

HB0805/863523/1

BY: Senator Beidle

AMENDMENTS TO HOUSE BILL 805, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “requirements;” insert “authorizing certain individuals to file a protest with the Maryland Cannabis Administration against the renewal of a cannabis license; establishing standards and requirements for the Administration’s consideration of a protest;”; and after line 21, insert:

“BY adding to

Article - Alcoholic Beverages and Cannabis
Section 36-411
Annotated Code of Maryland
(2016 Volume and 2023 Supplement)”.

AMENDMENT NO. 2

On page 4, after line 27, insert:

“36-411.

(A) (1) A PROTEST AGAINST A LICENSE RENEWAL MAY BE FILED WITH THE ADMINISTRATION BY AT LEAST 10 INDIVIDUALS WHO ARE:

(I) RESIDENTS, COMMERCIAL TENANTS WHO ARE NOT HOLDERS OF OR APPLICANTS FOR A LICENSE, OR REAL ESTATE OWNERS; AND

(II) LOCATED WITHIN 1,000 FEET OF THE LICENSED PREMISES.

(2) A PROTEST AGAINST A LICENSE RENEWAL SHALL:

(I) BE ON THE BASIS OF:

1. A VIOLATION OF THIS TITLE;
2. A VIOLATION OF CIVIL OR CRIMINAL LAW;
3. CONDUCT BY A LICENSEE THAT CREATES OR MAINTAINS CONDITIONS THAT ALLOW OTHER INDIVIDUALS TO ACT IN A MANNER THAT DISTURBS THE PUBLIC PEACE, INCLUDING:
 - A. OBSTRUCTION OF PUBLIC RIGHTS-OF-WAY BY UNRULY CROWDS;
 - B. ASSAULT, BATTERY, OR OTHER DISORDERLY CONDUCT THAT DISTURBS THE PUBLIC PEACE;
 - C. VANDALISM; OR
 - D. LITTERING; OR
4. ANY OTHER VIOLATION ESTABLISHED BY THE ADMINISTRATION BY REGULATION; AND

(II) BE SIGNED UNDER OATH.

(B) (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, IF A PROTEST AGAINST A LICENSE RENEWAL IS FILED AT LEAST 30 DAYS BEFORE THE LICENSE EXPIRES, THE ADMINISTRATION MAY NOT APPROVE THE RENEWAL WITHOUT HOLDING A HEARING.

(2) THE ADMINISTRATION MAY APPROVE A LICENSE RENEWAL WITHOUT A HEARING IF THE ADMINISTRATION FINDS THAT THE BASIS OF THE PROTEST FILED AGAINST THE RENEWAL IS WITHOUT ANY REASONABLE GROUND.

(C) IN HEARING AND MAKING A DETERMINATION ON A PROTEST FILED AGAINST A LICENSE RENEWAL, THE ADMINISTRATION:

(1) MAY CONSIDER ONLY:

(I) ISSUES ARISING OUT OF SPECIFIC COMPLAINTS ABOUT THE OPERATION OF THE LICENSED PREMISES; AND

(II) THE PERFORMANCE OF THE LICENSE HOLDER FOR THE 4-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE OF THE RENEWAL APPLICATION; AND

(2) MAY NOT CONSIDER ZONING ISSUES.

(D) THE ADMINISTRATION MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.”.