

HOUSE BILL 1071

A2

3lr0523

By: **Prince George's County Delegation**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – City of College Park – Alcoholic Beverages Licenses**
3 **for Supermarkets**

4 **PG 310–13**

5 FOR the purpose of altering the maximum number of licenses of a certain class of
6 alcoholic beverages license that may be issued in Prince George's County;
7 authorizing the Prince George's County Board of License Commissioners to
8 issue a Class D beer and light wine license with an off-sale privilege for use by
9 a supermarket or similar type of premises in the City of College Park under
10 certain circumstances; prohibiting the Board of License Commissioners from
11 issuing a Class D beer and light wine license with an off-sale privilege for use
12 by a certain type of business; and generally relating to the issuance of a Class D
13 beer and light wine license with an off-sale privilege within the corporate limits
14 of the City of College Park.

15 BY repealing and reenacting, without amendments,
16 Article 2B – Alcoholic Beverages
17 Section 9–217(a)
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article 2B – Alcoholic Beverages
22 Section 9–217(b) and (h)
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2012 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article 2B – Alcoholic Beverages

9–217.

(a) This section applies only in Prince George’s County.

(b) Subject to subsection (b–1) of this section, the number of licenses of each class of alcoholic beverage licenses may not exceed the following maximum amounts:

- (1) Beer license, Class A 19
- (2) Beer license, Class B 23
- (3) Beer license, Class C 3
- (4) Beer license, Class D 76
- (5) Beer and light wine license, Class A..... 26
- (6) Beer and light wine license, Class B..... 45
- (7) Beer and light wine license, Class B–GC 4
- (8) Beer and light wine license, Class B–Stadium 1
- (9) Beer and light wine license, Class C..... 8
- (10) Beer and light wine license, Class D **[55] 58**
- (11) Beer, wine and liquor license, Class A..... 142
- (12) Beer, wine and liquor license, Class B..... 185
- (13) Beer, wine and liquor license, Class B–AE 5
- (14) Beer, wine and liquor license, Class BCE 8
- (15) Beer, wine and liquor license, Class B–CI..... 2
- (16) Reserved.
- (17) Beer, wine and liquor license, Class B/ECF 1
- (18) Beer, wine and liquor license, Class B–ECF/DS 1
- (19) Beer, wine and liquor license, Class B–ECR..... 1

1 (20) Beer, wine and liquor license, Class B–Stadium 1

2 (21) Beer, wine and liquor license, Class C

3 (i) Under § 6–301(r)(2)..... 30

4 (ii) Under § 6–301(r)(3)..... 25

5 (iii) Under § 6–301(r)(4)..... 4

6 (iv) Under § 6–301(r)(5)..... 12

7 (v) Under § 6–301(r)(7)..... 1

8 (h) (1) Except as provided in [paragraph] PARAGRAPHS (2) AND (3) of
 9 this subsection, an alcoholic beverage license with an off–sale privilege of any class,
 10 except by way of renewal, may not be transferred or issued to any business
 11 establishment of the type commonly known as chain stores, supermarkets, discount
 12 houses or their franchisors and franchisees or concessionaires. However, those
 13 establishments holding an alcoholic beverage license at the time of enactment of this
 14 section may continue to hold such license, and may, at the discretion of the Board of
 15 License Commissioners, change the classification of their license.

16 (2) Notwithstanding any other provision of this article, the Board of
 17 License Commissioners may approve the transfer from the 47th alcoholic beverages
 18 district to the 21st alcoholic beverages district of one Class D beer and light wine
 19 license with an off–sale privilege for use by a supermarket or similar type of premises.

20 (3) (I) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
 21 ARTICLE, THE BOARD OF LICENSE COMMISSIONERS MAY ISSUE A CLASS D
 22 BEER AND LIGHT WINE LICENSE WITH AN OFF–SALE PRIVILEGE FOR USE BY A
 23 SUPERMARKET OR SIMILAR TYPE OF PREMISES WITHIN THE CORPORATE LIMITS
 24 OF THE CITY OF COLLEGE PARK, IF:

25 1. A LICENSEE DOES NOT HAVE AN OWNERSHIP
 26 INTEREST IN MORE THAN ONE LICENSE ISSUED UNDER THIS PARAGRAPH;

27 2. THE APPLICANT FOR THE LICENSE PRESENTS TO
 28 THE BOARD OF LICENSE COMMISSIONERS A COPY OF A VALID LEASE IN THE
 29 CITY OF COLLEGE PARK FOR A TERM NOT LESS THAN 5 YEARS;

30 3. THE APPLICANT FOR THE LICENSE ALREADY HAS
 31 OCCUPIED THE PREMISES THAT IS THE SUBJECT OF THE LEASE UNDER ITEM 2
 32 OF THIS SUBPARAGRAPH FOR AT LEAST 1 YEAR; AND

1 **4. PROVIDED THERE IS STATE, COUNTY, OR**
2 **MUNICIPAL INVESTMENT OR OTHER GOVERNMENTAL ECONOMIC**
3 **PARTICIPATION IN THE LICENSED PREMISES, THE APPLICANT SEEKS TO OBTAIN**
4 **A MEMORANDUM OF UNDERSTANDING WITH ANY LABOR ORGANIZATION THAT**
5 **REPRESENTS THE EMPLOYEES OF THE LICENSED PREMISES STATING THAT THE**
6 **LABOR ORGANIZATION AGREES TO FORBEAR FROM ADVERSE ECONOMIC ACTION**
7 **AGAINST THE APPLICANT'S OPERATIONS.**

8 **(II) THE BOARD OF LICENSE COMMISSIONERS MAY NOT**
9 **APPROVE A CLASS D BEER AND LIGHT WINE LICENSE WITH AN OFF-SALE**
10 **PRIVILEGE UNDER THIS PARAGRAPH FOR USE BY:**

11 **1. A BUSINESS PRIMARILY ENGAGED IN THE SALE OF**
12 **GENERAL MERCHANDISE THAT ALSO SELLS GROCERIES; OR**

13 **2. A BUSINESS THAT ALLOWS THE PURCHASE OF**
14 **ALCOHOL AT ANY CUSTOMER-OPERATED MACHINE OR STAND LOCATED ON THE**
15 **BUSINESS PREMISES.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2013.