

Chapter 666

(House Bill 1081)

AN ACT concerning

Prince George's County – Alcoholic Beverages – Entertainment Permit – ~~Exemption for~~ Class BH Licensees

PG 301-13

FOR the purpose of ~~specifying that a holder of a Class BH alcoholic beverages license in Prince George's County need not obtain an entertainment permit before providing entertainment~~ authorizing a holder of a Class BH license in Prince George's County that obtains a special entertainment permit to allow an individual under a certain age to be present on the licensed premises while alcoholic beverages are being served during certain events; altering a certain definition; making technical corrections; and generally relating to the issuance of entertainment permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6-201(r)(1)(i) and (19)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6-201(r)(4) and (19)(i)
Annotated Code of Maryland
(2011 Replacement Volume and 2012 Supplement)

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

Article 2B – Alcoholic Beverages

6-201.

(r) (1) (i) This subsection applies only in Prince George's County.

(4) (i) There is a special Class B license known as Class BH, which may be issued only to hotels.

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

(iii) In this paragraph, “hotel” means an establishment:

1. [Which] **THAT** is recognized as a hotel for the accommodation of the public providing services ordinarily found in hotels;

2. [Which] **THAT** is equipped with:

A. Not less than 45 bedrooms;

B. A lobby with registration and mail desk and seating facilities; and

C. A dining room with facilities for preparing and serving regular meals;

3. Where the average daily receipts from the hire of rooms and the sale of food exceeds the average daily receipts from the sale of alcoholic beverages; [and]

4. Where the capital investment in the facility, including the building or buildings and all fixtures and systems contained therein and components thereof, parking compound, swimming pool and other recreational areas, landscaping, site preparation and improvements and infrastructure, engineering, architectural and other similar costs but excluding the cost of land furnishings and removable equipment and personal property, is not less than \$30,000 per bedroom; **AND**

5. THAT COLLECTS THE COUNTY HOTEL OCCUPANCY TAX FROM GUESTS USING THE ESTABLISHMENT.

(iv) Class BH licenses are subject to all other provisions pertaining to Class B beer, wine and liquor licenses, except that any restrictions against the sale of alcoholic beverages on Sunday appearing in § 11–517 of this article and elsewhere in this article do not apply; and any alcoholic beverages may not be sold, served or consumed on the licensed premises on Sunday after 2 a.m. and before 10 a.m.

(v) 1. In addition to the other privileges granted under this paragraph, a holder of a Class BH beer, wine and liquor (on–sale) license for hotel use may sell alcoholic beverages in sealed containers to hotel guests who are 21 years of age or older if:

A. The alcoholic beverages, other than beer and wine, are sold in sealed containers of under 200 milliliters;

B. The alcoholic beverages are sold from locked prestocked private bars located within individual guest rooms; and

C. The charges for the alcoholic beverages sold are indicated on the respective guest room bill.

2. If a room is rented to a guest under 21 years of age, the hotel management is responsible for removing the bar key from the room.

(VI) A CLASS BH LICENSE HOLDER THAT OBTAINS A SPECIAL ENTERTAINMENT PERMIT UNDER PARAGRAPH (19)(II) OF THIS SUBSECTION MAY ALLOW AN INDIVIDUAL UNDER THE AGE OF 21 YEARS TO BE PRESENT ON THE LICENSED PREMISES WHILE ALCOHOLIC BEVERAGES ARE BEING SERVED DURING ANY OF THE FOLLOWING EVENTS:

- 1. ANNIVERSARY PARTY;**
- 2. BABY SHOWER;**
- 3. BAPTISM RECEPTION;**
- 4. BAR MITZVAH;**
- 5. BAT MITZVAH;**
- 6. BEAUTILLION;**
- 7. BIRTHDAY PARTY;**
- 8. BOOK SIGNING;**
- 9. CHURCH EVENT;**
- 10. CONFIRMATION RECEPTION;**
- 11. CORPORATE RECEPTION;**
- 12. COTILLION;**
- 13. ENGAGEMENT PARTY;**
- 14. FAITH BASED EVENT;**
- 15. FAMILY REUNION;**

- 16. FAMILY THEMED THEATRICAL;**
- 17. GRADUATION PARTY;**
- 18. PERFORMANCE;**
- 19. POLITICAL EVENT;**
- 20. RETIREMENT PARTY;**
- 21. RIGHTS OF PASSAGE EVENT;**
- 22. SCHOLARSHIP AWARD CEREMONY;**
- 23. SCHOOL EVENT;**
- 24. TEA PARTY;**
- 25. WEDDING;**
- 26. WEDDING RECEPTION;**
- 27. WEDDING SHOWER; AND**
- 28. A FAMILY-ORIENTED EVENT, AS DEFINED IN REGULATIONS ADOPTED BY THE BOARD UNDER SUBPARAGRAPH (VII) OF THIS PARAGRAPH.**

~~(vi)~~ **(VII)** The Board shall adopt regulations to establish compliance with the provisions of this paragraph.

(19) (i) A license holder that seeks to provide entertainment is not required to obtain a permit under this paragraph if:

1. The license is issued under paragraph (3), ~~(4)~~, (9), (10), (11), (12), (13), (16), or (17) of this subsection or § 5-201(r)(4) of this article;
2. The Board of License Commissioners determines that the holder's principal business is to provide family entertainment;
3. The license is a Class B (on-sale) license issued for a restaurant, and the license holder provides entertainment for adults and children that:

- A. Is ancillary to the operation of the business; and
- B. Is not the primary focus of marketing or promotion for the business; or

4. The license is a veterans or fraternal Class C license, and the license holder provides entertainment that:

- A. Is under the direct supervision of the license holder;
- B. Is for adults, children, and families of the organization or the public; and
- C. When offered, ends not later than midnight.

