

HOUSE BILL 186

A2

9lr0581

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

Introduced and read first time: January 23, 2019

Assigned to: Economic Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 12, 2019

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Family Entertainment Permit**

3 **PG 301–19**

4 FOR the purpose of repealing exceptions to the entertainment permit in Prince George's
5 County; establishing a family entertainment permit in the county; establishing
6 requirements that an alcoholic beverages license holder whose business provides
7 family entertainment must meet to obtain a family entertainment permit; requiring
8 the Board of License Commissioners to determine the days and hours the permit is
9 to be in effect, subject to a certain restriction; requiring the Board to adopt certain
10 regulations; establishing a certain fee for the permit; and generally relating to
11 entertainment permits in Prince George's County.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 26–102 and 26–1103(b)
15 Annotated Code of Maryland
16 (2016 Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 26–1103(a)
20 Annotated Code of Maryland
21 (2016 Volume and 2018 Supplement)

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 BY adding to
2 Article – Alcoholic Beverages
3 Section 26–1103.1
4 Annotated Code of Maryland
5 (2016 Volume and 2018 Supplement)

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

8 **Article – Alcoholic Beverages**

9 26–102.

10 This title applies only in Prince George’s County.

11 26–1103.

12 (a) This section does not apply to a license holder that seeks to provide
13 entertainment if:

14 (1) the license of the license holder is issued under § 26–1003, § 26–1006, §
15 26–1008, § 26–1009, § 26–1010, § 26–1011, § 26–1014, § 26–1015, § 26–1016, or § 26–1018.1
16 of this title; **OR**

17 [(2) the Board determines that the license holder’s principal business is to
18 provide family entertainment;

19 (3) the license is a Class B (on–sale) license issued for a restaurant, and
20 the license holder provides entertainment for adults and children that:

21 (i) is ancillary to the operation of the business; and

22 (ii) is not the primary focus of marketing or promotion for the
23 business; or]

24 [(4)] **(2)** the license is a veterans or fraternal Class C license and the
25 license holder provides entertainment that:

26 (i) is under the direct supervision of the license holder;

27 (ii) is for adults, children, and families of the organization or the
28 public; and

29 (iii) when offered, ends not later than midnight.

30 (b) There is an entertainment permit.

1 **26-1103.1.**

2 (A) **THERE IS A FAMILY ENTERTAINMENT PERMIT.**

3 (B) **THE BOARD MAY ISSUE THE PERMIT TO A HOLDER OF A CLASS B**
4 **(ON-SALE) LICENSE IN ACCORDANCE WITH THIS SECTION IF THE BOARD**
5 **DETERMINES THAT:**

6 (1) **THE LICENSE HOLDER'S BUSINESS PROVIDES FAMILY**
7 **ENTERTAINMENT;**

8 (2) **THE ROOM IN WHICH THE ENTERTAINMENT IS TO BE PROVIDED**
9 **HAS A SEATING CAPACITY OF NOT MORE THAN 110 INDIVIDUALS;**

10 (3) **THE ESTABLISHMENT WILL ALLOW UNDERAGE PERSONS TO VIEW**
11 **THE ENTERTAINMENT AND WILL NOT OFFER ENTERTAINMENT FOR ADULTS ONLY;**

12 (4) **THE AVERAGE DAILY RECEIPTS FROM THE SALE OF FOOD WILL BE**
13 **AT LEAST 60% OF THE TOTAL DAILY RECEIPTS FROM THE SALE OF FOOD AND DRINK**
14 **IN THE ESTABLISHMENT;**

15 (5) **THE ESTABLISHMENT WILL OFFER THE SAME MENU, INCLUDING**
16 **APPETIZERS, MAIN COURSES, AND DESSERTS, THROUGHOUT THE ESTABLISHMENT**
17 **AND DURING THE TIME WHEN THE ENTERTAINMENT IS PROVIDED; AND**

18 (6) **THE PRICES FOR FOOD AND DRINK IN THE ROOM WHERE THE**
19 **ENTERTAINMENT IS TO BE PROVIDED WILL NOT VARY FROM THE PRICES FOR FOOD**
20 **AND DRINK OFFERED ELSEWHERE IN THE ESTABLISHMENT.**

21 (C) (1) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PERMIT**
22 **AUTHORIZES THE PERMIT HOLDER TO IMPOSE A COVER CHARGE AND PROVIDE**
23 **ENTERTAINMENT.**

24 (2) **THE PERMIT HOLDER SHALL COMPLY WITH ALL REQUIREMENTS**
25 **UNDER COUNTY LAW, INCLUDING ZONING AND USE AND OCCUPANCY LAWS.**

26 (D) (1) **THE BOARD SHALL DETERMINE:**

27 (I) **THE NUMBER OF DAYS IN A WEEK THAT A PERMIT HOLDER**
28 **MAY EXERCISE THE PRIVILEGES OF THE PERMIT; AND**

29 (II) **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
30 **HOURS THAT THE PERMIT MAY BE IN EFFECT.**

1 **(2) ENTERTAINMENT MAY NOT BE PROVIDED LATER THAN MIDNIGHT.**

2 **(E) THE HOLDER OF THE PERMIT SHALL BE SUBJECT TO § 26-1103(E)**
3 **THROUGH (H)(1) AND (H)(3) THROUGH (L) OF THIS SUBTITLE.**

4 **(F) THE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**

5 **(G) THE ANNUAL FEE FOR THE PERMIT IS \$250, WHICH IS IN ADDITION TO**
6 **THE ANNUAL FEE FOR THE CLASS B LICENSE.**

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2019.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.