder.
  (5) A license holder may not allow an individual who is under the age of 21 years or who is visibly under the influence of an alcoholic beverage the privilege of consuming wine.

(b) Permit to be issued to each license holder.
  (1) The Board shall issue a permit at no charge to each license holder who seeks to allow an individual to consume wine under the conditions set out in paragraph (a) of this section.
  (2) A license holder that obtains the permit may determine and charge the individual a fee for the privilege, on which a sales tax applicable to alcoholic beverages shall be imposed.

(c) Removal of wine.
  (1) Except as provided in paragraph (2) of this subsection, the license holder shall dispose of the wine that remains after the meal is finished.
  (2) An individual may remove from the licensed premises a bottle of wine, the contents of which are partially consumed with the meal, if the license holder or an employee of the license holder inserts a cork in or places a cap on the bottle.
  (3) A bottle of wine that is removed from the licensed premises under paragraph (2) of this subsection is an *open container* for purposes of § 10-125 of the Criminal Law Article.

5:39 DISTILLERY ON-SITE CONSUMPTION PERMIT ABCA § 2-202(i); BR (b)(c)

(a) Authorized Holder. – The permit may be issued to a holder of a Class 1 Distillery License.

(b) Permit applicants must meet the same qualifications and complete the same paperwork as required by applicants for a new alcoholic beverage license, including approvals by the Health Department and the Fire Marshal, and a Certificate of Occupancy.

(c) The permit holder is not required to sell food but is required to provide prepackaged snacks.

(d) The permit holder may sell mixed drinks made from liquor that the holder produces that is mixed with other non-alcoholic ingredients for on-premises consumption to the extent that the license holder is allowed under the permit holder's Class 1 Distillery License.

(e) The permit holder is required to comply with the Alcohol Awareness requirements under §§ 4-505 and 22-1903 of the Alcoholic Beverages and Cannabis Article and abide by all applicable trade practice restrictions.

(f) Hours and Days of Operation. – The on-site consumption permit may be used during the same hours and days as specified for the underlying Class 1 Distillery License in §§ 202 (e) and (f) of the Alcoholic Beverages and Cannabis Article.

(g) Fee. – The annual permit fee is $1,000.

5:40 GIFT BASKET PERMIT ABCA § 22-1002.1; BR(c), (d)(2)

(a) There is a Gift Basket Permit.

(b) (1) The Board may issue the permit to a person:
- (i) Whose primary business is the sale and delivery of flowers;
- (ii) Whose business includes the sale and delivery of gift baskets of flowers, food, or other items; and
- (iii) Who does not hold any other alcoholic beverages license or permit under the Alcoholic Beverages and Cannabis Article.

(2) The Board may not issue the permit for use in conjunction with or on the premises of a chain store, supermarket, or discount house.

(c) Permit applicants must meet the same qualifications and complete the same paperwork as required by applicants for a new alcoholic beverage license, including approvals by the Health Department and the Fire Marshal, and a Certificate of Occupancy.

(d) A holder of the permit:

(1) May sell and deliver, to consumers of a legal drinking age located in the county, gift baskets containing:

(i) Not more than 72 ounces of beer;

(ii) Not more than 2.25 liters of wine; or

(iii) Not more than 2.25 liters of liquor; and

(2) Shall maintain records and submit reports as required by the Board:

(i) Upon delivery, the license holder or employee of the license holder and the person receiving the delivery shall complete and sign a delivery receipt form;

(ii) The license holder shall retain the completed form for not less than 2 years after the date of delivery and shall make the form available for review upon request;

(iii) The person making the delivery for a license holder shall refuse to deliver alcoholic beverages under certain circumstances (see BR 4:15(e)); and

(3) Is subject to the Alcohol Awareness training requirements under §§ 4-505 and 12-1903 of the Alcoholic Beverages and Cannabis Article.

(e) (1) Subject to paragraph (2) of this subsection, the permit holder or an employee of the permit holder shall:

(i) Deliver the gift basket containing alcoholic beverages; and

(ii) Require the person receiving a delivery of a gift basket containing alcoholic beverages to display proof that the person is at least 21 years old;

(2) An individual who delivers a gift basket containing alcoholic beverages shall be at least 21 years old.

(f) The holder's annual sales from alcoholic beverages may not exceed 10% of the holder's annual gross sales.

(g) The alcoholic beverages contained in a gift basket shall be purchased from a retail license holder.

(h) The distance restrictions for a school or place of worship outlined in ABCA § 22-1602 do not apply to a gift basket permit.

(i) The annual fee for a gift basket permit is $100.

