

HOUSE BILL 1069

A2

6lr1205

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

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2016

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Entertainment Concessionaire**
3 **and Facility Licenses**

4 **PG 311-16**

5 FOR the purpose of authorizing the Board of License Commissioners for Prince George's
6 County to issue an entertainment concessionaire license to certain persons for
7 certain purposes; providing for the scope of the entertainment concessionaire license;
8 authorizing the Board to issue an entertainment facility license to certain persons
9 for certain purposes; providing for the scope of the entertainment facility license;
10 providing that beer, wine, and liquor sold under an entertainment concessionaire
11 license or an entertainment facility license may be taken and consumed anywhere
12 in the entertainment facility; specifying that the licenses authorize the playing of
13 music and dancing; authorizing certain license holders to ~~provide complimentary~~
14 accept customer-earned credits for the service of food and alcoholic beverages in an
15 entertainment facility for consumption in the facility ~~and for off-premises~~
16 ~~consumption, subject to a certain exception~~; specifying the hours of sale for the
17 licenses; ~~specifying that certain licenses authorize the sale of beer, wine, and liquor~~
18 ~~for off-premises consumption from certain retail outlets~~; specifying that certain
19 licenses authorize the sale and consumption of beer, wine, and liquor in a certain
20 lounge in which the holder of the license may serve and sell ~~cigars, for smoking in~~
21 ~~the lounge, and~~ food; providing that certain provisions relating to a special Sunday
22 license do not apply to an entertainment facility license or an entertainment
23 concessionaire license; providing that license holders that seek to provide
24 entertainment are not required to obtain a certain special entertainment permit;

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.



1 providing that license holders that seek to allow dancing are not required to obtain
 2 a local dance license issued by Prince George's County; providing for the annual fees
 3 and payment date for the licenses; providing for the application to certain persons of
 4 certain penalties and sanctions for violations occurring on certain premises; defining
 5 certain terms; and generally relating to alcoholic beverages and entertainment
 6 facilities in Prince George's County.

7 BY adding to

8 Article – Alcoholic Beverages

9 Section 26–1009.1 and 26–1009.2

10 Annotated Code of Maryland

11 (As enacted by Chapter ___ (S.B. ___)(6LR1406) of the Acts of the General Assembly
 12 of 2016)

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

15 **Article – Alcoholic Beverages**

16 **26–1009.1.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 18 INDICATED.

19 (2) “CONCESSIONAIRE” MEANS A LESSEE, A SUBLESSEE, OR ANY
 20 OTHER OPERATOR OF AN ESTABLISHMENT THAT:

21 (I) ENGAGES IN THE DAILY SALE OF BEER, WINE, AND LIQUOR
 22 ON ITS PREMISES FOR:

23 ~~1.~~ CONSUMPTION ANYWHERE IN AN ENTERTAINMENT
 24 FACILITY; AND

25 ~~2.~~ ~~OFF-PREMISES CONSUMPTION IN A SEALED~~
 26 ~~CONTAINER AS PROVIDED IN THIS SECTION; AND~~

27 (II) OPERATES A CONCESSION ADJACENT TO BUT INDEPENDENT
 28 OF THE ENTERTAINMENT FACILITY.

29 (3) “ENTERTAINMENT FACILITY” MEANS A FACILITY THAT HOLDS A
 30 LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

31 (B) THERE IS AN ENTERTAINMENT CONCESSIONAIRE LICENSE.

1 (C) (1) THE BOARD MAY ISSUE THE LICENSE TO A CONCESSIONAIRE
2 OPERATING IN CONJUNCTION WITH AN ENTERTAINMENT FACILITY.

3 (2) THE LICENSE AUTHORIZES:

4 (I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY
5 THE GLASS OR BY THE BOTTLE ON THE PREMISES OF THE CONCESSIONAIRE FOR
6 CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY, INCLUDING A HOTEL;
7 AND

8 (II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED
9 PREMISES.

10 (3) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY
11 BE TAKEN INTO AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY,
12 INCLUDING A HOTEL.

