

SENATE BILL 352

A2

(9lr2236)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters* —

Introduced by **Senator Rosapepe**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Prince George’s County – Alcoholic Beverages – Class BLX License for Movie**
3 **Theaters**

4 FOR the purpose of authorizing the Board of License Commissioners for Prince George’s
5 County to issue a Class BLX license for a movie theater under certain circumstances;
6 *providing that a certain license may not be issued in a certain legislative district;*
7 authorizing the holder of the license to sell beer, wine, and liquor for on-premises
8 consumption; allowing the holder of the license to serve only customers who have
9 proof of admission to the movie theater; providing the hours of sale for the license;
10 and generally relating to Class BLX licenses for movie theaters in Prince George’s
11 County.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 26–102

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2016 Volume and 2018 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Alcoholic Beverages
5 Section 26–1606, 26–1616, and 26–2004(f)
6 Annotated Code of Maryland
7 (2016 Volume and 2018 Supplement)

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

10 **Article – Alcoholic Beverages**

11 26–102.

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

13 26–1606.

14 (a) Except as provided in subsection (b) of this section **AND § 26–1616(B)(2) OF**
15 **THIS SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

16 (b) This section does not prohibit the issuance of a Class B–DH (draffhouse)
17 license for use on the site of a draffhouse, as defined in § 26–1007 of this title.

18 26–1616.

19 (a) There is a Class BLX license.

20 (b) **[(1)]** The Board may issue the license for use in:

21 **(1)** a luxury–type restaurant, as defined in regulations of the Board, that
22 has:

23 (i) a minimum capital investment of \$1,000,000 for a dining room
24 facility and kitchen equipment, not including the cost of the land, building, or lease; and

25 (ii) seating for at least 100 individuals; **AND**

26 **(2) ~~A~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, A MOVIE**
27 **THEATER IF:**

28 **(1) THE OWNER OR OPERATOR OF THE MOVIE THEATER HAS**
29 **INVESTED AT LEAST ~~\$2,000,000~~ \$5,000,000 IN RENOVATING OR REMODELING THE**
30 **MOVIE THEATER; ~~AND~~**

1 (II) EXCLUDING CANDY AND POPCORN, THE AVERAGE DAILY
 2 RECEIPTS FROM THE SALE OF FOOD OF THE MOVIE THEATER EXCEED THE AVERAGE
 3 DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES; AND

4 (III) ~~ALL EMPLOYEES ANY EMPLOYEE WHO WILL SERVE AN~~
 5 ~~SERVES ALCOHOLIC BEVERAGE AT THE MOVIE THEATER ARE BEVERAGES IS~~
 6 CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM.

7 (C) THE BOARD MAY NOT ISSUE A CLASS BLX LICENSE TO A MOVIE
 8 THEATER IN THE 26TH LEGISLATIVE DISTRICT ONLY AFTER:

9 ~~(1) CONSULTING WITH THE SENATOR AND DELEGATES FROM THE~~
 10 ~~26TH LEGISLATIVE DISTRICT; AND~~

11 ~~(2) RECEIVING THE WRITTEN APPROVAL OF THE COMMUNITY~~
 12 ~~ASSOCIATION THAT THE BOARD DETERMINES TO BE APPROPRIATE.~~

13 ~~(C)~~ (D) THE HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE
 14 THEATER MAY SERVE ONLY CUSTOMERS WHO HAVE PROOF OF ADMISSION TO THE
 15 MOVIE THEATER.

16 [(2)] ~~(D)~~ (E) (1) If the criteria under [paragraph (1) of this subsection]
 17 SUBSECTION (B)(1) OF THIS SECTION are met, the Board may issue or transfer one Class
 18 BLX license FOR USE IN A LUXURY-TYPE RESTAURANT on behalf of:

19 (i) the county;

20 (ii) the Maryland-National Capital Park and Planning Commission;

21 or

22 (iii) a private concessionaire under contract with:

23 1. the county; or

24 2. the Maryland-National Capital Park and Planning
 25 Commission.

26 [(3)] (2) The Board may determine:

27 (i) the number of licenses to be issued;

28 (ii) to whom the license may be issued; and

1 (iii) whether a holder of an alcoholic beverages license may have an
2 interest in one Class BLX license.

3 ~~[(4)]~~ **(3)** The license authorizes the license holder to sell beer, wine, and
4 liquor for on-premises consumption.

5 ~~[(c)]~~ ~~(F)~~ **(F)** (1) Subject to paragraphs (2) and (3) of this subsection, a person may
6 not hold more than 10 Class BLX licenses.

7 (2) The Board may issue:

8 (i) a fifth license to a license holder only if the date of application for
9 the fifth license is at least 1 year after the date the license holder was issued the fourth
10 license; and

11 (ii) a sixth license only if the date of application for the sixth license
12 is at least 1 year after the date the license holder was issued the fifth license.

13 (3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or
14 tenth license to a single license holder, the Board:

15 (i) shall consider the number of licensed establishments existing in
16 the area surrounding the site of the proposed licensed establishment; and

17 (ii) may issue an additional license only if the Board determines that
18 the proposed licensed establishment will enhance the recreational, business, and economic
19 development of the area.

20 ~~[(d)]~~ ~~(F)~~ **(G)** The profit realized from the sale of an alcoholic beverage under a
21 license issued under subsection [(b)(2)] ~~(D)(1)~~ **(E)(1)** of this section may be for the use and
22 benefit of the license holder.

23 ~~[(e)]~~ ~~(G)~~ **(H)** The annual license fee is \$3,875.

24 26-2004.

25 (f) (1) **(I)** Subject to [paragraph (2) of this subsection] **SUBPARAGRAPH**
26 **(II) OF THIS PARAGRAPH**, the holder of a Class BLX license **ISSUED FOR A**
27 **LUXURY-TYPE RESTAURANT** may sell beer, wine, and liquor for on-premises
28 consumption from 6 a.m. to 2 a.m. the following day.

29 ~~[(2)]~~ **(II)** A license holder may not sell beer, wine, or liquor for
30 on-premises consumption:

31 ~~[(i)]~~ **1.** except as provided in § 26-2005 of this subtitle, from 2
32 a.m. to 6 a.m.; or

1 [(ii)] 2. at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the
2 following day, unless the Sunday is December 24 or December 31.

3 **(2) A HOLDER OF A CLASS BLX LICENSE ISSUED FOR A MOVIE**
4 **THEATER MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION**
5 **FROM NOON TO 12:30 A.M. THE FOLLOWING DAY.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.