

## Article - Alcoholic Beverages

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§20–108.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Bottle club” means a premises or establishment that:

1. Is subject to any license issued by the State or Prince George’s County; and

2. A. Serves, gives, dispenses, keeps, or allows to be consumed by a patron alcoholic beverages from supplies that the patron purchased, reserved, or otherwise brought to the premises or establishment; or

B. Serves, gives, dispenses, or allows to be consumed by a patron paying admission alcoholic beverages from supplies purchased or otherwise brought to the premises or establishment by an owner or operator or an agent of an owner or operator.

(ii) “Bottle club” includes a restaurant, hotel, club, room, dance studio, disco, place of public entertainment, or other place open to the public.

(iii) “Bottle club” does not include any establishment for which a license for the premises has been issued under the provisions of this article.

(3) “Place of public entertainment” means a business establishment that does not hold a license under this article and that allows on its premises any form of attire or sexual display prohibited under § 10–405 of this article.

(4) “Setups” includes drinking containers and ice.

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

(c) (1) A person may not serve or dispense setups or serve, dispense, keep, or allow to be consumed any alcoholic beverages or other component parts of mixed alcoholic drinks in a place of public entertainment.

(2) An owner or operator of a bottle club may not:

(i) Evade the alcoholic beverage license laws in the county, including laws governing the hours of operation; and

(ii) Sell, give, serve, dispense, keep, or allow to be consumed in the bottle club any alcoholic beverage, setups, or other component parts of mixed alcoholic drinks.

(d) (1) The Board or an inspector of the Board may order that a bottle club be closed immediately if the Board or the inspector determines that the public health, safety, or welfare requires emergency action.

(2) If an immediate closure is ordered, the Board or the inspector who ordered the closure shall give the owner or operator of the bottle club:

(i) Written notice of and the reasons for the closure; and

(ii) Written notice of a hearing on the closure at which the owner or operator may be heard and present evidence.

(3) The Board shall hold the hearing within 3 business days after the closure.

(4) (i) At the hearing, the Board shall determine whether the threat to the public health, safety, or welfare causing the closure continues to exist.

(ii) Subject to subparagraph (iii) of this paragraph, if the Board determines under subparagraph (i) of this paragraph that the threat continues, the Board may:

1. Order the permanent closure of the bottle club; or
2. Impose conditions under which the bottle club may reopen.

(iii) The Board shall order the bottle club to be permanently closed if:

1. The closure under paragraph (1) of this subsection for which the hearing is being held is the third closure in a 2-year period; and

2. The previous two closures under paragraph (1) of this subsection were not overturned by the Board or on judicial review.

(5) The Board may impose a fine of not more than \$12,500 per violation on a person who the Board finds has violated this section.

(6) The Board shall issue a decision within 3 business days after a hearing is held under paragraph (4) of this subsection.

(7) An owner or operator who is aggrieved by a decision of the Board may petition for judicial review to a circuit court.

(e) In addition to any other penalty authorized by law, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding \$10,000 or both.

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