

HOUSE BILL 1069

A2

6lr1205

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

Introduced and read first time: February 11, 2016

Assigned to: Economic Matters

A BILL ENTITLED

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 service of food and alcoholic beverages in an entertainment facility for consumption
15 in the facility and for off-premises consumption, subject to a certain exception;
16 specifying the hours of sale for the licenses; specifying that certain licenses authorize
17 the sale of beer, wine, and liquor for off-premises consumption from certain retail
18 outlets; specifying that certain licenses authorize the sale and consumption of beer,
19 wine, and liquor in a certain lounge in which the holder of the license may serve and
20 sell cigars, for smoking in the lounge, and food; providing that certain provisions
21 relating to a special Sunday license do not apply to an entertainment facility license
22 or an entertainment concessionaire license; providing that license holders that seek
23 to provide entertainment are not required to obtain a certain special entertainment
24 permit; providing that license holders that seek to allow dancing are not required to
25 obtain a local dance license issued by Prince George's County; providing for the
26 annual fees and payment date for the licenses; providing for the application to
27 certain persons of certain penalties and sanctions for violations occurring on certain
28 premises; defining certain terms; and generally relating to alcoholic beverages and
29 entertainment facilities in Prince George's County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Alcoholic Beverages
3 Section 26–1009.1 and 26–1009.2
4 Annotated Code of Maryland
5 (As enacted by Chapter ___ (S.B. ___)(6LR1406) of the Acts of the General Assembly
6 of 2016)

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

9 **Article – Alcoholic Beverages**

10 **26–1009.1.**

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

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

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

17 1. CONSUMPTION ANYWHERE IN AN ENTERTAINMENT
18 FACILITY; AND

19 2. OFF–PREMISES CONSUMPTION IN A SEALED
20 CONTAINER AS PROVIDED IN THIS SECTION; AND

21 (II) OPERATES A CONCESSION ADJACENT TO BUT INDEPENDENT
22 OF THE ENTERTAINMENT FACILITY.

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

25 (B) THERE IS AN ENTERTAINMENT CONCESSIONAIRE LICENSE.

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

28 (2) THE LICENSE AUTHORIZES:

29 (I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY
30 THE GLASS OR BY THE BOTTLE ON THE PREMISES OF THE CONCESSIONAIRE FOR

1 CONSUMPTION ANYWHERE IN THE ENTERTAINMENT FACILITY, INCLUDING A HOTEL;
2 AND

3 (II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED
4 PREMISES.

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

8 (4) (I) EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS
9 SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE
10 COMPLIMENTARY SERVICE OF FOOD AND ALCOHOLIC BEVERAGES IN ANY LOCATION
11 OF THE ENTERTAINMENT FACILITY, INCLUDING A HOTEL, THAT IS NOT COVERED BY
12 AN ENTERTAINMENT CONCESSIONAIRE LICENSE FOR:

13 1. CONSUMPTION ANYWHERE IN THE ENTERTAINMENT
14 FACILITY; AND

15 2. OFF-PREMISES CONSUMPTION IN A SEALED
16 CONTAINER.

17 (II) BEER, WINE, AND LIQUOR PROVIDED ON A
18 COMPLIMENTARY BASIS UNDER THE LICENSE MAY BE TAKEN AND CONSUMED
19 ANYWHERE IN AN ENTERTAINMENT FACILITY, INCLUDING A HOTEL.

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

23 (6) THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE
24 HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §
25 9-1A-23 OF THE STATE GOVERNMENT ARTICLE.

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

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

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

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

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

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

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

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

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

19 26-1009.2.

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

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

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

26 (B) THERE IS AN ENTERTAINMENT FACILITY LICENSE.

27 (C) (1) THE BOARD MAY ISSUE THE LICENSE FOR THE USE OF AN
28 ENTERTAINMENT FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE
29 FACILITIES, BARS, OR LOUNGES THAT ARE PART OF THE OPERATION OF THE
30 ENTERTAINMENT FACILITY.

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

4 **(II) AN APPLICANT FOR THE LICENSE NEED NOT MEET ANY**
5 **LOCATION, VOTING, OR RESIDENCY REQUIREMENTS.**

6 **(3) THE LICENSE AUTHORIZES:**

7 **(I) THE LICENSE HOLDER TO SELL BEER, WINE, AND LIQUOR BY**
8 **THE GLASS OR BY THE BOTTLE IN ANY LOCATION OF THE ENTERTAINMENT FACILITY,**
9 **INCLUDING A HOTEL, THAT IS NOT COVERED BY AN ENTERTAINMENT**
10 **CONCESSIONAIRE LICENSE FOR CONSUMPTION ANYWHERE IN THE ENTERTAINMENT**
11 **FACILITY; AND**

12 **(II) THE PLAYING OF MUSIC AND DANCING ON THE LICENSED**
13 **PREMISES.**

14 **(4) BEER, WINE, AND LIQUOR PURCHASED UNDER THE LICENSE MAY**
15 **BE TAKEN AND CONSUMED ANYWHERE IN AN ENTERTAINMENT FACILITY,**
16 **INCLUDING A HOTEL.**

17 **(5) (I) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS**
18 **SUBSECTION, THE LICENSE AUTHORIZES THE LICENSE HOLDER TO PROVIDE**
19 **COMPLIMENTARY SERVICE OF FOOD AND ALCOHOLIC BEVERAGES IN ANY LOCATION**
20 **OF THE ENTERTAINMENT FACILITY, INCLUDING A HOTEL, THAT IS NOT COVERED BY**
21 **AN ENTERTAINMENT CONCESSIONAIRE LICENSE FOR:**

22 **1. CONSUMPTION ANYWHERE IN THE ENTERTAINMENT**
23 **FACILITY; AND**

24 **2. OFF-PREMISES CONSUMPTION IN A SEALED**
25 **CONTAINER.**

26 **(II) BEER, WINE, AND LIQUOR PROVIDED ON A**
27 **COMPLIMENTARY BASIS UNDER THE LICENSE MAY BE TAKEN AND CONSUMED**
28 **ANYWHERE IN AN ENTERTAINMENT FACILITY, INCLUDING A HOTEL.**

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

1 **(7) THE HOURS OF SALE FOR THE LICENSE ARE THE SAME AS THE**
2 **HOURS OF OPERATION FOR A VIDEO LOTTERY FACILITY ESTABLISHED UNDER §**
3 **9-1A-23 OF THE STATE GOVERNMENT ARTICLE.**

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

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

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

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

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
25 1, 2016.