5:41 REFILLABLE CONTAINER (GROWLER) PERMIT

(a) The Board may issue a refillable container permit to a holder of:

ABCA §22-1102; ABCA § 22-1103

(1) A Class A-1 license;
(2) A Class A-2 license;
(3) A Class B license that has off-sale privileges; or
(4) A Class D license.

(b) Permit term and hours of sale: **ABCA § 4-1104; ABCA § 4-1105**

(1) The term of a refillable container permit is the same as that of the underlying license.
(2) The hours of sale for a refillable container permit is the same as that of the underlying license.

(c) Draft beer: A refillable container permit authorizes the permit holder to:

ABCA § 4-1104

(1) Sell draft beer for off-premises consumption in a refillable container that meets the standards set out in paragraph (c)(3) of this section.
(2) Sell and refill a refillable container that meets the standards set out in paragraph (c)(3) of this section.
(3) Container standards:
    (i) To be used as a refillable container for beer under the authority of a refillable container permit, a container shall:
        1. Have a capacity of not less than 32 ounces and not more than 128 ounces;
        2. Be sealable;
        3. Be branded with an identifying mark of the seller of the container;
        4. Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
        5. Display instructions for cleaning the container; and
        6. Bear a label stating that:
            a. Cleaning the container is the responsibility of the consumer; and
            b. The contents of the container are perishable and should be refrigerated immediately and consumed within 48 hours after purchase.
    (ii) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for beer, including containers originating from outside the State.

(iii) The holder of a refillable container may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (c)(3)(ii) of this section.

(d) Wine: A refillable container permit authorizes the permit holder to:

ABCA § 4-1105

(1) Sell wine for off-premises consumption in a refillable container that meets the standards set out in paragraph (3) of this section.
(2) Sell and refill a refillable container that meets the standards set out in paragraph (d)(3) of this section.
(3) Container standards:
  (i) To be used as a refillable container for wine under the authority of a refillable container permit, a container shall:
    1. Have a capacity of not less than 17 ounces and not more than 34 ounces;
    2. Be sealable;
    3. Be branded with an identifying mark of the seller of the container;
    4. Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21;
    5. Display instructions for cleaning the container; and
    6. Bear a label stating that cleaning the container is the responsibility of the consumer.
  (ii) The Executive Director may adopt standards regarding containers that qualify for use as refillable containers for wine, including containers originating from outside the State.
  (iii) The holder of a refillable container permit may refill a refillable container originating from inside or outside the State that meets the standards adopted by the Executive Director under paragraph (d)(3)(ii) of this section.

(e) The annual permit fee is $50. **ABCA § 22-1102; ABCA § 22-1103**

5:42 NONREFILLABLE CONTAINER PERMIT

(a) The Board may issue a nonrefillable container permit for draft beer to a holder of:

ABCA § 22-1104

(1) A Class A-1 license;
(2) A Class A-2 license;
(3) A Class B license that has off-sale privileges; or

(4) A Class D License.

(b) A nonrefillable container permit authorizes the permit holder to sell draft beer for off-premises consumption by packaging the beer in a nonrefillable container that meets the standards set out in paragraph (d) of this section. **ABCA § 4-1106**

(c) Permit term and hours of sale. **ABCA § 4-1106**
(1) The term of a nonrefillable container permit is the same as that for the underlying license.
(2) The hours of sale for a nonrefillable container permit are the same as those for the underlying license.

(d) To be used as a nonrefillable container for draft beer under the authority of a nonrefillable container permit, a container shall: **ABCA § 4-1106**
(1) Be constructed out of aluminum;
(2) Be sealable;
(3) Have a capacity of 32 ounces;
(4) Be branded with the identifying marks of the seller of the container; and
(5) Bear the federal health warning statement required for containers of alcoholic beverages under 27 C.F.R. 16.21.

(e) Annual permit fee. **ABCA § 22-1104**
(1) Except as provided under paragraph (e)(2) of this section, the annual permit fee is $50.
(2) An applicant who has a refillable container permit may not be charged a fee for a nonrefillable container permit.

5:43 BWT (BEER & WINE) TASTING LICENSE

ABCA § 22-1305; BR(d)(2)-(4), (e)(2-3), (f),(g)

(a) The Board may issue the license to a holder of a Class A beer and wine (BW) license.

(b) The license authorizes the holder to allow the on-premises consumption of beer and wine for tasting. The license holder may not accept any free alcoholic beverages for this purpose.

(c) The license may be issued for a maximum of:
(1) Any 26 days in a licensing period;
(2) Any 52 days in a licensing period; or

(3) An entire licensing period.

(d) Notification of tasting dates required.
(1) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.
(2) Subject to paragraph (d)(3) of this section, a tasting license shall be brought to the Board office to be signed for any tasting event.
(3) A written request for 10 or more dates may be sent to the Board office at least 7 days before the first date requested, and the Board Inspector will visit the premises to sign the tasting license.
(4) A license holder is not permitted to write in any dates on the tasting license. All dates must be written in and signed by Board employees only.

