

# SENATE BILL 313

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By: **Senator Ramirez**

Introduced and read first time: February 5, 2015

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

AN ACT concerning

### **Prince George's County – Alcoholic Beverages – Underage Individuals at Special Entertainment Events**

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

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

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

(a) (1) A Class B beer, wine and liquor license shall be issued by the license issuing authority of the county in which the place of business is located, and the license

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



authorizes its holder to keep for sale and sell all alcoholic beverages at retail at any hotel or restaurant at the place described, for consumption on the premises or elsewhere, or as provided in this section.

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

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

2. "Board" means the Board of License Commissioners.

3. "Restaurant" means any establishment:

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

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

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

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

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

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

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

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

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

within these premises for the sale of alcoholic beverages for consumption on the premises and not part of the premises where the major portion of meals are served and consumed in these licensed premises) for the sale of alcoholic beverages for consumption off the licensed premises.

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

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

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

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

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

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

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

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

(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), (9), (10), (11), (12), (13), (16), or (17) of this subsection or § 5-201(r)(4) of this article;

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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.

(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.

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

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

2. [When] EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, WHEN the privileges authorized by [the] AN ENTERTAINMENT permit are being exercised, THE PERMIT HOLDER may not allow an individual who is under the age of 18 YEARS, IF THE PERMIT HOLDER HOLDS A CLASS B BEER, WINE, AND LIQUOR LICENSE, OR UNDER THE AGE OF 21 years, IF THE PERMIT HOLDER HOLDS A LICENSE UNDER ANY OTHER PROVISION OF THIS ARTICLE, on the premises for which the permit is issued[, unless the individual is employed by or is an immediate family member of the holder].

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

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