13 (4) (I) ~~EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS~~
14 ~~SUBSECTION, THE~~ THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ~~PROVIDE~~
15 ~~COMPLIMENTARY~~ ACCEPT CUSTOMER-EARNED CREDITS FOR THE SERVICE OF
16 FOOD AND ALCOHOLIC BEVERAGES IN ANY LOCATION OF THE ENTERTAINMENT
17 FACILITY, INCLUDING A HOTEL, THAT IS NOT COVERED BY AN ENTERTAINMENT
18 CONCESSIONAIRE LICENSE FOR:

19 ~~1.~~ CONSUMPTION ANYWHERE IN THE ENTERTAINMENT
20 FACILITY;~~AND~~

21 ~~2.~~ ~~OFF-PREMISES CONSUMPTION IN A SEALED~~
22 ~~CONTAINER.~~

23 (II) BEER, WINE, AND LIQUOR ~~PROVIDED ON A~~
24 ~~COMPLIMENTARY BASIS UNDER THE LICENSE~~ SERVED UNDER SUBPARAGRAPH (I)
25 OF THIS PARAGRAPH MAY BE TAKEN AND CONSUMED ANYWHERE IN AN
26 ENTERTAINMENT FACILITY, INCLUDING A HOTEL.

27 ~~(5) THE LICENSE HOLDER MAY NOT PROVIDE COMPLIMENTARY~~
28 ~~SERVICE OF FOOD AND ALCOHOLIC BEVERAGES ON A GAMING FLOOR, EXCEPT IN~~
29 ~~DESIGNATED PREMIUM PLAYER AREAS.~~

30 ~~(6)~~ (5) THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS
31 THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §
32 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

~~(7) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR FOR OFF-PREMISES CONSUMPTION IN A SEALED CONTAINER FROM MULTIPLE RETAIL OUTLETS COMPRISING NO MORE THAN A TOTAL OF 1,000 SQUARE FEET.~~

~~(8) (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES UNDER THE LICENSE IN A LOUNGE THAT IS NO MORE THAN 2,000 SQUARE FEET IN WHICH THE HOLDER OF THE LICENSE MAY SERVE AND SELL CIGARS, FOR SMOKING IN THE LOUNGE, AND FOOD.~~

(D) A LICENSE HOLDER IS NOT REQUIRED TO OBTAIN A SUNDAY SALES LICENSE UNDER THIS TITLE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

(E) THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE FOR PURPOSES OF § 26-1601 OF THIS TITLE.

(F) A LICENSE HOLDER THAT SEEKS TO PROVIDE ENTERTAINMENT IS NOT REQUIRED TO OBTAIN A SPECIAL ENTERTAINMENT PERMIT UNDER § 26-1103 OF THIS TITLE.

(G) A LICENSE HOLDER THAT SEEKS TO ALLOW DANCING IS NOT REQUIRED TO OBTAIN A LOCAL DANCE LICENSE ISSUED BY THE COUNTY.

(H) (1) THE ANNUAL FEE FOR THE LICENSE IS \$5,000.

(2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 OF EACH YEAR TO THE BOARD.

(I) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF THE HOLDER OF AN ENTERTAINMENT FACILITY LICENSE UNDER § 26-1009.2 OF THIS SUBTITLE SHALL APPLY TO THE HOLDER OF A CONCESSIONAIRE'S LICENSE THAT THE BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.

26-1009.2.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "CONCESSIONAIRE" HAS THE MEANING STATED IN § 26-1009.1 OF THIS SUBTITLE.

1 (3) "ENTERTAINMENT FACILITY" MEANS A FACILITY THAT HOLDS A
2 LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

3 (B) THERE IS AN ENTERTAINMENT FACILITY LICENSE.

4 (C) (1) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN
5 ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE
6 FACILITIES, BARS, OR LOUNGES THAT ARE PART OF THE OPERATION OF THE
7 ENTERTAINMENT FACILITY.

8 (2) (I) THE LICENSE SHALL BE ISSUED TO AN INDIVIDUAL OR
9 ENTITY THAT OWNS AN ENTERTAINMENT FACILITY AND HOLDS A LICENSE UNDER
10 TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

11 (II) AN APPLICANT FOR THE LICENSE NEED NOT MEET ANY
12 LOCATION, VOTING, OR RESIDENCY REQUIREMENTS.

