

SENATE BILL 313

A2

5lr0766
CF HB 1004

By: **Senator Ramirez**

Introduced and read first time: February 5, 2015

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Underage Individuals at Special**
3 **Entertainment Events in the 47th Legislative District**

4 FOR the purpose of authorizing a holder of a Class B beer, wine, and liquor license in the
5 47th legislative district in Prince George's County that obtains a special
6 entertainment permit to allow an individual over a certain age to be present on the
7 licensed premises under certain circumstances; altering the age for admission to
8 certain special entertainment events in the 47th legislative district under certain
9 circumstances; and generally relating to alcoholic beverages licenses in Prince
10 George's County.

11 BY repealing and reenacting, without amendments,
12 Article 2B – Alcoholic Beverages
13 Section 6–201(a)(1) and (r)(1) and (19)(i), (ii), and (v)
14 Annotated Code of Maryland
15 (2011 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article 2B – Alcoholic Beverages
18 Section 6–201(r)(2) and (19)(viii)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2014 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article 2B – Alcoholic Beverages

1
2 6–201.

3 (a) (1) A Class B beer, wine and liquor license shall be issued by the license
4 issuing authority of the county in which the place of business is located, and the license
5 authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel
6 or restaurant at the place described, for consumption on the premises or elsewhere, or as
7 provided in this section.

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

9 (ii) 1. In this subsection the following words have the meanings
10 indicated.

11 2. “Board” means the Board of License Commissioners.

12 3. “Restaurant” means any establishment:

13 A. Located in a permanent building with ample space and
14 accommodations commonly known as a restaurant where hot meals are habitually
15 prepared, sold and served to the public during the hours it is regularly open for business;

16 B. Having at least the minimum sanitary facilities required
17 for an establishment by the regulations of the county health department and shall meet
18 the minimum health requirements of these regulations;

19 C. Having a dining area or areas with sufficient tables, chairs
20 or booths to comfortably seat and accommodate patrons;

21 D. Equipped with a kitchen having complete facilities and
22 utensils for preparing hot and cold meals to the public;

23 E. Employing a sufficient number of cooks, waiters or
24 waitresses to serve the number of patrons provided for in the dining area or areas; and

25 F. Maintaining and displaying a menu advertising the
26 serving of a variety of hot meals. There shall be on the premises at all times sufficient food
27 to fill orders made from the menu.

28 (2) (i) 1. The annual license fee is \$1,455.

29 2. The licensee may not make any sale of alcoholic beverages
30 for consumption off the licensed premises except from the main bar and within the main
31 portion of the dining room facilities.

1 (ii) 1. A separate license fee may be charged whenever the
2 applicant for or holder of a Class B (on-sale) beer, wine and liquor license proposes to or in
3 fact establishes and conducts on the licensed premises, an area or portion of these licensed
4 premises, where there are maintained "off-sale" shelves or counters not contained within
5 and an integral part of the main bar and in the main dining facilities where the majority of
6 the meals are served and consumed in the licensed premises (whether enclosed or opened,
7 partitioned or otherwise partly separated from the main bar or the usual serving area
8 within these premises for the sale of alcoholic beverages for consumption on the premises
9 and not part of the premises where the major portion of meals are served and consumed in
10 these licensed premises) for the sale of alcoholic beverages for consumption off the licensed
11 premises.

12 2. The annual license fee is \$2,420.

13 (iii) 1. The license holder under this subsection may sell alcoholic
14 beverages for consumption off the premises from any portion of these premises other than
15 from the main bar, or the usual place maintained for sale of alcoholic beverages for
16 consumption on the premises and where the major portion of the meals are consumed in
17 these premises.

18 2. The annual license fee for this privilege is \$2,420.

19 (iv) The number of licenses which are permitted to have any off-sale
20 privileges referred to in this subsection are limited to those licenses having the permit and
21 facilities on May 28, 1969.

22 (v) Any interruption of restaurant facilities for any reason shall be
23 reported to the Board promptly.

24 (vi) Any drug, candy or confectionery store may not be construed to
25 be a restaurant.

26 (vii) On and after May 1, 1966, any new application for a beer, wine
27 and liquor license, Class B may not be granted by the Board, and any transfer from one
28 location to another location by the same license holder, and any transfer from one license
29 holder to another at the same location, or from one license holder to another at a different
30 location, may not be approved unless the establishment where it is proposed to locate or
31 transfer the license meets the standards contained in this section.

32 **(VIII) A CLASS B BEER, WINE, AND LIQUOR LICENSE HOLDER IN**
33 **THE 47TH LEGISLATIVE DISTRICT THAT OBTAINS A SPECIAL ENTERTAINMENT**
34 **PERMIT UNDER PARAGRAPH (19)(II) OF THIS SUBSECTION MAY ALLOW AN**
35 **INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER TO BE PRESENT ON THE LICENSED**
36 **PREMISES IF ALCOHOLIC BEVERAGES ARE BEING SERVED AND THE PRIVILEGES**
37 **AUTHORIZED BY THE SPECIAL ENTERTAINMENT PERMIT ARE BEING EXERCISED.**

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

3 1. The license is issued under paragraph (3), (9), (10), (11),
4 (12), (13), (16), or (17) of this subsection or § 5–201(r)(4) of this article;

5 2. The Board of License Commissioners determines that the
6 holder's principal business is to provide family entertainment;

7 3. The license is a Class B (on-sale) license issued for a
8 restaurant, and the license holder provides entertainment for adults and children that:

9 A. Is ancillary to the operation of the business; and

10 B. Is not the primary focus of marketing or promotion for the
11 business; or

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

14 A. Is under the direct supervision of the license holder;

15 B. Is for adults, children, and families of the organization or
16 the public; and

17 C. When offered, ends not later than midnight.

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

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

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

26 (viii) 1. A PERMIT holder [of the permit:

27 1. Shall] **SHALL** implement the security plan[; and].

28 2. [When] **EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH**
29 **SUBSUBPARAGRAPHS 3 AND 4 OF THIS SUBPARAGRAPH, WHEN** the privileges
30 authorized by [the] **AN ENTERTAINMENT** permit are being exercised, **THE PERMIT**
31 **HOLDER** may not allow an individual who is under the age of ~~18 YEARS, IF THE PERMIT~~

1 ~~HOLDER HOLDS A CLASS B BEER, WINE, AND LIQUOR LICENSE, OR UNDER THE AGE~~
2 ~~OF 21 years, IF THE PERMIT HOLDER HOLDS A LICENSE UNDER ANY OTHER~~
3 ~~PROVISION OF THIS ARTICLE, 21 years~~ on the premises for which the permit is issued[,
4 unless the individual is employed by or is an immediate family member of the holder].

5 **3. A PERMIT HOLDER MAY ALLOW AN INDIVIDUAL OF**
6 **ANY AGE WHO IS AN EMPLOYEE OR AN IMMEDIATE FAMILY MEMBER OF THE PERMIT**
7 **HOLDER TO BE ON THE PREMISES.**

8 **4. A PERMIT HOLDER IN THE 47TH LEGISLATIVE**
9 **DISTRICT WHO HOLDS A CLASS B BEER, WINE, AND LIQUOR LICENSE MAY ALLOW AN**
10 **INDIVIDUAL WHO IS 18 YEARS OF AGE OR OLDER ON THE PREMISES FOR WHICH THE**
11 **PERMIT IS ISSUED WHEN THE PRIVILEGES AUTHORIZED BY THE PERMIT ARE BEING**
12 **EXERCISED.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.