

HB1157/373696/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1157

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Transfer of Class A” and substitute “Off-Sale”; in the same line, after “Licenses” insert “and Permits”; in line 4, after the first “of” insert “repealing a limitation on the number of Sunday off-sale permits that the Board of License Commissioners for Prince George’s County may issue;”; strike beginning with “for” in line 4 down through “County” in line 5; strike beginning with the first “a” in line 5 down through “district” in line 6 and substitute “any off-sale retail license from an alcohol outlet density zone”; in line 7, after “circumstances;” insert “establishing a Workgroup on Alcohol Outlet Density Zones in Prince George’s County; providing for the membership, chair, and staffing of the Workgroup; prohibiting a member of the Workgroup from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Workgroup to designate certain areas as alcohol outlet density zones; requiring the Workgroup to report its recommendations to the House and Senate delegations for Prince George’s County and the Board of License Commissioners on or before a certain date; requiring the Board of License Commissioners to adopt rules designating the alcohol outlet density zones on or before a certain date; providing for the effective date of certain provisions of this Act; making certain provisions of this Act subject to a certain contingency; providing for the termination of certain provisions of this Act;”; in the same line, after “licenses” insert “and permits”; and in line 16, after “Section” insert “26-1104 and”.

AMENDMENT NO. 2

On page 1, after line 23, insert:

“26-1104.

(a) There is a Sunday off-sale permit.

(Over)

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(b) (1) (i) Subject to [subsection (f) of this section and] subparagraphs (ii) and (iii) of this paragraph, and except as provided in paragraph (2) of this subsection, the Board may issue the permit to the holder of:

1. a Class A beer, wine, and liquor license; or
2. a Class B beer, wine, and liquor license with an off-sale privilege.

(ii) Five Sunday off-sale permits may be issued only to holders of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the license on or after January 1, 2016.

(iii) Sunday off-sale permits may be issued to holders of a Class A beer, wine, and liquor license that acquired the license on or after January 1, 2016.

(2) The Board may not issue a Sunday off-sale permit to a license holder that the Board finds to have sold liquor on Sunday without a Sunday off-sale permit.

(c) The permit authorizes the holder to sell alcoholic beverages for off-premises consumption on Sunday from 8 a.m. to midnight.

(d) (1) Except as provided in paragraph (2) of this subsection, an applicant for the permit shall commit in the application to reinvesting a minimum of \$50,000 in the business within 1 year after the permit is issued.

(2) (i) The Board may waive the reinvestment requirement.

(ii) The Board shall waive the reinvestment requirement for a holder of a Class B beer, wine, and liquor license with an off-sale privilege that acquired the license on or after January 1, 2016, if the holder can show that a minimum of \$50,000

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was reinvested in the business within the 3-year period immediately preceding the submission of the application.

(3) The Board shall revoke the permit if:

(i) the Board did not waive the reinvestment requirement under paragraph (2) of this subsection; and

(ii) the permit holder fails to make the required reinvestment.

(e) If the permit is issued to the holder of a Class B beer, wine, and liquor license with an off-sale privilege, the holder need not comply with any restaurant or food requirement.

(f) [Not more than 105 Sunday off-sale permits may be in effect at any one time.

(g) (1) The application fee for the permit is \$750.

(2) The annual fees for the permit are:

(i) \$2,590 for the holder of a Class A beer, wine, and liquor license; and

(ii) \$1,080 for the holder of a Class B beer, wine, and liquor license with an off-sale privilege.

(3) The fees listed in paragraphs (1) and (2) of this subsection are in addition to the annual fee for the Class A beer, wine, and liquor license or Class B beer, wine, and liquor license to which it is attached.

(Over)

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Alcoholic Beverages”.

AMENDMENT NO. 3

On page 2, strike beginning with “A” in line 13 down through “LIQUOR” in line 14 and substitute “ANY RETAIL”; in line 14, after “LICENSE” insert “WITH OFF-SALE PRIVILEGES”; in the same line, strike “THE 24TH ALCOHOLIC BEVERAGES DISTRICT” and substitute “AN ALCOHOL OUTLET DENSITY ZONE”; in line 19, strike “THE TRANSFER IS APPROVED BY THE COUNTY EXECUTIVE” and substitute “THE LICENSE IS NOT TRANSFERRED INTO ANOTHER ALCOHOL OUTLET DENSITY ZONE”; after line 19, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Workgroup on Alcohol Outlet Density Zones in Prince George’s County.

(b) The Workgroup consists of the following members:

(1) the County Executive for Prince George’s County, or the County Executive’s designee;

(2) the Director of the Prince George’s County Department of Health, or the Director’s designee;

(3) the Chair of the Board of License Commissioners, or the Chair’s designee;

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(4) two community members, one each appointed by the House and Senate delegations for Prince George's County;

(5) one member of the House of Delegates, appointed by the Speaker of the House;

(6) one member of the Senate of Maryland, appointed by the President of the Senate;

(7) the Prince George's County Police Chief, or the Chief's designee; and

(8) the Director of the Department of Permitting, Inspections, and Enforcement, or the Director's designee.

(c) The Chair of the Prince George's County House Delegation shall designate the chair of the Workgroup.

(d) The Maryland National Capital Park and Planning Commission shall provide staff for the Workgroup.

(e) A member of the Workgroup:

(1) may not receive compensation as a member of the Workgroup; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) (1) In accordance with the Centers for Disease Control and Prevention's Guide for Measuring Alcohol Outlet Density, the Workgroup shall designate areas with a high concentration of off-sale retail licenses as alcohol outlet density zones.

(Over)

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(2) In making the designation under paragraph (1) of this subsection, the Workgroup shall:

(i) designate as an alcohol outlet density zone each area that has 1.15 off-sale retail license holders or more per square mile; and

(ii) consider any other relevant factors determined by the Workgroup.

(g) On or before December 1, 2019, the Workgroup shall submit its recommendations, in accordance with § 2-1246 of the State Government Article, to the House and Senate delegations for Prince George's County and the Board of License Commissioners for Prince George's County.

(h) On or before June 1, 2020, the Board of License Commissioners shall adopt rules designating the alcohol outlet density zones in accordance with the recommendations of the Workgroup.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the adoption of rules by the Board of License Commissioners for Prince George's County designating the alcohol outlet density zones. The Board of License Commissioners shall notify the Department of Legislative Services within 5 days after the rules are adopted. If the Department of Legislative Services does not receive notice of the adoption of the rules on or before December 31, 2020, Section 2 of this Act, with no further action required by the General Assembly, shall be null and void.”;

in line 20, strike “2.” and substitute “5.”; in the same line, after “That” insert “, except as provided in Section 4 of this Act.”; and in line 21, after the period insert “Section 3 of this Act shall remain effective for a period of 1 year and 6 months and, at the end of December 31, 2020, Section 3 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.”.