(e) Limit on servings.
(1) An individual may consume beer or wine covered by the license in a quantity of not more than 1 ounce from each offering of beer or wine.
(2) No more than 6 offerings may be provided to any one person during one visit to the premises.
(3) The Board may waive the restricted number of offerings for a special event, if requested in advance by the license holder.

(f) Only persons 21 years of age and older may participate in a tasting event.

(g) An Alcohol Awareness trained employee must be present and monitor each tasting event to ensure compliance with all applicable laws, rules, and requirements.

(h) The license fee is:
(1) $100 for a 26-day license;
(2) $150 for a 52-day license; and
(3) $225 for a 1-year license.

5:44 CBWT (CORDIAL, BEER, WINE & LIQUOR) TASTING LICENSE

ABCA § 22-1306; BR(d)(2-4),(e)(2-3),(f),(g)

(a) The Board may issue the license to a holder of a Class A-1 beer, wine, and liquor (BWL) license.

(b) The license authorizes the holder to allow the on-premises consumption of cordials, beer, wine, and liquor for tasting. The license holder may not accept any free alcoholic beverages for this purpose.

(c) The license may be issued for a maximum of:
- (1) Any 26 days in a licensing period;
- (2) Any 52 days in a licensing period; or
- (3) An entire licensing period.

(d) Notification of tasting dates required.
- (1) If a license holder is issued a license for any 26 days in a licensing period or any 52 days in a licensing period, the license holder must notify the Board at least 7 days before exercising the privileges of the license.
- (2) Subject to paragraph (d)(3) of this section, a tasting license shall be brought to the Board office to be signed for any tasting event.
- (3) A written request for 10 or more dates may be sent to the Board office at least 7 days before the first date requested, and the Board Inspector will visit the premises to sign the tasting license.
- (4) A license holder is not permitted to write in any dates on the tasting license. All dates must be written in and signed by Board employees only.

(e) Limit on servings.
- (1) An individual may consume cordials, beer, wine, or liquor covered by the license in a quantity of not more than:
  - (i) 0.5 ounce from each offering of a cordial;
  - (ii) 1 ounce from each offering of beer or wine; and
  - (iii) 0.5 ounce from each offering of liquor.
- (2) No more than 6 offerings may be provided to any one person during one visit to the premises; only 2 of which may be a cordial or liquor.
- (3) The Board may waive the restricted number of offerings for a special event, if requested in advance by the license holder.

(f) Only persons 21 years of age and older may participate in a tasting event.

(g) An Alcohol Awareness trained employee must be present and monitor each tasting event to ensure compliance with all applicable laws, rules, and requirements.

(h) The license fee is:
- (1) $125 for a 26-day license;
- (2) $200 for a 52-day license; and
- (3) $400 for a 1-year license.

5:45 CATERING PRIVILEGE BR

(a) (1) This rule shall only apply to catering at public events.
(2) This Rule applies to the following types of Licenses that choose to utilize the catering privilege as part of their License: Class B Restaurant or Hotel License; Class B3 Restaurant or Hotel License; Class BNR License; Class B-FD (Fine Dining) License; Class B-Café License (Beer and Wine and Beer, Wine, and Liquor); Class D License and Class H Catering License.

(b) An alcoholic beverage license may be used for off-premises catering provided that:
(1) The license holder is under contract to provide both food and alcoholic beverages for the catered event; and
(2) The event is held in Harford County.

(c) For each event at which alcoholic beverages are served, the holder of the catering privilege shall:
(1) Supply service personnel, including bartenders and waiters;
(2) Ensure that the service personnel are present at all times during the catered event;
(3) Have at least one individual at the catered event who has been certified by an alcohol awareness program;
(4) Return all unopened containers of alcoholic beverages to the holder's principal place of business at the end of the catered event absent Board approval;
(5) Be able to produce a copy of the catering contract upon request to any representative of the Harford County Liquor Control Board;
(6) Use a point of sale system that is owned and operated by the Licensee if a point of sales system is being used, unless otherwise approved by the Board in advance of the catered event; and
(7) Cooperate with the Board Inspector or any representative of the Board to provide a security and containment plan if requested for outdoor catered events.

(d) The holder of a catering privilege shall NOT:
(1) Deliver alcoholic beverages to a catered event without service personnel present on the premises of the catered event;
(2) Store alcoholic beverages overnight or for extended periods of time at the catered premises without prior Board approval; and
(3) Provide catering services at a public event at the same location and for the same customer/client for more than one (1) day per month without prior notification to the Board.