(ii) There is a special entertainment permit that the Board may issue to a holder of any Class B (on-sale) license in accordance with this paragraph.

(iii) The Board shall determine the number of days in a week that a permit holder may exercise the privileges of the permit.

(iv) 1. Before approving an application for and issuing a permit under this paragraph, the Board shall hold a public hearing in accordance with the requirements for a public hearing on an application for a license under § 10-202(i) of this article.

2. At the public hearing, the Board shall give the applicant, supporters of the applicant, and opponents of the applicant an opportunity to be heard.

3. In making its determination whether to approve the application and issue the permit, the Board shall consider whether:

A. Approval and issuance of the permit is necessary for the accommodation of the public;

B. The applicant is a fit person to receive the permit;

C. The applicant has made any material false statement in the application;

D. The applicant has committed any fraudulent act in connection with the application;

E. The operation of the business, if the permit is issued, will unduly disturb the peace of the residents of the neighborhood where the place of business is located or to be located; and

F. There are any other reasons that justify the disapproval of the application or the refusal to issue the permit.

4. The Board shall hold a similar public hearing on receipt of a petition to:

A. Revoke an entertainment permit; or

B. Protest the renewal of an entertainment permit.

(v) 1. The permit authorizes the holder that complies with all requirements under county law, including zoning and use and occupancy laws and regulations, to impose a cover charge, offer facilities for patron dancing, and provide entertainment.

2. The permit is valid after 9 p.m. until 2 a.m. the following day.

(vi) Before being issued a permit, an applicant shall:

1. Submit evidence to the satisfaction of the Board that:

A. The applicant holds a Class B (on-sale) license;

B. There are no unpaid taxes due from the applicant to the State, the County, or a municipal corporation; and

C. The applicant meets all other entertainment permit requirements; and

2. A. Develop a security plan to prevent the premises for which the permit is sought from posing a threat to the peace and safety of the surrounding area; and

B. Submit the plan for review to the Board and the Chief of the Prince George's County Police Department.

(vii) 1. The Chief of the Prince George's County Police Department may submit comments to the Board on the adequacy of the security plan within 30 days after receipt of the plan.

2. The Board shall consider the comments, if any, of the Chief of Police and subsequently issue the permit, refuse to issue the permit, or condition the issuance of the permit on changes to the security plan.

3. If the Board issues the permit with a security plan that the Chief of the Prince George's County Police Department does not support, the Board shall specify in writing to the Chief the reasons why the Board has determined that the security plan is adequate.

4. Each permit holder shall follow the approved security plan at all times when the permit holder exercises the privileges of the permit.

(viii) A holder of the permit:

1. Shall implement the security plan; and

2. When the privileges authorized by the permit are being exercised, may not allow an individual who is under the age of 21 years on the premises for which the permit is issued, unless the individual is employed by or is an immediate family member of the holder.

(ix) The Board at any time may prohibit, condition, or restrict the type of entertainment offered by a holder of the permit, including lewd, exotic, loud, or raucous entertainment, if after a hearing the Board determines that the entertainment adversely impacts or unduly disturbs the community and is not conducive to the peace, health, welfare, or safety of the residents of the County.

(x) The annual fee for the permit is \$1,500, which is in addition to the annual fee for the Class B license.

(xi) A permit holder may employ sworn security personnel as part of the security plan if the sworn security personnel have full police powers in the jurisdiction where the premises of the permit holder is located.

(xii) 1. The circuit court may issue a temporary restraining order to immediately close to the public the entire operation of the premises if the County establishes that the security plan has not been implemented and that the public health, safety, or welfare requires emergency action.

2. On issuance of a temporary restraining order under subparagraph 1 of this subparagraph, the County shall give the permit holder written notice of and reasons for the closure.

3. The permit holder promptly shall be given an opportunity for a hearing in circuit court on the granting of the temporary restraining order in accordance with Title 15, Chapter 500 of the Maryland Rules.

(xiii) Subject to subparagraph (xiv) of this paragraph, the Board may immediately suspend a permit if the Board reasonably believes that the permit holder:

1. Violated this paragraph; or
2. Is not in compliance with a county zoning property standard or use and occupancy requirement.

(xiv) If the Board immediately suspends a permit, the Board shall:

1. Give the permit holder notice of the suspension and a hearing on the suspension at which the permit holder may be heard and present evidence; and
2. Hold the hearing within 30 days after the suspension is imposed.

(xv) At the hearing, the Board shall determine:

1. Whether the permit holder violated this paragraph or other law; and
2. If a violation occurred, what penalty to impose among those listed in subparagraphs (xvi) and (xvii) of this paragraph.

(xvi) Subject to subparagraph (xvii) of this paragraph, if the Board finds that a person has violated this paragraph, the Board:

1. May revoke or continue the suspension of the permit; and
2. Shall impose on the person a penalty of:
 - A. For a first offense, at least \$1,000 but not more than \$12,500; and
 - B. For each subsequent offense, at least \$5,000.

(xvii) The Board:

1. Shall revoke the permit of a person who the Board determines violated this paragraph twice within a 24-month period; and

2. Until at least 12 months after the order of revocation was issued, may not consider an application from the person for a new permit or an application for a new permit for the premises that was the subject of the revocation.

(xviii) If the Board determines that the permit holder did not violate this paragraph, the Board shall immediately reinstate the permit.

(xix) The Board of License Commissioners shall adopt regulations to carry out this paragraph.

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

Approved by the Governor, May 16, 2013.