13 (3) THE LICENSE AUTHORIZES:

14 (I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY
15 THE GLASS OR BY THE BOTTLE IN ANY LOCATION OF THE ENTERTAINMENT FACILITY,
16 INCLUDING A HOTEL, THAT IS NOT COVERED BY AN ENTERTAINMENT
17 CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT
18 FACILITY; AND

19 (II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED
20 PREMISES.

21 (4) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY
22 BE TAKEN AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY,
23 INCLUDING A HOTEL.

24 (5) (I) ~~EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS~~
25 ~~SUBSECTION, THE~~ THE LICENSE AUTHORIZES THE LICENSE HOLDER TO ~~PROVIDE~~
26 ~~COMPLIMENTARY~~ ACCEPT CUSTOMER-EARNED CREDITS FOR THE SERVICE OF
27 FOOD AND ALCOHOLIC BEVERAGES IN ANY LOCATION OF THE ENTERTAINMENT
28 FACILITY, INCLUDING A HOTEL, THAT IS NOT COVERED BY AN ENTERTAINMENT
29 CONCESSIONAIRE LICENSE FOR:

30 ~~1.~~ CONSUMPTION ANYWHERE IN THE ENTERTAINMENT
31 FACILITY; ~~AND~~

32 ~~2.~~ ~~OFF-PREMISES CONSUMPTION IN A SEALED~~
33 ~~CONTAINER.~~

1 (II) BEER, WINE, AND LIQUOR ~~PROVIDED ON A~~
 2 ~~COMPLIMENTARY BASIS UNDER THE LICENSE SERVED UNDER SUBPARAGRAPH (I)~~
 3 OF THIS PARAGRAPH MAY BE TAKEN AND CONSUMED ANYWHERE IN AN
 4 ENTERTAINMENT FACILITY, INCLUDING A HOTEL.

5 ~~(6) THE LICENSE HOLDER MAY NOT PROVIDE COMPLIMENTARY~~
 6 ~~SERVICE OF FOOD AND ALCOHOLIC BEVERAGES ON A GAMING FLOOR, EXCEPT IN~~
 7 ~~DESIGNATED PREMIUM PLAYER AREAS.~~

8 ~~(7) (6)~~ THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS
 9 THE HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §
 10 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

11 ~~(8) THE LICENSE AUTHORIZES THE SALE OF BEER, WINE, AND LIQUOR~~
 12 ~~FOR OFF-PREMISES CONSUMPTION IN A SEALED CONTAINER FROM MULTIPLE~~
 13 ~~RETAIL OUTLETS COMPRISING NO MORE THAN A TOTAL OF 1,000 SQUARE FEET.~~

14 ~~(9) (7)~~ NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE
 15 LICENSE AUTHORIZES THE SALE AND CONSUMPTION OF BEER, WINE, AND LIQUOR
 16 IN A LOUNGE THAT IS NO MORE THAN 2,000 SQUARE FEET IN WHICH THE HOLDER
 17 OF THE LICENSE MAY SERVE AND SELL CIGARS, ~~FOR SMOKING IN THE LOUNGE,~~ AND
 18 FOOD.

19 (D) A LICENSE HOLDER IS NOT REQUIRED TO OBTAIN A SUNDAY SALES
 20 LICENSE TO SELL ALCOHOLIC BEVERAGES AFTER 2 A.M. ON SUNDAY.

21 (E) THE LICENSE MAY NOT BE COUNTED AS A CLASS B OR CLASS H LICENSE
 22 FOR PURPOSES OF § 26-1601 OF THIS TITLE.

23 (F) A LICENSE HOLDER THAT SEEKS TO PROVIDE ENTERTAINMENT IS NOT
 24 REQUIRED TO OBTAIN A SPECIAL ENTERTAINMENT PERMIT UNDER § 26-1103 OF
 25 THIS TITLE.

26 (G) A LICENSE HOLDER THAT SEEKS TO ALLOW DANCING IS NOT REQUIRED
 27 TO OBTAIN A LOCAL DANCE LICENSE ISSUED BY THE COUNTY.

28 (H) (1) THE ANNUAL FEE FOR THE LICENSE IS \$22,000.

29 (2) THE FEE SHALL BE PAID ON OR BEFORE MAY 1 OF EACH YEAR TO
 30 THE BOARD.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 32 1, 2016.